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SPECIAL INQUIRY

THE HONOURABLE ACTING JUSTICE ROBERT ALLAN HULME

5 TWENTY-NINTH DAY: FRIDAY 16 AUGUST 2024

**INQUIRY INTO THE CONVICTIONS OF THE CROATIAN SIX**

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WOODS: Your Honour, before my friend commences, may I make a transcript correction which will take about 3 seconds? The transcript yesterday at p 2140 at line 19, the words "my decision" should be "not my decision".

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HIS HONOUR: I think that's right. 2140 line 19, insert "not" before "my".

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MCDONALD: Just another matter, your Honour. We have another document to tender. This is the copy of the Telex, but it is a clearer copy of the attachment to the occurrence pad entry with the number at the top not cut off. So it clearly states, "48/1". I tender that, and if that could be marked as Exhibit 11.50A-59

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EXHIBIT #11.50A-59 CLEARER COPY OF THE TELEX ATTACHMENT TO THE OCCURRENCE PAD ENTRY WITH THE NUMBER 48/1 NOT CUT OFF, ADMITTED WITHOUT OBJECTION

<JAN KRAWCZYK, CONTINUING(9.35AM)

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<EXAMINATION BY MR BUCHANAN

EXHIBIT 4.1-JJJJ SHOWN TO WITNESS

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Q. Whilst that's coming up, Mr Krawczyk, yesterday when we concluded, I was asking you questions about Mrs Brajkovic's witness statement.  
A. Yes.

40

Q. You were present for some of the taking of that statement by Detective Bennett; is that right?  
A. Yes.

45

Q. Did you witness Mrs Brajkovic's signature?  
A. Yes.

Q. Sorry, I'll start again. It was ambiguous. You have signed as a witness to the statement. Did you see Mrs Brajkovic sign--  
A. I think I did.

50

Q. In February 1979, would it be right to say that you were aware of practices on the part of CIB detectives of verballing suspects in custody?  
A. That come up through the Royal Commission, yes.

Q. Yes. But the Royal Commission was a little later than February 1979.

A. Yes.

5 Q. Just thinking of your knowledge or belief as at February 1979, were you aware of practices on the part of CIB detectives of verballing suspects in custody?

A. No.

10 Q. You wouldn't have been surprised in February 1979, would you, if it turned out that Mr Brajkovic was verballled by detectives?

A. Would I be surprised?

Q. Yes. You wouldn't have been surprised by that happening?

15 A. Yes. I would have been surprised.

Q. There is nothing, I think you've agreed, in Mrs Brajkovic's witness statement about a bomb plot.

A. No.

20 Q. Does that mean that as far as you can recall, neither you nor Detective Bennett asked Mrs Brajkovic any questions about a bomb plot?

A. I can't recall. I know I didn't.

25 Q. You were in a position to ask her questions about a bomb plot insofar as you had received information from Detective Ingram at Lithgow earlier on 8 February about a bomb plot?

A. Yes.

30 Q. But you didn't put that information to Mrs Brajkovic to see what her response would be?

A. I didn't, no.

35 Q. So far as you were concerned on 8 February 1979, would it be right that you didn't want Mrs Brajkovic's statement to say anything that might contradict what police alleged later was said by Mr Brajkovic to them?

A. No.

40 Q. Can we just go to the end of the second page of the witness statement, please. You can see there the signatures of Mrs Brajkovic, and yourself and Mr Bennett, obviously.

A. Yes.

Q. Can you see that there is a "K" in Mrs Brajkovic's signature?

45 A. Well, I've got no idea to tell you the truth.

Q. How did you understand on 8 February 1979 Mr Brajkovic spelt his surname?

A. I don't - I wouldn't recall at this stage. I wouldn't know.

50 Q. But you had been involved in recording information taken from Mr Brajkovic

in 1976, hadn't you?

A. Yes.

Q. How was Mr Brajkovic's name spelt then?

5 A. Well, I couldn't spell it now. I've got no idea.

Q. You're likely to have known on 8 February 1979 how the surname of Mr and Mrs Brajkovic was spelt, but you now can't recall. Is that what you're saying?

10 A. Roughly like that, yes.

Q. I'd like you to assume that the surname "Brajkovic", so far as it applied to the accused, Mr Brajkovic, in the Croatian trial, was spelt with a "K". As in, B-R-A-J-K-O-V-I-C.

15 A. That, I don't know.

Q. I'd like you to assume that that was how it was spelt. Do you understand that? You're assuming that?

20 A. I couldn't know. I wouldn't know. I couldn't answer that.

Q. Can we go to the top of the first page of the statement, please. Can you see against the printed word "name" on the header--

A. Yes. Yes.

25 Q. --that the name of the person making the statement is "Milena Brajovic", B-R-A-J-O-V-I-C?

A. Yes.

30 Q. Do you see in the second line of the first paragraph, the surname, again, has no "K" in it?

A. Yes.

35 Q. You were aware as at 8 February 1979 that to spell that surname without a "K" was to spell it in the Serbian form rather than the Croatian form, weren't you?

A. No.

40 Q. If we could go to the end of the statement, again, please. Page 258. I want to suggest to you that Mrs Brajkovic spelt her surname in that signature with a "J" and the "K" in the middle of that signature you can see on the screen.

A. It looks like that. Something like that, yes.

45 Q. You see, Mrs Brajkovic gave evidence in the trial, and she gave evidence to the effect that she never read the document, and that the detectives pushed her into signing it. Exhibit 2.1, day 103, red pages 3419 and 3412.

A. No.

50 Q. Neither you nor Detective Bennett gave her an opportunity of reading it before she signed it?

A. She was given the opportunity. Yeah, she read it. Yes.

Q. She was told to sign it by you detectives, wasn't she?

A. No.

5

Q. You told us that you obtained the explosives and the white plastic bag that police alleged they found at the Brajkovic premises at Bossley Park on 8 February from the interview room on the third floor up to the room on the fifth floor where Mrs Brajkovic was.

10

A. Yes.

Q. And that the explosives were shown to Mrs Brajkovic.

A. Yes.

15

Q. They were taken out of the bag and put on the table in front of her, weren't they?

A. I believe so.

20

Q. You had no issue at that stage with handling the explosives; is that right?

A. Very careful, cautious, yes.

25

Q. A couple of days ago you indicated, in response to a question that I think his Honour asked you, that there is "no way", to use your words, you would have touched the explosives.

A. In the - in the original position, I'd say I wouldn't, if they were somewhere hidden in the - you know, a house, or whatever the case may be, I wouldn't touch them. But they've already been moved. They've come into the house, so they must have been rendered safe, or seen that they were safe. That's my assumption.

30

Q. Is it possible that you obtained the white plastic bag and the explosives shown to Mrs Brajkovic from somewhere at CIB other than the interview room containing Mr Brajkovic?

A. No.

35

Q. Is it possible that in giving your evidence that you obtained the white plastic bag and explosives shown to Mrs Brajkovic from the Brajkovic interview room on the third floor, you were covering up knowledge about the real source of the explosives shown to Mrs Brajkovic on the fifth floor?

40

A. No.

Q. Did the explosives that were shown to Mrs Brajkovic, as you understood it, come from some stash, or cache, which detectives kept at CIB?

A. Not to my knowledge, no.

45

Q. At trial, in your evidence-in-chief on the voir dire, Exhibit 2.1, day 16, red page 485, you said that after your return from Bossley Park, there was an occasion where you went into the interview room, you said to collect the white plastic bag and the explosives, and that when you did, Detective Morris was there was Sergeant Wilson.

50

A. Yes.

Q. You said you returned the explosives to the interview room?

A. Yes.

5

Q. And you went on to say that you didn't see Mr Brajkovic again that night.

A. Yes.

10 Q. Now, later under cross-examination, you changed that evidence saying that you were wrong to say that you saw Detective Morris in the interview room.

A. Yes.

15 Q. Exhibit 2.1, day 16, red page 497. Is it the fact that you said you saw Detective Morris in the interview room because you had, in fact, seen Morris in the interview room with Mr Brajkovic?

A. No.

20 Q. You changed the evidence that you didn't see Mr Brajkovic again that night, to saying that you saw Mr Brajkovic leaving the interview room and going to the lift lobby at the third floor, didn't you?

A. That's correct, yes.

25 Q. Why did you change that evidence?

A. Well, it come to mind that I did see him walk out that way, walk past, so I just - I did see him, yes.

Q. This is Exhibit 2.1, day 16, red page 496: you were asked:

30 "Q. Did you see the accused leave the CIB?

A. I think I might have, yes.

Q. Who else was present when he left the CIB?

35 A. I could not say the police. I would not know. At that stage, I didn't know three-quarters of the police there. There were police there that I would no know their names."

Just pausing there, you knew Sergeant Wilson that night, didn't you?

40 A. Yes. I met him at Bossley Park.

Q. You knew Detective Harding that night, didn't you?

A. I saw him at Bossley Park, yes.

45 Q. The questions you were asked on this subject continued. This is red page 496:

"Q. How was it that you came to see him leave? What were you doing?

50 A. I think I was just doing some other work there and he just went out with Detective Sergeant Wilson and Harding."

A. Yes.

5 Q. I wonder if we could go to Exhibit 11.194, please. You were shown yesterday, Mr Krawczyk, your report to Internal Affairs, Detective Sergeant Shepard, written in response to Mr Brajkovic's complaint of his treatment on 8 February 1979.

A. Yes.

10 Q. It's on the screen now, you'll see that. Can I take you, please, to paragraph 25, and in about the middle can you see, "I did not hear at any time" where the cursor is?

A. Yes.

15 Q. It reads - and this is part of your paragraph 25:

"I did not hear at any time any sound from Brajkovic or the room where he was that would indicate a person was being assaulted. I did see Detective Sergeant Wilson and Detective Harding leave the interview room with Brajkovic at about 2am in the morning."

20

Just pausing there, it looks like you knew how to spell the surname Brajkovic by the time you were writing this report. Is that fair to say?

A. Sorry, what was that again?

25 Q. You see the word "Brajkovic" in--

A. Yes, I can, yes.

Q. --upper case? You see that it has a "K" in it?

A. Yes.

30

Q. Why did you use that form of the surname "Brajkovic" when writing this report, one with a "K" in it?

A. I've got no idea to tell you the truth.

35 Q. I'll just read that sentence again:

"I did see Detective Sergeant Wilson and Detective Harding leave the interview room with Brajkovic at about 2am in the morning, but I can honestly say that he looked no different from when he was placed in that room by myself and Detective Bennett when we arrived. I can truly say that Jacov Hudlin's, Brajkovic's brother-in-law, statement when he said he saw Brajkovic leave the interview room and was unable to walk, handcuffs on front, his face was all red and swollen and I noticed blood was on the side of right ear just below on the neck, is surely untrue because when he walked out unassisted he was not handcuffed, and definitely did not look in the condition as Jacov Hudlin would have you believe."

45

A. Yes.

50 Q. If you saw Mr Brajkovic leave the interview room and move to the lift lobby

on the third floor, Mr Krawczyk, I want to suggest to you that you could see that he was clearly seriously beaten around the face?

A. No.

5 Q. You couldn't see any blood on the side of the right ear?

A. No.

10 Q. I think that's all in relation to that Exhibit at the moment, thank you. Can I take you to a different aspect of the subject of what happened at CIB while you were there. I want to suggest that you gave different evidence on different occasions about whether you put Mr Brajkovic into the interview room in the Armed Hold Up Squad on 8 February 1979. Are you aware that Mr Brajkovic's evidence at the trial - Exhibit 2.1, day 17, red page 531 - was that Sergeant Wilson put him into the interview room?

15 A. I wasn't aware of that, no.

Q. Mr Brajkovic's evidence was that he was then left there for about 15 minutes with the door open.

20 A. No.

Q. Are you aware he said that?

A. (No verbal reply)

25 Q. He said, "At the end of that period a group of detectives came into the room." Are you aware of that?

A. No.

30 BASHIR: Your Honour, I just wonder whether Mr Buchanan's asking whether he's aware Mr Brajkovic made those allegations, or whether he's aware of anything like that happening.

BUCHANAN: No. Aware that that's what Mr Brajkovic said. That was Mr Brajkovic's evidence at the trial. I think the witness is saying, no, he wasn't aware.

35

Q. Is that right, Mr Krawczyk?

A. No.

HIS HONOUR

40

Q. That answer was really ambiguous, Mr Krawczyk. When you said, "no", do you mean that you were not aware of Mr Brajkovic's evidence to that effect?

A. I never heard his evidence.

45 BUCHANAN

50 Q. In the committal hearing - Exhibit 2.3, day 19, red page 6810 - you gave evidence that "With Detective Bennett he" - meaning Mr Brajkovic - "was then escorted to the police vehicle, placed in the police vehicle and arrived at the CIB at about 11.35pm. He was then placed in the interview room and I took

part in other duties."

A. Yes.

5 Q. In the trial - Exhibit 2.1, day 16, red page 485 - when you were asked questions by Mr Lloyd-Jones, Mr Brajkovic's barrister, you said, "He" - meaning Mr Brajkovic - "was then taken to the police vehicle and returned to CIB, where we returned about 11.35. I then continued on other duties."  
A. Yes.

10 Q. Later - Exhibit 2.1, day 16, red page 496 - you were asked this question:

"Q. Where was he? [Meaning Brajkovic.]

A. In the interview room of the Armed Hold Up Squad office.

15 Q. Who was with him?

A. Myself and Jimmy Bennett. Detective Bennett took him there and then Detective Sergeant Wilson and Harding came in and they interviewed him, I presume, and that's when we left, as they came in."

20 That was a different version from what you had previously said on the subject. Do you accept that?

A. Yes.

25 Q. It implied that Mr Brajkovic was not left alone in the interview room, and it implied that you and Detective Bennett stayed with him there for a period of time, and that Detectives Wilson and Harding then came in and interviewed him, you presumed.

A. Yes.

30 Q. Is the reason that you gave different evidence on the third occasion that I've taken you to there, that you were never involved in putting Mr Brajkovic in the interview--

A. Sorry?

35 Q. --room - I'm sorry, you gave different evidence--  
A. Yes.

40 Q. --on the third occasion--  
A. Yes.

Q. --that I've just taken you to. You accept that; is that right?

A. Yes.

45 Q. Is the reason that you gave different evidence on that third occasion, that you never put Mr Brajkovic in an interview room?

A. No, I did put him in an interview room.

50 Q. Can I change the subject now, Mr Krawczyk. Can I ask you about 10 February 1979. Were you on duty at the Elizabethan Theatre, Newtown,



when the dancers from Yugoslavia were meant to perform and there was a demonstration outside?

A. I don't think so. I can't recall. I honestly can't.

5 Q. Did you know anything at all in February 1979 about a permit for a demonstration outside the Elizabethan Theatre, Newtown, on 10 February 1979?

A. No.

10 Q. Did you know anything about what the system was for the issuing of permits for demonstrations at that time, and the particular question I wanted to ask is, was Special Branch involved? But let's go back to the first question: did you know anything about the system for issuing permits for demonstrations at the time?

15 A. I'd be guessing if I tried to explain it. All I know is I come in and they've got to satisfy the Commander, or the Local Area Commander, the numbers, if they've got marshals, the route they're taking and things like that. That's all I know.

20 Q. You've provided us with some useful information, if I can say with respect. The Commander of the Local Area Command would have been responsible for issuing any permission--

A. Well, I don't know who actually gives them the person, that I can't tell you, but I know they have to - those things have to be complied with.

25 Q. Did you know anything about any search conducted of the building comprising the Elizabethan Theatre, Newtown, before the evening of 10 February?

A. No.

30 Q. Were you involved in any search of any premises that were alleged to have been targets for the bomb plot?

A. Not that I can recall, no.

35 Q. Do you know whether anything was done to check whether there were explosives at any of the locations, the buildings alleged to be targets for the bomb plot?

A. No.

40 Q. Can I take you please now to Exhibit 4.2-109, page 708. This is the first page of your statement about prior events that is dated 12 February 1979. Do you see that?

A. Yes.

45 Q. When you made that statement, were you relying upon any documents or notes?

A. I read some documents, yes.

Q. What were you relying upon?

50 A. Possibly some reports or something like that.

Q. A report that you had made?

A. No, not actually - like, whether I've made it or anyone else if it's - it had to do with me, I'd be looking perhaps at that, yes.

5 Q. You were the junior officer to Detective Jefferies as at November 1976?

A. Yes.

Q. So would it be logical to expect him to take the lead in any conversation designed to obtain intelligence from the person you're speaking to?

10 A. Yes.

Q. Can we go please to red page 711. It might be the previous page. We've got paragraph 9 occupying the screen in front of you.

A. Yes.

15

Q. Almost where the cursor is, can you see the little hand? Can you see against that? Brajkovic said, "I tell you true". Can you see that sentence?

A. Yes.

20 Q.

"I tell you true, if the Croatians want to liberate the Croatia, they must do more of this. They must follow the example of Yasser Arafat and the PLO. Look what they have got in a short time. We have got nothing."

25

A. Yes.

Q. There was further conversation following upon that. You say that you said:

30 "Vjekoslav, what about all the innocent people that have been murdered and injured by the PLO?"

A. Yes.

Q. Brajkovic said:

35

"How you say, the ends justify the means? We can't be worried about such things. We are sorry for people who get hurt, but we can't help that."

A. Yes.

40

Q. You said:

"You can't be serious about that. Brajkovic said, 'look, I have studied the subject. You don't know what's happening in Yugoslavia to the Croatian and if you did you would see what I mean'."

45

A. Yes.

Q. I want to suggest that it's possible that if there was any discussion on that occasion with Mr Brajkovic about Yasser Arafat, that you got it a bit mixed up?

50 A. No.

Q. I want to suggest that if Mr Brajkovic said anything about Yasser Arafat and the PLO, it was to the effect that they were in league, essentially, with the communist government of Yugoslavia?

A. No.

5

Q. It was communist Yugoslavia that supported a terrorist group?

A. No.

10 Q. You're aware, aren't you, that in 1976, indeed in 1979, the dictator of Yugoslavia was Joseph Tito?

A. Yes.

15 Q. You're aware, aren't you, that Tito strongly supported Yasser Arafat and the Palestine Liberation Organisation?

A. I wouldn't know at this stage. I'm sorry.

Q. You're aware that Arafat strongly supported the Tito regime in Yugoslavia?

A. That I'm not too sure of.

20 Q. Would you accept from me that one of the dignitaries who attended the funeral of Joseph Tito after his death on 8 May 1980 was Yasser Arafat?

A. I'll take your word for it, yes.

25 Q. If there was one thing you knew, it was that Mr Brajkovic disliked the Communist government of Yugoslavia and its leader, Joseph Tito.

A. It would appear so, yes.

Q. Knowing that, it seemed surprising, doesn't it, that he would express support for the Yugoslav regime in any respect?

30 A. That I can't comment on, I don't know, that was his answer.

Q. You'd accept that knowing Mr Brajkovic, it would be highly unlikely that he would have expressed support for anyone supported by the Yugoslav regime?

A. Sorry, I couldn't.

35

Q. Is it possible you misunderstood Mr Brajkovic during that conversation?

A. No, I don't think so.

40 Q. Can I take you to another subject - that's all in respect of that. Can I take you back to your Internal Affairs report in 1979, Exhibit 11.194, at red page 1573? Paragraph 25, if we can enlarge that, thank you. See on the third line, the Counsel Assisting took you to this yesterday. I'll start at the beginning of the sentence:

45 "After placing Brajkovic in the interview room, I was then engaged in other duties which consisted of sorting out and reading various Croatian terrorist publications that had been taken possession of."

You see that?

50 A. Yes.

Q. You're not able to assist us as to your memory of any of those publications?

A. No.

5 Q. What was it that enabled you to describe the Croatian publications that you looked at at that stage as Croatian terrorist publications?

A. I can't recall at this stage.

10 Q. Is it possible that you used that language, especially the word terrorist, to prejudice the reader of your report, Detective Sergeant Shepard, against Mr Brajkovic?

A. No.

15 Q. Changing the subject. Thinking of your work on the Croatian community as an officer of Special Branch over the years.

A. Yes.

Q. Did you know a Mr Anic?

20 A. I don't think so.

Q. Can I change the subject again and go back to events of 8 February 1979, and in particular to what happened in the afternoon of that day before you and Detective Helson drove to Bossley Park?

A. Yes.

25 Q. You received this phone call from Detective Ingram that you've told us about, and when you received that call, did you make any notes?

A. I would have made notes, yes.

30 Q. Do you know what happened to those notes?

A. No, I don't.

35 Q. Was anything done, as far as you're aware, to bring Detective Senior Constable Jefferies into Special Branch as a result of that information being received from Lithgow?

A. All I know is that he was doing an afternoon shift or a late shift, and someone said, "well, that's his area, they have to ring him". Apparently the conversation - and I heard them was saying he was on his way anyway, and then he came in, yes.

40 Q. You took the information that you had received from Detective Ingram in to the officer-in-charge; is that right?

A. Yes.

45 Q. When you did that, about how long did you spend with Mr Perrin?

A. I couldn't say how long that was, I couldn't. It wasn't a long time.

Q. Was there any conversation involving anyone else while you were with Mr Perrin?

50 A. That I can't recall.

Q. Did Mr Perrin make any telephone call?

A. I think he rang the Armed Hold Up Squad, Mr Morey.

5 Q. Did Mr Perrin express any view or opinion about an opportunity being presented to Special Branch as a result of the information that you reported to him?

A. No.

10 Q. Mr Perrin didn't say anything to the effect of, "This is a chance to get rid of those troublemakers"?

A. No.

15 Q. He didn't say anything to the effect of, "This is a chance to get rid of the Croatian Republican Party"?

A. No.

Q. Or "to get them off the street"?

A. No.

20 Q. Did Mr Perrin say anything, if you could think about when you were with him at this particular time, about Croatian Republican Party?

A. Not that I can recall, no.

25 Q. Did you have any idea at this stage of what Mr Perrin's opinion of the Croatian Republican Party was?

A. No.

30 Q. Did you have any understanding at this stage of whether Mr Perrin had any particular opinion about Mr Brajkovic?

A. No, not that I can recall, no.

Q. You had this conversation with Mr Perrin, and he did or might have made a telephone call to Inspector Morey, as you understood it?

35 A. I'd say he would have made one, because he'd have had to ring to make sure Mr Morey was in his office, and he wanted to see him, so yes.

Q. What happened next?

A. We went over to the CIB.

40 Q. You and Mr Perrin?

A. Yes.

Q. Anyone else?

45 A. Sorry?

Q. Was anyone accompanying you and Mr Perrin?

A. That I can't say, I don't know.

50 Q. Do you have a memory of walking over to the CIB?

A. Really, no, but I know we went over to the CIB, we walked over there. But I

got no memory of actually walking there.

Q. Once you got to CIB, I take it that the two of you went to the third level?

A. Yes.

5

Q. Where the Armed Hold Up Squad office was?

A. Yes.

10 Q. Did you go to what you understood to be Detective Inspector Morey's office?

A. Yes.

Q. An enclosed office; is that right?

A. Yes. It was--

15

Q. Semi-enclosed? Glassed?

A. It was in a corner. It was in a corner, yes.

Q. What happened then?

20 A. Mr Perrin relayed the information to Mr Morey.

Q. Was there any discussion between the two of them about what might be an appropriate response?

A. Not that I can recall, no.

25

Q. Did you hear Detective Inspector Morey issue any directions?

A. No.

Q. Or make a phone call?

30 A. I can't recall that.

Q. So you're with Inspector Perrin in Inspector Morey's office. For how long are the two of you in that location?

35 A. It was - it wasn't a long time. It wasn't - I think roughly about - all up, about an hour at the most.

Q. It wouldn't have taken more than a minute to have conveyed the information that Detective Ingram gave you, would it?

A. No.

40

Q. My question is: what else was discussed in the period of maybe an hour?

A. I can't recall what - what the discussion was, but I would assume he'd have to get some people out to Lithgow and all that sort of stuff. So, I don't know.

45 Q. At the trial, Exhibit 2.1, day 21, red page 697, you said that you, then, returned to Special Branch?

A. Yes.

Q. Did you return with Inspector Perrin?

50 A. I can't recall.

Q. Whilst you were with Inspector Morey, thinking of that moment, were you and Inspector Perrin joined by anybody? Such as a CIB detective?

A. I don't know. I can't recall.

5 Q. Having return to Special Branch, what happened next, so far as you were concerned?

A. I can't recall what happened really, to tell you the truth.

Q. What's your next memory?

10 A. I remember Jefferies being there, and we had a conference, and, like, a bit of a briefing, and Helson and I went out to Restwell Road, Bossley Park.

Q. So that conference, and I think we've already spoken of it, took place about 4.00, 4.30pm?

15 A. Yes. About that.

Q. At the Special Branch office?

A. Yes.

20 Q. It involved Inspector Perrin, yourself, Detective Helson. Were there any other Special Branch officers there?

A. Yes. Crothers, McNamara, Jefferies. That was the group there, and then there was other people in the office. I've got no idea who. I couldn't recall which ones were in the office at that time then.

25 Q. You weren't present at CIB at any meeting involving, largely, CIB detectives?

A. No.

30 Q. Perhaps with Inspector Perrin also present?

A. No.

Q. I'm thinking of something like mid-afternoon.

A. No.

35 Q. But it is possible, am I right in understanding your evidence, that you went back to Special Branch, leaving Inspector Perrin in Inspector Morey's office?

A. I honestly got no recollection of that, but I know I went back. I don't know.

40 Q. Can I ask you to think about that meeting of Special Branch detectives with Inspector Perrin at Special Branch at around 4.00, 4.30pm--

A. Yes.

45 Q. Was there any mention at that stage of having received any information from Commonwealth Police?

A. No.

Q. Was there any intelligence from whatever source about the man Vico Virkez that you heard of from Detective Ingram?

50 A. Not to my knowledge, no.

Q. No such intelligence was disseminated or tabled at this meeting of Special Branch officers?

A. No. Not to my knowledge, no.

5 Q. Please tell me if I misquote your evidence, but the effect of your evidence is that you and Detective Helson went to Bossley Park with instructions from Inspector Perrin to see if Mr Brajkovic was there; and if he was, to have a conversation with him?

A. Yes.

10

Q. Just using small talk, essentially.

A. Yes.

15 Q. Were any other detectives from Special Branch given similar instructions in respect of any other people who ended up being accused?

A. I know other police went elsewhere, but what their instructions were, I don't know.

20 Q. At any stage at all on 8 February, did you learn whether a group of the Army had been put on standby in relation to allegations of explosives, whether at Lithgow or in Sydney?

A. No.

25 Q. You never heard of such a thing happening?

A. No.

Q. If you had been made aware of that, you'd be likely to remember it, wouldn't you?

A. I think so.

30

Q. We've gone through what happened at Bossley Park. Can I take you back now to CIB. You go there with Mr Brajkovic, and in the same car are Detectives Bennett and Wilson.

A. Yes.

35

Q. Did you, when you were at CIB, see other Special Branch officers? This is in the evening now, or the night-time, of 8 February.

A. I can't recall. No, I don't think I did.

40 Q. You've seen that you said in the Internal Affairs report that you looked at Croatian terrorist literature that had been seized.

A. Yes.

45 Q. This is going through property that you understood had been brought to CIB from Mr Brajkovic's house?

A. Yes.

Q. Did you see any other detective going through any part of that property?

A. Not that I can recall.

50



Q. Did you see any other piles of property on that floor that night? Such as, you might expect, if other raiding teams had conducted searches and brought back to CIB things that they found when conducting their searches?

A. I can't recall. Honestly, I can't.

5

Q. In going through Mr Brajkovic's property, you were performing duty as a Special Branch detective, weren't you?

A. As police, yes.

10

Q. You weren't doing it out of idle curiosity.

A. No.

Q. You were looking for something that might be relevant, or indeed probative, that might tend to prove involvement in a bomb plot.

15

A. Yes.

Q. Is it your memory that you're the only person at CIB who did that that night? Going through all this property?

A. No. I wasn't the only person.

20

Q. There's a little frown on your--

A. No. I'm just trying to recall. I mean, I wasn't the only person going through all the stuff. I mean, whatever it was. There was other police there.

25

Q. Special Branch officers had a skillset of reviewing documents with a view to determining whether there's any actionable intelligence in them. Is that fair to say?

A. To a certain degree, I suppose so.

30

Q. So it would be surprising, wouldn't it, if Special Branch detectives other than yourself had not been involved in sorting through, going through property which had been seized from the various premises raided by police that night?

A. Well, all I can recall there is - I didn't see the other Special Branch officers in the Armed Hold Up Squad office there. I think I saw Helson, because we travelled home together, but anyone else, I've got no idea.

35

Q. Why did you look through Mr Brajkovic's property?

A. To see what was there.

40

Q. But performing duty, that is to say, looking for something useful?

A. Possibly so, yes.

Q. Did anyone direct you to do that?

A. That, I don't know.

45

Q. Did you see Inspector Perrin on the third floor after you got back from Bossley Park and before you left CIB that night?

A. I don't know. Honestly, I don't remember.

50

Q. Did you look into Inspector Morey's office at any time after coming back

from Bossley Park?

A. No.

Q. Did you see Mr Morey that night?

5 A. I don't think I did. I don't know. I can't recall.

Q. You'd accept this as a proposition, and I appreciate I put something like this to you a moment ago, but just for the purposes of my questions: you – Special Branch detectives had information, or intelligence, about the men who had been arrested and brought back to CIB.

10

A. Yes.

Q. And as far as you knew, unless Special Branch detectives told them, CIB detectives did not have that intelligence or information?

15

A. Possibly so, yes.

Q. Was it your expectation that night that the various accused who had been brought back to CIB by detectives from the raiding parties would be interviewed?

20

A. Was I aware?

Q. Or what did you expect that to happen?

A. Not necessarily. That would be up to the particular people that are going to those places to make that decision.

25

Q. Why did you put, as you say you did, Mr Brajkovic in an interview room?

A. Well, he was going to be interviewed.

Q. How did you know that?

30

A. Well, Detective Sergeant Wilson said, "Come on, Vic, come back with us to the CIB."

Q. You expected, didn't you, that all the accused who were brought to CIB that night, ought be asked questions by CIB detectives about the alleged bomb plot, surely?

35

A. I presume they would be, yes.

Q. It is usually desirable when an interrogation is conducted, to know as much as possible about the person being interrogated; correct?

40

A. Yes.

Q. You Special Branch detectives had that knowledge, and as you understood it, the CIB detectives didn't have it, and yet they were conducting the interrogations; correct?

45

A. The other information was given to them at a briefing that they had.

Q. Did you, yourself, provide any information about any accused to any CIB detective that night, after you got back from Bossley Park?

A. No.

50

Q. It seems strange that you would not have tried to convey to CIB detectives what you knew about Mr Brajkovic, for the purposes of their interrogation of him, their interview of him. Why wouldn't you pass that information on?

A. I don't know.

5

Q. Is it possible that you did pass on information to CIB detectives about Mr Brajkovic but now can't recall it?

A. Well, possibly so. I honestly don't know.

10

Q. Did you see any other Special Branch detective talking to CIB detectives on the third floor that night?

A. No.

15

Q. Did you see that night any photographs, any prints of photographs that you understood to be photographs of any of the accused that night?

A. Not that I recall, no.

20

Q. No Special Branch detective had a collection of photographs of any of the accused, that were shown to CIB detectives?

A. Not that I can recall, no.

25

Q. Are you aware that on 8 February raiding parties were sent not only to the premises of the five of the Croatian 6 that were arrested in Sydney, but also to the premises of a Josip Stipic out at Discovery Avenue, Wilmot?

A. I didn't know that night, no.

30

Q. Had the name "Stipic" been mentioned in your presence that night or that afternoon?

A. I can't recall.

Q. Did you know Joseph Stipic at that stage, or know of him?

A. I might have known of him or heard it, but I can't recall really.

35

Q. Just going back, if I can, to the 4 o'clock, 4.30 discussion with Special Branch detectives by Inspector Morey at Special Branch.

A. Yes.

40

Q. Was anything said about, well the plan is that a Special Branch detective will accompany each of the CIB detectives raiding teams?

A. Not that I can recall, no.

45

Q. You know that Special Branch detectives did accompany each of the raiding teams, except the team that went to Wilmot?

A. I think I do, yeah, yes.

50

Q. Are you able to assist the Inquiry as to how come that happened or why it happened?

A. No, I've got no idea.

Q. Just putting your Special Branch hat on now, isn't it likely that the plan was

that Special Branch detectives would accompany each of the raiding teams, except the one that went to Wilmot, in order to provide special skills, or knowledge, or intelligence that Special Branch detectives had but that the CIB detectives on those raiding teams wouldn't have had?

5 A. Possibly so, yes.

Q. That would make sense, wouldn't it?

A. Yes.

10 Q. Can I just ask you some general questions about policing practices now. Mr Krawczyk, were you ever aware during your career as a police officer, as a member of the Police Force, of a practice of "loading up" suspects, that is to say fabricating evidence, that they were found in possession--

A. No.

15

Q. --of some illicit item?

A. No.

20 Q. Were you aware that the Wood Royal Commission seemed to think that practices like that took place at the squads of CIB?

A. Yes.

Q. During the time that you were at the Armed Hold Up Squad, you were never aware of any loading up that occurred. Is that what you tell us?

25

A. That's correct.

Q. Were you aware of any verballing that occurred, during your time as a police officer?

A. No.

30

Q. I assume your evidence will be, if I ask you, that you never loaded anyone up and you never verballled anyone?

A. That's correct.

35 Q. Are you aware of the fact that verballing and loading up was thought to be practices that were reasonably prevalent in CIB, as a result of the Wood Royal Commission Report?

A. Yes.

40 Q. Are you able to explain how you were not aware of anything like that occurring?

A. Well, I wasn't involved in it and I wasn't aware of it.

Q. Were you ever aware of any suspect in custody being assaulted by any police, whilst you were a police officer?

45

A. No.

<EXAMINATION BY MS GLEESON

50 Q. Just a few questions. My name's Catherine Gleeson. I'm representing the

New South Wales Commissioner of Police.

A. I can't hear you, I'm sorry.

5 Q. I'm so sorry. My name is Ms Gleeson. I'm representing the New South Wales Commissioner of Police.

A. Yes.

10 Q. Do you remember receiving some questions yesterday from Counsel Assisting in relation to an Instruction Number 121 in relation to bomb incidents?

A. I couldn't get your last bit, I'm sorry.

15 Q. Do you remember yesterday answering some questions from Counsel Assisting about a Police Instruction Number 121 regarding bomb incidents?

A. Yes.

20 Q. Can I take you to a different document. This is Exhibit 14.8, red page 99. You can see the cover of that page is entitled "Emergency Manual"?  
A. Yes, "Emergency Manual".

Q. Do you recognise that document?

A. I may have seen it somewhere, but, yeah.

25 Q. You do have a memory of seeing it before, during your time in NSW Police?

A. Not like that, no.

30 Q. Can we go now to page 102. This is in the same document. Can I ask you to assume that at the time that you - sorry, I'll take a step back - I think you gave evidence that you commenced at Special Branch in about 1976?

A. Yes.

35 Q. Can I ask you to assume that this document was a document that was in existence from about 1974.

A. Right.

40 Q. Can I just take you to some of the words in the document. You can see just under "Introduction" it says, "This manual replaces all previous general instructions to police in connection with emergency disaster procedures"?

A. Yes.

45 Q. Would it be your understanding that to the extent that there were general instructions, this operated in the same way in relation to emergency disaster procedures?

A. Yes.

Q. That it applied to NSW Police including members of Special Branch?

A. Yes.

## EXHIBIT 14.9 SHOWN TO WITNESS

Q. You can see at the top of that page it says, "Chapter 19, Bomb Incidents"?

A. "Chapter 19", yes.

5

Q. You can see, if you go just below the title to 19.1, it describes the ways in which bomb incidents can arise?

A. Yes, "Arise in two ways", yes.

10

Q. Then if you go over to red page 120, you can see there under 19.4, and then further down the page on 19.5 it has procedures for "searching" and for the "method of searching" in relation to bomb incidents?"

A. Yes.

15

Q. I think you gave evidence in answer to a question from Counsel Assisting, that members of Special Branch were obliged to comply with general instructions that were distributed to NSW Police?

A. Yes.

20

Q. You agreed in answer to a question from his Honour that there was an obligation on police officers to keep up-to-date with existing instructions to police?

A. Yes.

25

Q. That would apply to this document?

A. Yes.

GLEESON: Thank you, those are my questions. Just for the record, they were both references to transcript 2155.

30

<EXAMINATION BY MR BROWN

Q. Mr Krawczyk, my name is Mr Brown. I appear for the New South Wales DPP.

35

A. Yes.

Q. I just want to ask you some questions primarily about police practice and procedure in the late 1970s.

A. Yes.

40

Q. You were taken by Counsel Assisting and by Mr Buchanan this morning to your statement of 12 February 1979, that related to your dealings with Mr Brajkovic in 1976. Do you recall that?

A. Yes.

45

Q. If we can please have that Exhibit brought up, it's 4.2-109, and if we can go firstly to red page 711. If we just scroll down to the bottom of the page, please. Do you see there, Mr Krawczyk, that the document is unsigned?

A. Yes.

50

Q. And there's no witness?

A. That's correct.

5 Q. You agreed with Counsel Assisting that it was part of the procedure that you would sign a statement?

A. Yes.

10 Q. You also agreed that the signature conveyed that you had read the document and were indicating that its contents were true and correct?

A. Yes.

Q. You remained with the New South Wales Police up until 2010?

A. Yes.

15 Q. You would have been familiar at least the last 20 or so years of your service with witness statements containing something known as a jurat?

A. Sorry, could you? Could you repeat that?

20 Q. Witness statements containing an assertion that the contents of the statement were true and correct?

A. Yes.

25 Q. Also, an acknowledgement by the person making the statement that they knew that they may face punishment if they deliberately included something untruthful in the statement?

A. Yes.

Q. That would typically be in the first paragraph of a witness statement?

A. Yes.

30 Q. If we can go up please to red page 708, still in Exhibit 4.2-109. Those words are not included in this statement?

A. Sorry?

35 Q. Those words are not included in the first paragraph of this statement--

A. No, that's correct.

40 Q. --or words to that effect? Do you remember at what point in your policing career that change came about, that those words to that effect came to be included in witness statements?

A. I honestly couldn't tell you to be exact.

45 Q. The committal proceedings for these matters were heard in the Court of Petty Sessions?

A. Yes.

Q. In 1979?

A. Yes.

50 Q. Do you recall that the Court of Petty Sessions became, in effect, the Local

Court in the mid-1980s?

A. I'll accept that, yes.

5 Q. Do you remember that at or around that time witness statements became admissible in committal proceedings?

A. Yes.

10 Q. You didn't have to go along every time you prepared a witness statement and give evidence at the committal proceedings?

A. Yes.

15 Q. Do you recall that one of the requirements for witness statements to be admissible was that they included words to that effect, the jurat, that I've referred to?

A. Yes.

20 Q. You'll accept from me that another of the requirements was that the witness statements be signed?

A. Sorry?

25 Q. Another of the requirements for the witness statement to be admissible in the committal proceedings was that it be signed by the person who'd made the statement?

A. Yes.

30 MCDONALD: I object, your Honour. I'm just a bit uncertain if this is dealing with amendments in 1980, I don't quite see the relevance of this for the procedure in 1979.

HIS HONOUR: This was under a whole different regime, Mr Brown, isn't it?

35 BROWN: Yes. I'm just trying to direct the witness. The question that was asked of the witness as to the practice of signing witness statements was not specific as to time. I'm trying to clarify with the witness what the practice was in 1979 as to the signing of statements as opposed to what later practices were by virtue of amendments that were made.

40 HIS HONOUR: One can assume because the pro forma for statements, the P109 and P109A form makes provision for a signature of the maker and the signature of the witness that it was the expectation that they would be signed.

Q. Isn't that the case, Mr Krawczyk?

A. Sorry?

45 Q. Wasn't the expectation in 1979 that statements would be signed by the witness who made them?

A. Yes.

50 Q. And there'd be a witness to the signature of the maker of the statement?

A. Yes.



BROWN

5 Q. Mr Krawczyk, you saw when Counsel Assisting took you to the statement of Mrs Brajkovic, Exhibit 4.1-JJJJ, that the same P190 and P190A forms were used for all witness statements, both civilian witness statements and police witness statements?

A. I believe so.

10 Q. In the case of Mrs Brajkovic, she had signed the statement and yourself and Detective Bennett had witnessed it?

A. Yes.

15 Q. In 1979, you would have wanted a civilian witness to sign a statement as an acknowledgement that the words in the statement were their words?

A. Yes.

20 Q. You would also want a witness to that, usually a police officer, to prove that the witness had actually made that signature on the document?

A. Yes.

Q. What do you recall of what would happen with the witness statement once it was prepared in 1979? Where would copies of that statement go to?

A. Sorry, what was that?

25 Q. Once a witness statement was prepared in 1979, where would copies of that statement go?

A. They'd go to the officer-in-charge of the investigation, they'd go in the brief.

30 Q. Would the witness have access to a copy of their statement in order to carry out the rote learning exercise that you spoke about in the case of a police witness?

A. Yes.

35 Q. In 1979, the police witness statement was a proof of the evidence that the officer was going to give in chief at committal proceedings?

A. I think so, yes.

40 Q. The sworn evidence, the evidence given under oath or affirmation that had been given at the committal proceedings?

A. Sorry, could you repeat that?

45 Q. The sworn evidence, the evidence that was given under an oath or an affirmation to tell the truth, that then came at the committal proceedings; is that right?

A. Yes.

50 Q. If I can just ask you a few questions about witness statements in the context of something like a search or a raid conducted by police. So, say a number of officers go to a location to conduct a search?

A. Yes.

Q. In your experience, the officers will likely be given different roles to carry out as part of that search?

A. Yes, I believe so.

5 Q. In preparing statements afterwards, the focus of any individual officer is likely to be on what their role was in the search; correct?

A. Yes.

10 Q. There would be an expectation that other officers would be preparing statements about the respective roles that they had carried out?

A. Yes.

15 Q. To take a hypothetical scenario, if you were an officer that went to a search as part of a team of officers and you searched a car and a shed outside of a house and you found nothing, you would prepare a witness statement that reflected that, where you'd searched and that you'd found nothing of interest?

A. Yes.

20 Q. That would be so, even if there were other officers searching inside the house, who'd found, for example, a shotgun inside the house?

A. Yes.

25 Q. On this hypothetical scenario, let's say, you, as the officer who made nil find searching outside the house, later saw the Exhibit Officer walking out of the house with a shotgun in an exhibit bag, that is not a detail that you would ordinarily include in your witness statement?

A. That's correct.

30 Q. Or if you drove back to the station with the Exhibit Officer and he had the shotgun in an exhibit bag in the car, again, that's not something you would ordinarily include in your witness statement?

A. Yes.

35 Q. Your expectation would be that other officers would prepare statements addressing how and where the shotgun was found?

A. Yes.

Q. And how the Exhibit Officer came to have the shotgun.

A. Yes.

40

Q. Was that your experience over the course of your entire policing career?

A. Yes.

45 Q. An issue may later arise, a claim, for example, that the shotgun was never at the house at all. Let's say it comes out in a bail application and it comes to your attention. On this hypothetical scenario, you have information that's possibly relevant to that claim; correct?

A. Yes.

50 Q. You saw the Exhibit Officer walking out of the house with the shotgun in

the exhibit bag or you saw it in the car?

A. Yes.

Q. But that information is not in your witness statement?

5 A. Yes.

Q. In 2010, so at the tail end of your police career, in those circumstances, you would likely prepare a further witness statement that included that additional information; is that correct?

10 A. Yes.

Q. On the same scenario, what would the procedure have been back in 1979 prior to committal? What would you have done?

15 A. You'd make an additional statement, if you wish. You'd bring it to the notice to the brief hand - the brief - the one, the person who is running the brief, and if it's going to court, if it's at court, the prosecutor will be informed.

Q. Would you have made an amendment to your existing witness statement, or you would have made an additional witness statement?

20 A. I don't know, it depends on the circumstances, I presume.

Q. Are there particular circumstances in which you would make an amendment to your existing witness statement?

25 A. Yes.

Q. What are they?

A. In what way? Sorry?

Q. There's two possibilities that we've discussed.

30 A. Yes.

Q. You'd either prepare a further statement.

A. Yes.

35 Q. Or you've said in some circumstances, you would make an amendment to your existing witness statement. I'm just asking, what are the circumstances in which you would make an amendment to your existing witness statement?

A. If there's something you left out or omitted, you can do that.

40 HIS HONOUR

Q. How would you do that?

A. Well, you can either make an additional statement in relation to it.

45 Q. No, you're being asked.

A. Yes.

Q. You've agreed that there are circumstances in which you might make an amendment to your existing statement.

50 A. Yes.

Q. Now you're being asked, what sort of circumstances would it be appropriate for you to make an amendment to your existing statement?

A. If there's some additional information that you overlooked, that's in relation to the matter, you can add to it.

5

Q. What, you would add something to the end of the statement, would you?

A. You can do it, that yes. Or an additional statement.

BROWN

10

Q. If you were to go down the course of amending your existing statement, would you make a note to that effect in the statement itself to indicate that you'd amended the statement?

A. Yes.

15

<EXAMINATION BY MS BASHIR

BASHIR: Can I ask that the witness please be taken back to the committal transcript, which is Exhibit 2.3 and at page 19, 6810. Just want to take you to some references. Sorry, first of all, I should have said, my name's

20

Ms Bashir. I'm acting for James Bennett, who was a detective at the time. Now, could we go to that at red page 6801? Now, Mr Buchanan gave these references and took you through them, but he didn't take you to the evidence. I'm going to take you to the evidence, okay?

25

EXHIBIT 2.3, RED PAGE 6810, SHOWN TO WITNESS

Q. You can see that this is a passage where you're giving your evidence-in-chief. You've been asked a question by the prosecutor. I just want you to look just above where the word "prosecutor" is, which - yes, just where that little marker is. Where you say:

30

"With Detective Bennett, he was then escorted to the police vehicle, placed in the police vehicle and arrived at the CIB at about 11.35pm."

35

A. Yes.

Q.

40

"He was then placed in the interview room, and I took part in other duties."

A. Yes.

Q. Do you see that?

45

A. Yes.

Q. Mr Buchanan took you to that to lay a foundation to suggest to you that that was inconsistent with later evidence in the trial. Do you remember those questions?

50

A. Yes.

Q. I just want to take you to some further evidence that you gave when you were asked some further questions about that evidence that Mr Buchanan did not take you to.

A. Okay.

5

EXHIBIT 2.3-52, , RED PAGE 8984, SHOWN TO WITNESS

Q. Do you see that Mr McCrudden is now cross-examining you--

A. Yes.

10

Q. --and he's waiting for a document?

A. Yes.

Q. Then he asked you:

15

"Q. Did you see Brajkovic yourself that evening at the CIB?

A. Did I see him by myself?

Q. Yes.

20

A. Well, I took him to the interview room with Detective Bennett and when Sergeant Wilson came in and Harding and we went out."

Do you see that evidence?

A. Yes.

25

Q. So in fact, at the committal hearing, you did give evidence that was consistent with your later evidence in the trial that you and Detective Bennett took Mr Brajkovic into the interview room, and that you were there with him until Wilson and Harding came in. Do you agree with that?

30

A. Yes. Yes.

Q. Could I take you please now to some evidence that you gave in the trial, which is Exhibit 2.1, day 21, 701. And can the witness please be shown again the original copy of Exhibit MM.

35

HIS HONOUR: 4.1-MM in the Inquiry?

BASHIR: Sorry?

40

HIS HONOUR: It's 4.1-MM in the Inquiry.

BASHIR: Yes, your Honour. Thank you, your Honour.

45

MCDONALD: Excuse me, your Honour, Exhibit 4.1-MM just has to be retrieved.

HIS HONOUR: The original copy of it?

MCDONALD: Yes.

50

BASHIR: Yes. Thank you.

EXHIBIT 2.1-21, RED PAGE 701, SHOWN TO WITNESS

5 Q. Perhaps while we're waiting for the original, the copy could be put up, your Honour.

HIS HONOUR: Sure.

10 BASHIR: Thank you, your Honour.

Q. Now, if we just zoom in on this evidence. Just about halfway down it says:

15 "Q. You mentioned some other items that you saw in the bag."

Actually, I think it's further up. Sorry:

20 "Q. Would you look at HH please?  
A. That looks like the bag."

Okay.  
A. Yes.

25 Q. So the bag was there in court. Do you see that?  
A. Yes.

Q. Then you were asked to look at Exhibit MM. Here it is.  
A. Yes.

30 Q. I just want to take you through this evidence again, because you were taken through part of it, but not all of it.  
A. Yes.

35 Q. So I just want to take you back to the evidence. Can you just have a look at the evidence on the screen. You're asked in your evidence:

"Q. Will you look at Exhibit MM? What do you say about that?  
A. Yes, they were the sticks of gelignite.

40 Q. They are shown in the photograph, are they?  
A. Yes, they were wrapped in a foreign type of newspaper."  
A. Yes.

Q. You were asked:

45 "Q. In the bag do you mean?  
A. Yes."

50 And then you are asked to look at Exhibit LL. And you say, "That looks like the paper, yes."

BASHIR: I just want to stop there for a minute, and can I ask that Exhibit LL, the original, be retrieved while I'm asking these questions.

HIS HONOUR: Do we have that?

5

MCDONALD: Yes, your Honour.

BASHIR: Thank you.

10

Q. Then you're asked:

"Q. Would you look at Exhibit KK please?

A. Yes, they look like the flares."

15

BASHIR: We don't have the original flares. Okay?

HIS HONOUR: We don't have the newspaper, either.

BASHIR: Yes. We do, your Honour.

20

HIS HONOUR: Do we?

BASHIR: Sorry, your Honour.

25

Q. Then you're asked this - you haven't been taken to this before, but it says:

"Q. You mentioned some other items that you saw in the bag. Do you see any of those other items in the photograph Exhibit MM?"

30

So you're asked to pick out from that photograph other things that you may have seen, and you answered:

"A. Could I see the photograph again please?

35

Q. Take it out if you need to?

A. Yes, the detonators."

A. What--

Q. I've just taken you through your evidence--

40

HIS HONOUR

Q. Mr Krawczyk, you need to pay attention to what counsel is directing you to.

A. Yes.

45

Q. She's directing you to your evidence on the screen, not the photograph.

A. All right.

BASHIR

50

Q. Just pop the photo down for a moment. We're going to look at that photograph. So just put the photograph down for a minute. Thank you. You were asked:

5 "Q. You mentioned some other items that you saw in the bag. Do you see any of those other items in the photograph Exhibit MM?"

And you're asked if you could see the photograph again; you're shown it, and you answer, after looking at it:

10 "A. Yes, the detonators.

Q. Do you see detonators?

15 A. Yes.

Q. How many were there?

A. I couldn't say to be exact. I never counted them, I couldn't say. There was a few detonators there, that's all.

20 Q. Did they have anything attached to them?

A. I think they had wires.

Q. Did you notice the colour?

25 A. No, I couldn't say definitely what colour they were.

Q. Did you notice anything about the colour?

A. No, I couldn't definitely say.

Q. Do you have any expertise in the field?

30 A. Not an expertise, just a knowledge of it but not expertise.

Q. Was that all the things you saw in the bag?

35 A. Yes. The brown paper coloured bag that the detonators were in, that's about all."

And then you were asked some questions about the bag. Did you see all of that evidence that you gave--

A. Yes.

40 Q. --about that Exhibit MM? I just want you to have a look at that Exhibit MM that's there. Indeed Exhibit MM shows two sticks of gelignite. Do you see that?

A. Yes.

45 Q. It shows those sticks as being half sticks? Cut sticks? Would you agree with that?

A. Yes.

Q. And it shows those two holes in the end. Do you see?

50 A. Yes.



Q. Do you see that there's a type of newspaper there? There's a newspaper in the photograph?

A. Yes. Yes.

5 BASHIR: Now I've got Exhibit LL here. Could the witness please be shown.

HIS HONOUR: We do have it.

MCDONALD: Yes we did, your Honour.

10

EXHIBIT LL SHOWN TO WITNESS

BASHIR

15 Q. This is the Exhibit LL that you were shown in the trial. Feel free to take it out, if you want to.

A. Yes.

Q. In the trial, you said, "That looks like the paper, yes." Do you see that?

20

A. Yes.

Q. Can you see anything like that in the photograph, Exhibit MM?

A. (No verbal reply)

25 Q. Actually, I'll put it a different way. I suggest to you that that newspaper is there in that photograph.

A. All right. Okay. Yes.

Q. The detonators are represented? Do you agree with that? In that photograph, Exhibit MM, you can see the detonators?

30

A. Yes.

Q. And you might just be able to see, and, in fact, could I now have the electronic copy of MM brought up, Exhibit 4.1-MM, brought up on the screen so that we can zoom in.

35

EXHIBIT 4.1-MM SHOWN TO WITNESS

Q. Can we just zoom in, please, on the detonators. You might just be able to see, I might be wrong, but can you see that the detonators appear to be on what may be a brown paper bag?

40

A. Yes.

HIS HONOUR

45

Q. How can you tell it's brown when it's a black and white photograph?

A. Yeah, it's a dark colour.

BASHIR

50

Q. Well, I'll put it a different way. They appear to be on a paper bag. Do you accept that? Can you see that?

A. Yes.

5 Q. There are some items there that you've never purported to say that you saw in the plastic bag. Namely, the alarm clock, the batteries and the masking tape; correct?

A. That's right.

10 Q. But in your evidence, you were being asked whether there were the items that you saw in the plastic bag depicted in this photograph; correct?

A. That's correct.

15 Q. Having now had the opportunity to see that newspaper, to have a closer look at the sticks of gelignite there, do you accept that this photograph was the Exhibit MM that you were shown in the trial?

A. Yes.

20 Q. Can I ask you also, in the trial - you can pop that down. Thank you.

HIS HONOUR: Just before we proceed. Can we just zoom out a little bit on the photograph on the screen.

25 Q. Do you see the bag at the back of the photograph? The white bag?

A. Yes.

Q. It looks like some cylindrical object sitting in the bag?

A. I don't know what that is. I've got no idea.

30 Q. You don't know what that is?

A. No idea. I don't know.

HIS HONOUR: Was there evidence as to what that was?

35 BASHIR: Yes, your Honour.

HIS HONOUR: Is there?

40 BASHIR: That was a flare, your Honour.

HIS HONOUR: A flare?

45 BASHIR: Yes. That was a flare, but I have to find that, your Honour. My memory--

HIS HONOUR: No. I'll take your word for it.

BASHIR

50 Q. Could that Exhibit LL, the newspaper, be returned, please, but just keep

MM there for a moment. Now, just in relation to that Exhibit, and those items depicted in the Exhibit--

A. Yes.

5 Q. --is it the case that those items that you had seen in the plastic bag were shown to Mrs Brajkovic?

A. Yes. But I - as I said, that clock and that tape, I - I don't know.

10 Q. I'm not suggesting that the clock, the batteries, the masking tape was shown.

A. Right.

Q. You'd never said you saw them in the plastic bag, did you?

15 A. No. No. That's what I'm saying. When I saw the lot there, I said, "Well, that's not"--

Q. Yes.

A. That's not - yeah.

20 Q. What I want to know is: were those items that you did identify in your evidence as having - what you saw on the night; that is, the sticks of gelignite, the newspaper, the detonators--

A. Yes.

25 Q. --they were shown to Mrs Brajkovic later in the night; correct?

A. Yes.

30 Q. Just in relation to that gelignite, you can see that that gelignite that you have identified in your evidence back in 1980, you can see that that gelignite is taped together at two ends; correct?

A. Yes.

35 Q. Now, when, 44 years later, Counsel Assisting asked you this question, and this was yesterday:

"Q. The gelignite, how many sticks of gelignite was it?

A. I think there was two."

40 This is transcript 2123 over to 2124 - and she asked this:

"Q. And they were loose?

A. I think so.

Q. Not connected in any way?

45 A. No."

A. Yes.

Q. Were those answers correct?

50 A. Yes.

Q. What did you mean by those, given that in the trial and just now you have identified those sticks of gelignite that were taped together, as being the sticks that you both saw and later showed to Milena Brajkovic?

5 MCDONALD: Your Honour, I object with the form of the question. It's not a matter of what evidence was correct. It's a matter of what his recollection is today, and if it differs from previous evidence pointing, as my learned friend is doing, pointing that out to him and asking him for an explanation, but to pose questions in terms of whether evidence is correct or not, in my submission is  
10 not an appropriate question.

BASHIR: I asked "What did you mean?" That question was, "What did you mean by that" when he said they were loose.

15 HIS HONOUR: All right, okay, that goes to his recollection now I guess.

BASHIR: Yes.

20 Q. What did you mean when you said yesterday "The sticks of gelignite were loose"?

A. Just loose in a bag, just loose.

Q. Do we take it from that that you didn't mean - sorry, and then it said:

25 "Q. Not connected in any way?  
A. No."

Is your recollection that the sticks in the bag were taped together, as your evidence in the trial was?

30 A. I can't recall. Honestly can't recall.

Q. When you say you can't recall, do you mean you can't recall whether they were loose and not connected in any way?

35 A. I honestly can't recall. I know there was two sticks of gelignite and that, but I can't recall if they were - but as I said, the tape and the clock and that other stuff I don't know - I've got no idea.

Q. I just want to be clear about your evidence. Are you saying that sitting there today you don't have a recollection--

40 A. No.

Q. --of how it was one way or another?

A. No.

45 Q. Is that what you're saying?

A. Yes.

Q. Do you say, though, that your memory in 1980 when you gave evidence in the trial, would have been clear and your evidence correct?

50 A. Yes, it would have been.

BASHIR: Could I take the witness now to some further evidence in the trial.

EXHIBIT 2.1-126, RED PAGE 4193, SHOWN TO WITNESS

5 Q. At the bottom of the page you were being asked some questions here about what Mrs Brajkovic was shown, and there's a question: "What precisely was she shown?" It's about four questions up from the bottom. Can you see that? "What precisely was she shown?" Do you see that question?

A. Yes.

10

Q. Then there's a comment:

"Q. I suppose you've learnt that off, have you?

15

A. I haven't learnt it off. She was shown the two sticks of gelignite which was wrapped in a foreign newspaper, some flares and detonators that were in a brown paper bag, and that was in the white type of carry bag."

Do you see that evidence?

20

A. Yes.

Q. Then you were asked:

"Q. How many detonators were there?

25

A. I didn't know. I didn't count them."

A. Yes.

Q.

30

"Q. How many flares?

A. Possibly about half a dozen.

Q. And they were all wrapped in newspaper, were they?

35

A. No. The explosives were wrapped up in a sheet of foreign newspaper."

Then at 4194:

"Q. And that was inside the plastic bag?

40

A. They were in the plastic bag, yes."

Do you see that?

A. Yes.

45

Q. I just want to draw your attention - if we could go back to 4193, do you see that first question and answer I showed you, the last line of the answer--

A. Yes.

50

Q. --where you say, "That was in the white type of carry bag"? Do you see that?

A. Yes.

5 Q. Your evidence at the trial was - and I suggest to you it was true and correct evidence - that when Milena Brajkovic was shown the items, that they were in the plastic bag that was opened in order for the items to be shown to her in that way?

A. Yes.

10 Q. I suggest that, again, your recollection here, over 40 years later--  
A. Sorry?

Q. The evidence that you've given here, based on your recollection over 40 years later, I suggest is unreliable in terms of the evidence you gave that it was all laid out on the table?

15 A. I don't know. I can't answer that.

Q. Could the witness be just taken back to page 4192, the same Exhibit. Just above "cross-examination", three questions above it:

20 "Q. What was happening when you came back?

A. He asked Mrs Brajkovic to read the statement. He gave it to her and she read it aloud.

25 Q. What happened then?

A. She signed each page.

Q. Did you do anything yourself?

A. Yes. Detective Bennett signed it and I also signed it."

30 Do you see that evidence?

A. Yes.

Q. You were giving evidence in the trial that you witnessed Mrs Brajkovic reading the statement out aloud. Do you recall that evidence?

35 A. Yes.

Q. Sitting there today, do you have that memory of her reading it aloud?

A. Yes.

40 Q. Just in relation to that, do you remember you were questioned about the spelling of her name at the top of the statement?

A. Yes.

45 Q. You didn't type that, did you?

A. Sorry?

Q. You didn't type her statement, did you?

A. No.

50 Q. You were asked a question by Mr Buchanan about when you started

spelling Mr Brajkovic's name with a "JK". Do you remember being asked those questions by Mr Buchanan?

A. Yes.

- 5 Q. Could I have your statement, which is Exhibit 14.2109, one of your 12 February statements brought up, please.

EXHIBIT 4.2-109, RED PAGE 708, SHOWN TO WITNESS

- 10 Q. Could you just go down to about the fourth line. Paragraph 2, fourth line, Mr Brajkovic's name is - sorry, even the first line. It's all the way through that statement; correct?

A. Yes.

- 15 Q. You're spelling it there with a "J" and "K"; correct?

A. Yes.

Q. I won't take you to your other statements, but I suggest that in your other statements you also spell his name that way?

- 20 A. Yes.

Q. In relation to the statements that you were provided with for the Internal Affairs investigation - could the witness be taken to 11.168.

- 25 HIS HONOUR: Before we go to that, can you give me the Exhibit reference for the previous--

BASHIR: Yes. It was Exhibit 14.2109. No? Sorry, your Honour.

- 30 HIS HONOUR: That's some police instruction about arrests.

BASHIR: Sorry, it must be 4.2, your Honour.

HIS HONOUR: We're going now to which--

- 35

BASHIR: Now we're going to 11.168, page 1513. That's it.

HIS HONOUR: Sorry, I didn't hear all of that. Can you give me the Exhibit reference again, please?

- 40

BASHIR: Yes. 11.168, 1512.

EXHIBIT 11.168, RED PAGE 1512, SHOWN TO WITNESS

- 45 Q. This is a translation of a letter to the Premier with allegations by Mr Brajkovic, and if you go to the next page you can see it's signed, and the spelling there is with a "JK"?

A. That's right.

- 50 Q. Do you see that?

A. Yes.

5 Q. Could we go then to page 1516 which is Exhibit 11.169. This is Milena Brajkovic's statement, and do you see there her name is similarly spelt with the "J" and the "K"?

A. Yes.

10 Q. Over on the next page, again, the "J" and the "K", and if we go down to the bottom of the page, signed with the "J" and the "K" and the last page?

A. Yes.

Q. The next page, please. Again, it's the "J" and the "K" both at the top and the signature; correct?

15 A. That's correct.

Q. First of all, it's the case, isn't it, that you have always spelt the name with a "J" and a "K" Brajkovic; correct?

A. Yes.

20 Q. If I could just then take you back to Milena Brajkovic's statement, which I think is Exhibit 4.1JJJJ. Do you see just at the very top there where it's typed, "Milena Brajkovic" but there's no "K"?

A. Yes.

25 Q. Is it fair to say that when you witnessed this statement, you simply didn't notice that the "K" was missing in the name?

A. That's the first time I've noticed it to tell you the truth.

30 Q. It appears that not even Milena Brajkovic, who you saw read the statement aloud and sign the statement, also didn't notice it?

A. Yes.

BUCHANAN: I object.

35 HIS HONOUR: Yes, disallowed.

BUCHANAN: How can this witness say--

40 HIS HONOUR: He can't.

BASHIR: Your Honour, he was asked about the appearance.

HIS HONOUR: The appearance?

45 BASHIR: Yes, how it appears.

HIS HONOUR: That she didn't see it.

50 BASHIR: I beg your pardon?



HIS HONOUR: That she didn't see the misspelling of her name?

BASHIR: Yes, it appears that way, your Honour.

5 HIS HONOUR: Or she saw it and she didn't bother to correct it, or a number of possibilities. That's a matter for her.

BASHIR

10 Q. I've just got a different topic, questions for you. Do you recall being asked questions about Mrs Brajkovic and questioning about the bomb plot? Do you remember there were a series of questions asked by Counsel Assisting and by Mr Buchanan about--

A. Yes.

15

Q. --it appearing that she wasn't asked those questions and that you didn't - you certainly said you didn't ask those questions; correct?

A. Yes.

20 Q. Do you recall Mr Buchanan also asking you about others being interviewed on that night, and you were asked:

"Q. You expected they would all be asked questions about the alleged bomb plot?

25

A. Yes."

Do you remember being asked that question?

A. Yes.

30 Q. First of all, Counsel Assisting asked you - said to you:

"Q. You didn't ask any questions of Mrs Brajkovic to this effect",  
2140 transcript page, "her knowledge of the plot, whether there  
were any meetings of other conspirators held at the house a couple  
35 of days before or a week before, which would've all been relevant  
information for the police."

35

You were asked those questions, and you agreed that you didn't ask her those questions?

40

A. Yes.

Q. At that time, in the early hours of 9 February, did you have information to hand that was suggestive of meetings at the Brajkovic home with the alleged co-conspirators in the week or the week before at the Brajkovic home?

45

A. No, not that I can recall.

Q. Wouldn't it be important to understand what the evidence was in relation to the bomb plots through further investigation before asking further questions as to that?

50

A. Yes.

Q. It was always open for Mrs Brajkovic to be brought back and asked further questions; correct?

A. Yes.

5 Q. On that night, it was important to establish, wasn't it, or to exclude a potential joint possession of the explosives. Do you agree with that, by other people living in the premises?

A. Yes.

10 Q. Did you understand that the questions and answers given by Milena Brajkovic went to the issue of whether she had any knowledge of those explosives?

A. Yes.

15 Q. That was an important aspect of the investigation, wasn't it?

A. Yes.

#### SHORT ADJOURNMENT

20 <EXAMINATION BY DR WOODS

Q. Mr Krawczyk, you can take it from me that today is exactly 45 years since you first gave evidence in this case, in 1979.

A. All right.

25 Q. You've told us a number of times in answering questions that you couldn't remember something, or that you didn't know something. Do you say that that lapse of 45 years plays a role in the answers that you gave?

A. Yes.

30 Q. Nonetheless, do you tell this Inquiry that regardless of problems of lapse of time, you've done the best to tell the truth before his Honour and the Inquiry?

A. Yes, I have.

35 Q. Just a couple of specific matters. You've been taken to documents, statements and so on from an earlier time. When statements were taken in 1979, you've said it was the practice to sign the statement, but was it the practice to sign all the copies of the statement or just the first one?

A. That I don't know.

40 Q. You can't remember?

A. No.

45 Q. It is the case, is it not, that the typewriter would be set up and there would be carbon copies of the statement?

A. Yes.

50 Q. You were asked some questions about your return to the CIB, on the night in question, in the car, and you said at one point in your evidence, "It was parked near the CIB"?

A. Yes.

Q. Then you also said that you believe you parked in the basement?

A. That's correct.

5

Q. The geography of the matter is that the CIB was located in the Remington Building?

A. Yes.

10

Q. Which was near the corner of Liverpool Street and Elizabeth?

A. Yes.

Q. Liverpool Street and Elizabeth were very busy streets and you wouldn't park there?

15

A. That's correct.

HIS HONOUR: In present tense or in 1979?

WOODS

20

Q. Thinking back to 1979?

A. Yes, they were busy for that sort of - for that year - that time it was.

HIS HONOUR

25

Q. At that particular time of night?

A. At night?

Q. Yes.

30

A. Yeah, you get some cars coming down there pretty fast at times?

Q. Some cars?

A. (No verbal reply)

35

WOODS

Q. Going back to 1979, you'd drive around behind the Remington Centre(as said) to the basement?

A. Yes, you do.

40

Q. You were asked some questions about whether safety precautions were considered before or during the raid at Bossley Park?

A. Yes.

45

Q. At that stage you were a member of SWOS, were you?

A. Not at that stage, no.

Q. You later became a member of SWOS?

A. Yes.

50

Q. Is it your understanding that in performing the tasks that you were directed to perform that night, you were possibly going into a situation of some peril?

A. Possibly so, yes.

5 Q. Was it the case that you regarded yourself as being called upon in the normal course of your work, from time to time, to confront perils?

A. Yes.

10 Q. I noticed on one of the documents in this case, that your name is written and after it there are the letters "QGM".

A. Yes.

Q. Are you the recipient of the Queen's Gallantry Medal?

A. Yes.

15 Q. Without going into details, was that the result of you being involved in a situation where you confronted a man with an apparently live hand grenade and disarmed him?

A. Yes.

20 NO EXAMINATION BY MR MELICAN

<EXAMINATION BY MS MCDONALD

25 Q. Mr Krawczyk, you were asked some questions by Mr Brown about the procedure with amending a witness statement?

A. Yes.

30 Q. You agreed that it was the practice in 79 to indicate an amendment to a statement by a note?

A. Yes.

Q. One of the reasons you would do that is for transparency?

A. Yes.

35 Q. That is, it's clearly indicating to the Police Prosecutor, to the defence, that you either have remembered something important subsequently that you wanted included in your statement?

A. Yes.

40 Q. Or that you've had a think about a particular part of your statement, and it's not accurate or doesn't accord with your recollection, and you wish to change it?

A. Yes.

45 Q. Can we bring up Exhibit - if we can start with Exhibit 11.153, and if we can go to page 1432. Do you remember, Mr Krawczyk, the two versions of page 3 of your statement?

A. Yes.

Q. If we go down towards the bottom of the page to the paragraph commencing, "A short time."

A. Yes.

5 Q. I took you to this previously. There's no reference to the white plastic bag and the explosives?

A. No.

10 Q. You can see the final sentence, "Detective Harding said, 'Keep an eye on him Ron'"?

A. Yes.

15 Q. Can we then go to Exhibit 4.2-36 and page 380, please. This is the other version of your page 3?

A. Yes.

20 Q. If we go down the bottom of the page to the paragraph which, the beginning of which corresponds with the paragraph in the other version of page 3, "a short time later".

A. Yes.

25 Q. You can see there, and I've taken you to this previously, you have added the reference to the white plastic bag and the explosives.

A. Yes.

Q. You have deleted the statement about Mr Harding saying something along the lines of, "Keep a lookout, look after him Ron"?

A. Yes.

30 Q. The addition and the deletion is nowhere indicated on this page?

A. No.

35 Q. If you want to look at the complete four pages of this version of your arrest statement being 4.2-36, there is no note that you have made an addition and a deletion?

A. No.

40 Q. The transparency that you agreed was part of amending the statement, you didn't comply with in making the amendment to this page 3. Well, you agree with that? There's no note.

A. Yes. Yes. All right.

45 Q. Wasn't added at the end as an addendum?

A. No, I didn't.

Q. Wasn't like a supplementary statement?

A. No.

50 Q. Why wasn't transparency - why didn't you try to comply with the requirement of transparency when you amended page 3?

A. I can't answer that.

Q. You were asked by Mr Buchanan about the meeting with witnesses at CIB that Sergeant Wilson held the meeting?

5 A. Yes.

Q. In answer to a question from his Honour, your recollection was that there were multiple people at this meeting?

10 A. I believe so.

Q. Transcript 2207. Your evidence at committal was that this meeting was held the week - on a Wednesday, the week before you gave evidence.

A. I'll agree with that.

15 Q. The committal took place over a number of months and would you accept this from me that there was day 15 of the committal was held on 25 May 1979. The next day of hearing was 13 August 1979?

A. Yes.

20 Q. On that day, the second witness called was Detective Sergeant Wilson?

A. Yes.

Q. Then on that day, Detective Bennett gave evidence?

25 A. Yes.

Q. Then on day 18, Detective Wilson continued to give his evidence, Detective Morris and Detective Pettiford gave evidence?

A. Yes.

30 Q. Then on day 19, the Thursday 16 August, Detective Pettiford continued his evidence. Then they heard evidence from Detective Mackenzie, and then you commenced your evidence?

A. I accept that.

35 Q. What I'm suggesting to you is it would appear from that sequence that the evidence concerning the Bossley Park raids really commenced on 13 August when Detective Sergeant Wilson was called?

A. Yes.

40 Q. What I want to suggest to you is, as that was the starting point where the various officers who attended Bossley Park were giving evidence, the multiple people who were present at this meeting were the other officers from Bossley Park who were scheduled to give evidence at the committal.

45 BASHIR: I object to that, your Honour. The question just does not flow from the questions that have come. This evidence has already given some specific evidence, in this respect, that he doesn't recall in relation to particular witnesses whose names have just been read out.

50 MCDONALD: Your Honour, I'm trying to refresh his memory as a result of

questions asked about given that chronology, given his evidence that there were multiple people there. Starting point, can he remember that it was the Bossley Park witnesses and then, depending on his answer, move into some more detail?

5

HIS HONOUR: Yes, proceed.

10

BASHIR: Sorry, your Honour, but just in relation to that, that's only refreshing his memory from, I think it was yesterday, in relation to part of the evidence that he gave as to this. He didn't simply say that there were multiple people there. He was asked other questions and gave some more specific evidence in relation to it.

15

HIS HONOUR: But he had a more specific recollection than that.

BASHIR: No, your Honour, but he was asked, from perspective of my interest, he was asked about Detective Bennett, and he said he didn't know. He really couldn't say.

20

HIS HONOUR: No, but he could at least recall that there were multiple people. So, Counsel Assisting now, as she just said, is trying to refresh his memory to see if he can recall better than he did yesterday. I allow it.

25

MCDONALD

Q. Mr Krawczyk, I've just taken you to the witnesses who started giving evidence in that block, which commenced - block of evidence at the committal, which started on 13 August 1979.

A. Yes.

30

Q. I went through a number of names, and I finished with, on 16 August, you commenced your evidence?

A. Yes.

35

Q. You continued on 17 August to give your evidence?

A. Yes.

Q. Then you were followed by Detective Senior Constable Helson?

A. Yes.

40

Q. Going back to your evidence of the meeting with Detective Sergeant Wilson and multiple persons the week before this block of evidence started. What I'm suggesting to you is that the multiple persons who attended this meeting with Detective Sergeant Wilson were some of the witnesses who attended Bossley Park and who were scheduled to give evidence at the committal in this block. Do you agree with that?

45

A. I agree with what you're saying, yes.

50

Q. With that, with the fact that the multiple persons would have included witnesses who attended Bossley Park and were due to give evidence during

the committal in this block. I've read out some of their names. Does that refresh your memory as to who else was at this meeting that you attended? Detective Sergeant Wilson, in a sense, was leading the meeting and other people were in attendance?

5 A. No.

Q. Where was the conference held or meeting held?

A. Where?

10 Q. Where?

A. At the CIB.

Q. On level three?

A. That I don't know. I can't recall.

15

EXHIBIT 4.1-LLL, RED PAGE 128, SHOWN TO WITNESS

Q. I showed you this yesterday, Mr Krawczyk.

A. Yes.

20

Q. You remember it was the floor plan of level three?

A. Yes.

25

Q. You identified that the interview room where Mr Brajkovic was placed is that bottom left-hand square, which I think I described as a teal colour?

A. Yes.

Q. But underneath the pinkish colour square?

A. Yes.

30

Q. Detective Helson gave evidence at committal, and if we could bring up Exhibit 2.3-21, page 6948. If we can go to about point six of the page where the question, and this is by Mr McCrudden at committal:

35

"Q. Was he in the interview room in a corner of the building or in a room in the corner of the building?

A. Yes.

40

Q. And that room has a window which overlooks the street?

A. That's right.

Q. That room has glass partitions?

A. Glass partitions?

45

Q. Yes.

A. No.

Q. It is solidly constructed so that if the door is closed, no one can see who's inside it."

50



And Detective Helson agrees with that.

A. Yes.

5 Q. Your recollection of that interview room, the teal-coloured interview room that I just showed you on the diagram, does that accord with the description given by Detective Helson in evidence?

A. Yes.

10 Q. It didn't have glass partitions, it was solidly constructed so that if the door is closed, no one can see inside it.

A. But there's a window going out in the street.

15 Q. Yes. Sorry, maybe if we can get Exhibit 4.1 LLL again. What I'm going to suggest is where the teal-coloured interview room is that looks down, was that onto Liverpool Street?

A. I think it says Liverpool Street, yes. Right in front of the Remington building, yes.

20 Q. As you just said, looking at that, the line which would, at the bottom of the diagram, that would be a window?

A. Yes.

Q. Where the cursor is.

25 A. Yes.

Q. So it's that--

A. I don't think it was that big, but there was a window there. It was pretty big, but it could be that. Yes.

30 Q. So it wouldn't as if it was an interview room with no windows and no light. You're saying that it does have this window which looked down onto Liverpool Street?

A. Yes.

35 Q. You've been asked some questions about taking Mrs Brajkovic's statement, and going downstairs to retrieve the white plastic bag and explosives, taking it upstairs and then returning with it.

A. Yes.

40 Q. I asked you some questions about this, I think, yesterday at transcript 2142, and I asked you where on level 3 you retrieved the white plastic bag and explosives?

A. Yes.

45 Q. And you said you collected it from the interview where Mr Brajkovic was with Wilson and Harding. And then I said:

"Q. When you knocked on the door, was the door open or closed?

50 A. Closed.

Q. It was closed?

A. To my knowledge, it was closed."

A. Yes.

5 Q. That's your recollection; that when you went down the first time, the door was closed and you had to knock on it?

A. Yes.

10 Q. When you returned after Mrs Brajkovic was shown the explosives, when you returned down there, again, the door was closed and you had to knock on it, and, in a sense, interrupt the interview.

A. Yes.

15 Q. You've also been asked about putting Mr Brajkovic in the interview room when you arrive back from Bossley Park, and your evidence has been that you and Detective Bennett put him in the interview room.

A. That's correct, yes.

20 Q. You were carrying the duplicating machine from the car?

A. I believe I was, yes.

Q. Back in 1979, a duplicating machine, it was a large piece of equipment?

A. I've got no idea.

25 Q. If you had your hands full or occupied with a duplicating machine, you couldn't have, in a sense, been guiding, or, in a sense, putting a hand around Mr Brajkovic's elbow or arm to guide him where to go?

A. I can't answer that.

30 Q. It would be pretty impossible if you're carrying a big--

A. I don't know how big - I don't know how big the duplicating machine is. Whether I had it in one hand, or carrying in two hands. I don't know.

Q. You've got no recollection of the duplicating machine?

35 A. No. I haven't, no.

Q. Have you got recollection back in 1979 that usually pieces of equipment like Gestetner machines or duplicating machines weren't small? They were large pieces of equipment?

40 A. Some of them were, yes.

Q. But you've got no recollection of the size of this one?

A. No, I haven't.

45 Q. What did you do with the duplicating machine? Did you bring that into the interview room, and did it stay there, or what happened to it?

A. I don't know. I just ended up putting it on a table somewhere, I presume. I honestly don't remember.

50 Q. You've been taken a number of times to your report to the Internal Affairs

Inquiry.

A. Yes.

5 Q. You knew that that was responding to allegations by Mr Brajkovic, and also Mrs Brajkovic and his brother-in-law, alleging misconduct by police officers that night?

A. Yes.

10 Q. In respect of Mr Brajkovic, one of the main and very serious allegations was that he was assaulted at CIB?

A. Yes.

15 Q. I took you to your response report yesterday, and you were very adamant in denying that.

A. Yes.

Q. Can I take you to Exhibit 11.194, which is your response.

20 EXHIBIT 11.194 SHOWN TO WITNESS

Q. I took you to this previously at paragraph 25, page 1573. You might recall at the beginning of that account you say:

25 "After placing BRAJKOVIC in the interview room I was then engaged in other duties ... the sorting out of the terrorist publications..."

A. Yes.

30 Q. Then you said:

"During the course taking part in these duties I did see Detective Sergeant Wilson and Detective Harding go into the interview room where BRAJKOVIC was..."

35 A. Yes.

Q. You'll recall I asked you questions about that being inconsistent with your evidence that you and Detective Bennett remained in the interview room until Harding and Wilson arrived.

40 A. Yes.

Q. I want to take you to something you say further:

45 "During the evening I did glance at BRAJKOVIC who was in the interview room, the door of this room was opened at all times, and on a number of occasions and at no time did I see him being assaulted in any way..."

A. Yes.

50 Q. That's inconsistent with your evidence that at least on two occasions when you returned to the CIB floor, the door was closed?

A. No. When I went down there, the door was closed, so I knocked on the door.

Q. So the interview room door was not opened at all times, was it?

5 A. Well, apparently not.

Q. So your account in paragraph 25, where you say, "The door of this room was opened at all times" was incorrect?

10 A. Well, it was open when I was there anyway, but, yes, if you're going to put it that way, it's right.

Q. It was incorrect?

15 A. What you're saying. If it's - yeah, when I come down, it was closed. I knocked on the door.

Q. On two occasions?

A. That's right. Well, yes. That's right. It would have been closed at those times.

20 Q. I put to you that it was incorrect, but that statement in paragraph 25, was it actually a lie to try and support the case that you were putting to Detective Sergeant Shepard that there was definitely no bashing or assault of Mr Brajkovic while he was at CIB?

25 A. No. That's not - incorrect. That's incorrect, sorry.

Q. Because paragraph 25 at the moment is very supportive of the position you were putting, and other police officers were putting, that there was no assault.

A. That's correct.

30 Q. The position that you've put is that "I can, in a sense, confirm that, or support that, because the door was opened, I was glancing in, and he was never - when I was there, I never heard any noise of assaults or bashing and didn't see any assaulting or bashing"?

35 A. Well, that's right. Yes.

Q. As you've agreed, the basis on which you said that, of "an opened door at all times", was incorrect?

40 A. No. Because when I was there, it was opened at all times. It's only when I come back down, the door was closed and I knocked on the door.

Q. On two occasions?

A. That's right.

Q. And as you've agreed--

45 A. I don't know how long that door was closed. I've got no idea.

Q. But you've agreed with me that your statement, "...the door of this room was opened at all times..." was incorrect?

50 A. No. Because I'm just saying the door was open at all times when I was down there. Like, during the course of the evening.

Q. You don't say that in paragraph 25, do you?

A. Okay. Well, I'm - well, it's - well, I've worded it incorrectly then, if that's the case.

5 Q. Indeed, in this report, you say nothing about going upstairs and speaking to Mrs Brajkovic, do you?

A. No.

10 Q. Indeed, your account in paragraph 25, I would suggest, is very misleading, because it suggests, or even expressly states, "I was there near the interview room. The door was opened at all times, and no bashing, no assaults."

A. Yes.

Q. And that's misleading, isn't it?

15 A. No. It's not.

Q. It's misleading because you don't say, "I wasn't there the whole time. I had to go up to level 5 for a period."

A. No. I didn't say that, no.

20

Q. And you do not say, "And when I came back from level 5 on two occasions the door was closed."

A. No. I didn't say that either.

25 Q. Just two matters, Mr Krawczyk. You gave evidence that on the afternoon of 8 February, if I can just remind you broadly of the sequence, you receive the telephone call from Detective Ingram?

A. Yes.

30 Q. You speak to Inspector Perrin?

A. Yes.

Q. With Inspector Perrin, you go to CIB?

A. Yes.

35

Q. Then you return from CIB--

A. Yes.

Q. --and there's another Special Branch meeting.

40

A. Yes.

Q. Your evidence today was that you did not think you attended another conference at CIB that Mr Jefferies attended at around 2pm?

A. I didn't attend that one.

45

Q. Can I just take you to some evidence that Detective Jefferies gave at trial.

EXHIBIT 2.1-86, RED PAGE 2942, SHOWN TO WITNESS

50 Q. Right down the bottom. Can you see the question: "Now, the first", and

this is when Detective Jefferies is being cross-examined.

5           "Q. Now, the first you knew of these matters I think you said was a telephone call from Detective Helson that you received at home on 8 February?"

Right down the bottom, about five questions from the bottom.  
A. Yes.

10          Q. Have you got that?  
A. Yeah. I just got this, yes.

Q.

15           "Q. Then you went into the city?  
A. Yes.

Q. You attended a conference at CIB?  
A. Yes. Commencing at around 2pm.

20           Q. Also present at that conference were Detective Inspectors Morey and Inspector Perrin?  
A. Yes."

A. Yes.  
25          Q. Then if you go across the page, at the top of 2943, he was asked,

            "Q. And Detective Krawczyk?  
A. Yes"?

30          A. Yes.

Q. Then he was asked whether some other CIB Detective Sergeants were there, and he answered, look "Detective Sergeant McDonald was there. I can't recall whether Turner was there. I'm not absolutely sure that Jameson was there"?

35          A. Yes.

Q. I'm just taking you to Detective Jefferies' evidence which was that you did go back to CIB for this other conference when he was present, and there were some other CIB Detective Sergeants present?

40          A. No, I didn't--

Q. Does that jog your memory?  
A. No, I didn't go to that second meeting with Jameson, Turner and McDonald. I didn't go to that?

45

Q. Or Jefferies?  
A. No, I didn't go with him to that meeting.

50          Q. You were also asked, again with the sequence, about whether when you

returned from the first CIB meeting, whether Inspector Perrin came with you?  
A. Yes.

5 Q. Do you recall that? I'll take you to your committal evidence on day 19, red page 6822.

EXHIBIT 2.3-19, RED PAGE 6822, SHOWN TO WITNESS

10 Q. I want to take you towards the bottom of the page, and it's a question: "Was your only contact with CIB that day, 8 February, the interview that you had with Detective Inspector Morey?"

A. Yes.

15 Q. Got that?

A. Yes.

Q.

20 "Q. You later after Detective Inspector Morey had spoken to you, you left and returned to Special Branch, did you go back with Detective Inspector Perrin?" and your answer was,

A. I think he came with me. I just can't remember at this stage. I think he may have."

A. Yes.

25

Q. In your evidence at the committal, as I've just read out, you thought he came back. Then you say, "I just can't remember at this stage but I think he may have."

A. Yes.

30

Q. My recollection of your answers this morning were that Inspector Perrin didn't come back with you. Looking at your evidence at committal, does that suggest that your recollection then was a little bit more ambiguous, going more towards, "I think he may have come back with me"?

35 A. Well, that's all I could say, yes. That's about all. I can't change that.

HIS HONOUR: Mr Krawczyk, that's the end of your evidence. I'm not formally excusing witnesses. In the event that you might need to be recalled you'll be notified, but for the moment you're free to go.

40

<THE WITNESS WITHDREW

45 MCDONALD: Your Honour, two things: the first thing, may we retrieve the original Exhibit 4.1MM? Secondly, your Honour, the next witness, Mr Robinson, is giving evidence by AVL. We need to take a short break just for connection, et cetera.

SHORT ADJOURNMENT

50 AUDIO VISUAL LINK COMMENCED AT 12.47PM

<IAN DOUGLAS ROBINSON, SWORN(12.47PM)

<EXAMINATION BY MS MELIS

5 Q. What is your full name?

A. Yeah, Ian Douglas Robinson.

Q. Mr Robinson, in February 1979, you were a Detective Constable of the NSW Police Force; is that correct?

10 A. Yes, that's correct.

Q. You were attached to the Observation Squad at that time?

A. Yes - well, I think so, yes.

15 Q. When did you join NSW Police?

A. 1971.

Q. When did you retire from the NSW Police?

20 A. 1996 I believe.

Q. In that period between 1971 and 1996, when did you join the Observation Squad?

A. It possibly would have been in 1979 I think. I couldn't say exactly.

25 Q. Do you recall where you had come from prior to joining the Observation Squad? Which other squad or unit you had transferred from?

A. Bankstown 19 Division it was known as.

Q. What were your duties there?

30 A. I was a Detective.

Q. Do you recall approximately how long you were with the Observation Squad from around 1979?

35 A. Oh, what, entirely?

Q. Yes.

A. Yeah. Well, I was with the - that sort of work to the end of my career, but there was name changes and it changed, but it was covert intelligence basically.

40 Q. In February 19, your partner was Detective Constable Kimbal Cook; correct?

A. Yeah, well, he was the first person - first work mate I had at the Observation Squad, yes.

45 Q. As part of your duties with the Observation Squad, you were sometimes tasked by the Armed Hold Up Squad or the Special Breaking Squad with surveillance duties; is that correct?

50 A. Yes.



Q. Sitting here today, do you remember the names of any of the members of the CIB who would get you involved in these types of surveillance jobs?

5 A. Detective Harding was one I can bring to mind and at that stage, I can't really remember. I probably - I'd say at that stage, I didn't much to do with any of the detectives at the CIB, being in a division where you don't really come in contact with them.

10 Q. On the night of 8 February 1979, you attended a raid at Bossley Park together with Detective Constable Cook and other members of the CIB; do you recall?

A. No, I don't actually.

Q. Do you have any independent recollection of that night at all, sitting here today?

15 A. No, I don't.

Q. You made a statement in relation to that event. Have you read that statement Mr Robinson?

20 A. Lately, recently?

Q. Yes, recently?

A. I haven't read a statement I made, no.

Q. You have not read any statement made by you recently?

25 A. No. No, I haven't, no.

EXHIBIT 11.91, RED PAGE 1293, SHOWN TO WITNESS

30 Q. Mr Robinson, can you see there a statement that bears your name dated 12 February 1979?

A. Yes, I can.

Q. It is three paragraphs in length?

35 A. Yes.

Q. It is unsigned?

A. Yeah, I can't see any signature there, no.

40 Q. If you could just take a moment and have a read that statement please and tell me when you are finished.

A. Yes, I completed that.

Q. Does reading that statement now assist you in recollecting the events on 8 February 1979?

45 A. No, it doesn't.

Q. Having read it is there anything at all you wish to change?

A. No.

50 Q. To the best of your recollection, it is true and correct?

A. Well, I don't recall the incident so, if I made the statement, would it be true and correct? Yes.

5 Q. You also gave evidence at the committal in the proceedings of the Croatian Six. Have you, prior to today, read your evidence at the committal?

A. I did some months ago when I was first thought I was coming to the Inquiry.

Q. When you read it at that time, was there anything that you thought wasn't right or needed to be changed?

10 A. No, it was just, it was basically just a story to me that I was reading.

Q. You also gave evidence at the trial of the Croatian Six. Have you recently read your evidence at the trial?

15 A. I believe so. I read all the paperwork that I received.

Q. Again, when you read the trial transcript was there anything there that you thought was not correct or needed to be changed?

A. No, I don't think so, no.

20 Q. Just going back to the statement that you made, Mr Robinson, on 12 February 1979. If that could please be brought up again.

A. Yeah, I still got it on the screen. No, it's gone now.

Q. You have it now?

25 A. Yes.

Q. We've heard evidence that the Observation Squad was located in Redfern in February 1979. Is that your recollection?

30 A. Yeah, that would be correct, yes.

Q. It was at the Police Academy, we understand; is that right?

A. Yes, that's correct. Yep.

35 Q. Although the Observation Squad was a squad that was part of the CIB, it was physically removed from the offices of the CIB?

A. Yes.

40 Q. In your statement dated 12 February 1979, you'll see right at the top, Mr Robinson, it has the heading "place", and it says, "Breaking Squad CIB", do you see that?

A. Yes, I do.

Q. Doing the best you can, do you recall where you physically made this statement? Was it at the Breaking Squad or was it at Redfern?

45 A. No, I don't recall making the statement. No, I don't know.

HIS HONOUR: The question assumes that he made the statement.

MELIS

50

Q. Do you sitting here now have any recollection of sitting down and typing this statement yourself?

A. No, I don't.

5 Q. Or indeed, tasking anyone else to type it?

A. No.

Q. What was your general practice in February 1979 when you needed to make a statement? How would you produce your statement?

10 A. Well, generally, I do my own statements throughout my career.

Q. When you say, "you do your own", you would physically yourself sit down and type it?

A. That's correct, yes.

15

HIS HONOUR

Q. Do you have a recollection of making a statement at the Breaking Squad, CIB?

20 A. No, I don't.

MELIS

Q. Do you have any recollection back in 1979 of ever making any statement in any other matter at the Special Breaking Squad?

25 A. No, I don't.

Q. Mr Robinson, do you have any recollection about first hearing about the job at Bossley Park on the night of 8 February 1979?

30 A. Sorry, could you repeat that?

Q. Do you have any recollection of hearing about the job that you were going to go to at Bossley Park on the night of 8 February 1979?

A. No, I have no recollection, no.

35

Q. Do you recall on that night hearing about a possible raid on a premises in Bossley Park?

A. No, I don't recall the incident at all.

40 Q. What about, do you recall any information that day or night about a raid in Lithgow where members of the Special Weapons and Operations Squad attended, and a quantity of gelignite and detonators were found?

A. No, I don't.

45 LUNCHEON ADJOURNMENT

Q. Mr Robinson, I want to take you now to some specific evidence that you gave during the committal in these proceedings and later in the trial, and I understand from your evidence prior to the luncheon adjournment, that you don't have a recollection of the events of 8 February 1979, but by taking you to

50

some of this transcript, I hope that it may perhaps jog your memory. Do you understand?

A. Yes, I do.

5 MELIS: Could the witness, please, be shown Exhibit 2.3-21, red page 6997. Mr Robinson, what's going to come up on the screen is evidence you gave during the committal proceedings on 29 August 1979.

EXHIBIT 2.3-21, RED PAGE 6997, SHOWN TO WITNESS

10

Q. I just want to direct your attention at the top of the page. You see the prosecutor is asking you a question?

A. Yes.

15

Q. This is your examination-in-chief, and the question is:

"Q. And at about 10pm on 8 February 1979, in company with Detective Cook, did you go to the intersection of Prairie Vale Road and Polding Street, Bossley Park?

20

And you answer:

"A. Yes, I did."

25

Do you see that?

A. Yes, I do.

Q. If we go a little bit further down the page, you'll see there's about question 4 it says:

30

"Q. Continue on please Detective.

A. We had a conversation with Detective Sergeant Wilson, Detective Cook and then drove to Restwell Street, we saw a Detective Krawczyk, we then conveyed Detective Krawczyk back to the intersection of Prairie Vale Road and Polding Street where we again had a conversation with Detective Sergeant Wilson."

35

Do you see that?

A. Yes, I do.

40

Q. Just summarising that evidence there, Mr Robinson, you've indicated to the Court that on this night at about 10 o'clock, together with Detective Cook, you went to the intersection of Prairie Vale Road and Polding Street, and there you saw Detective Sergeant Wilson. Do you agree with that?

45

A. Yes, that's what's there.

Q. After that point, you then went to Restwell Street(as said) and you went and you picked up Detective Krawczyk and brought him back to the intersection of Prairie Vale Road and Polding Street. Do you agree with that?

50

A. Yes, that's there.

Q. At this point in time, did you know Detective Constable Krawczyk from the Special Branch?

A. I'd say I didn't. I wouldn't have - I don't think I would have had any contact with him at that stage in my service, no.

5

Q. When you and Detective Cook brought Detective Constable Krawczyk back to the intersection, do you have any recollection about the discussion that took place between Detective Constable Krawczyk, Detective Sergeant Wilson, yourself and Detective Cook and other officers? Do you have any recollection?

10

A. No, I don't. No, I don't have any recollection.

Q. Did Detective Constable Krawczyk indicate to you and the other officers that he had been observing the premises at Restwell Road earlier that day?

15

A. No, not that I'm aware of. I don't recall that, no.

Q. You just don't recall?

A. Yeah, that's correct, yes.

Q. Do you recall anything at all or any directions that were given to you at this meeting point, at the intersection of Prairie Vale Road and Polding Street?

20

A. No, I don't.

Q. Had you ever been to the premises at Restwell Road before, Mr Robinson?

25

A. Not as far as I'm aware.

Q. Did you have any understanding either at this meeting at the intersection, or at any point earlier about the nature of the job that you were going to, for example, what you might expect to find during a search of the premises?

30

A. I don't recall any directions, but naturally I would have received some instructions.

Q. But sitting here today you can't recall what those instructions were?

A. No, I do not.

35

MELIS: Could the witness please be shown Exhibit 2.3-21, page 7003.

EXHIBIT 2.3-21, RED PAGE 7003, SHOWN TO WITNESS

Q. What's going to come up on the screen now, Mr Robinson, is further evidence you gave at the committal on 29 August 1979.

40

A. Yes, I can see that.

Q. Mr Goldberg is questioning you, and this is questions in cross-examination. You'll see at about question 4, down the page it starts:

45

"Q. Were you told at that time that, on receiving initial instructions that there were men or there was a man or men in the premises at 16 Restwell Street who might be in possession of explosives?

50

A. I can't recall whether it was initially or when we came back with

Detective Krawczyk, we were told that."

Do you see that?

A. Yes, I do.

5

Q. A few further questions down, towards about over halfway down the page, you see a question there, "You remember being told", do you see that?

A. Yes, I do.

10

Q.

"Q. You remember being told that these men might be in possession of explosives, and they might have firearms do you not?

A. Well, yes."

15

You see that?

A. Yes, I do.

20

Q. You would agree, Mr Robinson, that certainly when giving your evidence at the committal proceedings, you gave evidence that you were aware or told that there might be persons at the premises at Restwell Street who might be in possession of explosives or might even have firearms?

A. Well, if that's the true evidence that I gave, well, that would be the case.

25

Q. Prior to this time, had you ever been involved in a job that involved the possibility of finding explosives?

A. Sorry, can you repeat that?

30

Q. Prior to this event, this raid on 8 February 1979, had you been involved in any other job or any other raid where there was a possibility of finding explosives?

A. No, not that I recall. No, I don't think so.

35

Q. Had you had any training with the New South Wales Police in the handling of explosives as at 8 February 1979?

A. No, I hadn't.

Q. Did you have any training after that time? Do you recall?

A. No, I haven't, no.

40

Q. In light of the evidence that you gave at the committal proceedings, Mr Robinson, did you turn your mind to any precautions you might take when searching the premises at Bossley Park?

A. No, I don't remember the incident at all.

45

Q. You don't remember any conversation between officers about any precautions you might take?

A. No, I don't.

50

MELIS: I just want to take you to some evidence you gave at trial. Could the

witness please be shown Exhibit 2.1-22, red page 750.

EXHIBIT 2.1-22, RED PAGE 750, SHOWN TO WITNESS

5 Q. Mr Robinson, what you will see on the screen is evidence you gave at the trial in these proceedings on 14 May 1980. Do you see that?

A. I can see a page there. I can't really read that.

Q. We might get it enlarged if we could.

10 A. That's better.

Q. This is the first page of your evidence on this day and it's your examination-in-chief.

A. Yeah.

15

Q. You'll see at question, about question 7. It says:

"Q. Did something happen about 10.15pm?

20 A. Yes. About 10.15pm, in company with other police, Detective Cook and I drove to premises at 16 Restwell Street, Bossley Park. On arriving at the premises, Detective Cook and I went to the front left-hand side of those premises."

You see that?

25 A. Yes, I do.

MELIS: I want to show you a photo now, Mr Robinson, of those premises. Could the witness please be shown Exhibit 4.1-OO.

30 EXHIBIT 4.1-RR, RED PAGE 74, SHOWN TO WITNESS

Q. Let me know when you can see that, Mr Robinson.

A. Yes, I can see a picture with some bushes and a house in the background.

35 Q. Just take a moment to look at that. It's headed "Views of premises at number 16 Restwell Road, Bossley Park".

A. No, I can't--

40 Q. There are some markings there indicating the house, being number 16 Restwell?

A. No. I can - all I can see - I can see a house behind bushes and a red cross at the bottom of one of the bushes.

Q. I'm sorry, I think the wrong Exhibit has gone up.

45

EXHIBIT 4.1-OO, RED PAGE 72, SHOWN TO WITNESS

Q. That's the photo. Do you see that, Mr Robinson?

A. Yes, I can. Yes, I can.

50

Q. Just taking a moment there. Does that help you remember the premises at 16 Restwell Road, Bossley Park?

A. No. Not at all. No, it doesn't.

5 Q. I have to ask you: looking at that photo now, and looking at that house from the street, so we're looking at the house from the street--

A. Yes.

10 Q. --which side of the house did you go to first with Detective Constable Cook? Can you indicate to us which side of the house you went to?

A. Well, I think, as you pointed out in evidence, I said the left-hand side, didn't I? Is that correct?

15 Q. Yes. You did say the left-hand side, yes. Can you just articulate that for us? Looking at this photo, can you explain is that the left-hand side looking at the house from the street? That's the left-hand side of the house which is slightly cut off in the photo; is that correct?

A. Yeah. But I would - I would say if I said, "The left-hand side", that would be the left-hand side of the house looking from the street.

20

Q. Your evidence at the trial was that you went to the front of the house, and then you began to search the side of the house. This is at red page 751, your Honour. I don't need to take you to it Mr Robinson, but take it from me your evidence was that you began to search the side of the house. You understand?

25

A. Yes. Yes.

MELIS: I want to show you some other evidence that you gave in the sequence of events at the committal.

30

EXHIBIT 2.3-21, RED PAGE 7000, SHOWN TO WITNESS

Q. This is further evidence that you gave on 29 August 1979, and this time you're being questioned by Mr McCrudden. Do you see that?

35

A. I can see the page up there, yes.

Q. Mr McCrudden is asking you:

40 "Q. Now you say that you heard a commotion, would that be correct? Before Mr Brajkovic was arrested?

A. Yes I did hear, I suppose you could call it commotion, yes."

Do you see that?

A. I can see that, yes.

45

Q. Further down you're asked:

"Q. You looked towards Mr Brajkovic at one stage, is that correct?

50

A. Yes, we were at the side of the house and it sounded like the commotion was coming from the front area of the house."



Can you see that?

A. Yes. I can see that, yes.

Q. And Mr McCrudden asks you:

5

"Q. And you abandoned your search and went to the front of the house to see what was going on?

A. Yes."

10

Do you see that?

A. Yes. I see that, yes.

Q. You go on to say:

15

"Q. What did you see when you were able to see something?

A. I saw Detective Harding and Detective Morris and had the defendant."

20

I assume that's supposed to mean, "and they had the defendant." Do you see that?

A. Yes. I can see that, yes.

MELIS: I appreciate this is difficult, Mr Robinson, but we'll see how we go. I want to show you, again, the photo at Exhibit 4.1-OO.

25

EXHIBIT 4.1-OO, RED PAGE 72, SHOWN TO WITNESS

30

Q. Just from that evidence that I took to you just now, Mr Robinson, looking at the picture, can you describe where you were standing when you saw Mr Brajkovic, together with Detective Harding and Detective Morris, just doing the best you can to describe approximately where you were standing when you saw them?

A. Well, I have no idea. I can't recall being there. I have no idea.

35

Q. I might take you to some more evidence on this. During your committal evidence at 2.3-21, red page 6997--

A. Yes. I can see that.

40

Q. --about three-quarters down the page in your examination-in-chief, you give a little bit more detail about this sighting. You say, "We then returned to the front of the house to see Detective Harding and Detective Morris with the defendant between them. They were walking from the direction of the front gate to the rear of the house." Do you see that?

A. Yes, I can see that.

45

Q. In further evidence during the committal at red page 7004, towards the bottom of the page, it's the third last question, Mr Robinson. You're asked by Mr Goldberg, "How far away from them were you standing when they walked past?" and what's been spoken about here is your sighting of Harding and Morris escorting Mr Brajkovic, okay?

50

A. All right, yes.

Q. The question's asked of you:

5 "Q. How far away from them were you standing when they walked past?

A. About 60 feet."

Do you see that?

10 A. Yes, I can.

Q. For those of us that don't regularly use "feet", that's about 18 metres, you would agree?

A. Yeah, that's correct, yeah.

15

Q. Bringing up that photo again at 4.1-OO, can you at all assist us, Mr Robinson in indicating to the Inquiry, approximately where you were standing when you saw Harding and Morris escorting Mr Brajkovic? Just doing the best you can.

20 A. Well, no, I can't. If I was on the extreme left-hand side of the house, which isn't in view, I'd imagine they would be probably in the middle of the driveway there somewhere. That may be about 18 metres or maybe a bit less.

Q. Just so that we're not at crossed purposes, I'm asking you at the moment, in light of the evidence that I've just taken you through--

25

A. Yeah.

Q. --specifically the evidence that you say you were about 60 feet away from Harding and Morris and Mr Brajkovic--

30

A. Yeah.

Q. --I would like to understand where you were standing proximate to Harding, Morris and Mr Brajkovic?

A. Oh, look, I don't know. I don't know.

35

Q. In any event, do you say that you caught sight of them escorting Mr Brajkovic from the front gate towards the rear of the premises? You agree with that, that's the evidence you gave?

A. Yeah, I think that's what you said, yes.

40

Q. To be fair to you on this point, I'd like to show you another document, and that is at Exhibit 11.197.

EXHIBIT 11.197, RED PAGE 1583, SHOWN TO WITNESS

45

Do you see that, Mr Robinson, has that come up?

A. Yes.

Q. Just to orientate you, this is a report that you made on 8 June 1979 to a Detective Sergeant Shepard, in relation to an Internal Affairs investigation, in

50

relation to some complaints Mr Brajkovic had made against police.

A. All right, yeah.

5 Q. Just take a moment to have a look. In fact, let us know when you need us to turn the page.

A. Yes, finished that page.

MELIS: It's red page 1583 and 1584.

10 WITNESS: Yeah, finished that, yes.

MELIS

15 Q. Do you remember being directed to make this report, Mr Robinson?

A. No, I don't.

20 Q. At this date, 8 June 1979, you see you are reporting to Detective Sergeant Shepard. You say, "I saw the person Vjekoslav Brajkovic walking towards the house from the area of the front gate with Detective Harding and Morris. At this time, they were approximately 60 feet from us." So, at this point in time on 8 June 1979 you were also recollecting that you saw Harding, Morris and Mr Brajkovic about 60 feet from you?

A. Yes.

25 Q. That was consistent with evidence you gave at the committal proceedings?

A. I feel so, yes.

30 MELIS: Just still sticking with this point for a moment. If the witness could please be shown, Exhibit 2.1-22, red page 751.

EXHIBIT 2.1-22, RED PAGE 751, SHOWN TO WITNESS

35 Q. Do you want to direct your attention to the bottom of the page, Mr Robinson? The second last question. Here you're still being questioned about your sighting of Harding, Morris and Mr Brajkovic. You understand?

A. Yes, I can.

Q. You're asked:

40 "Q. Where did you see them when you first saw them?

A. They were in the front yard of the house. I would estimate about 20 to 30 feet away from the house."

Do you see that?

45 A. Yes, I see that, yes.

Q. They ask:

50 "Q. Walking in which direction?

A. Towards the house."

Over the page at 752, you're asked:

"Q. Did you see where they went?

5 A. They went out of sight, up the side of the house, towards the back of the house."

You see that?

A. Yes, I do.

10 Q. Here, Mr Robinson, you will agree with me that at trial on 14 May 1980, you're giving an estimate in your examination-in-chief that you saw Harding, Morris and Brajkovic about 20 to 30 feet away from the house. That's where you saw them. Their position vis-a-vis the house, was about 20 to 30 feet away. You see that?

15 A. Yeah, I see that, yes, 20 to 30 feet, yes.

Q. I took you to some previous evidence where you said you were standing 60 feet away from Harding, Morris and Brajkovic when you saw them pass by?

20 A. Yeah, yes.

Q. You agree with me then that that's - I've taken you to the totality of your evidence on this point. I want to just try one more time. Mr Robinson, could you please be shown 4.1-00.

25 EXHIBIT 4.1-00 SHOWN TO WITNESS

Mr Robinson, can you do any better now in assisting the Inquiry as to where you say you were standing when you saw Harding and Morris escorting Mr Brajkovic?

30 A. Well, like I said, I assume I would have been standing to the extreme left-hand side of the house.

Q. You're standing, looking at the house from the street, you say you're standing in a position that we can't see in the photo, on the left-hand side.

35 A. Yeah, look, I'm only assuming that from those measurements. I don't know. I said they were 20 or 30 feet from the house. They might have - that might have been up the side a bit. It might have been out the front, or it might have been to the right-hand side. I don't know. I'm only making these assumptions on what you're telling me. So, I couldn't say where I was  
40 standing, really.

Q. Yes, I appreciate that, Mr Robinson, which is why I've taken you carefully to all the evidence. At trial, at Exhibit 2.1-22, red page 752, you're asked - this is about question 7, Mr Robinson, and this is still evidence you gave on  
45 14 May 1980.

A. Yes.

Q. You're asked, "What happened after that?". You've given evidence about sighting Harding, Morris and Mr Brajkovic, and then you're asked:

50

"Q. What happened after that?

5 A. A short time later, Detective Cook and I then went around to the back of the premises and had a conversation with Detective Sergeant Wilson, and after that conversation, Detective Cook and I then made a search of the rear yard of the premises and also made a search of a shed which was located in the rear yard."

You see that?

10 A. Yes, I can see it.

Q. When you spoke to Detective Sergeant Wilson, at this point in time, do you recall anything that he told you?

A. No, I don't.

15 Q. Did he, at either this point in time or any point in time on the night, tell you that explosives had been found on the premises?

A. Look, I don't recall. I don't recall the incident, and I can't recall the specifics as you've mentioned them.

20 Q. I appreciate that, Mr Robinson. There are just certain things that I do need to put to you. You understand?

A. Yes, certainly.

25 Q. We know from - I don't need to take you to this - but we know from your evidence that the police then left with Mr Brajkovic and you, and Detective Constable Cook stayed at the premises until you were relieved by uniform police. That's evidence--

A. Yes.

30 Q. --that you've given both--

A. Yes.

35 Q. --in the statement I took you to and also at committal at 2.3-21, red page 6997, your Honour. I don't suppose you have any recollection of the names of the uniform police who relieved you and Detective Constable Cook?

A. No. Not at all. No. Not at all.

40 Q. There is some evidence before the Inquiry that a Senior Constable F L C Geist spelled G-E-I-S-T and a Constable W J Pollack of Fairfield Police attended at about midnight and relieved you and Detective Constable Cook. You would accept that evidence? You don't have any contrary evidence to give to the Inquiry that these two officers--

A. No. If that's--

45 Q. --relieved you?

A. If that's a true and correct copy of my statement at Court, then that's what it would have been.

50 Q. Just to be clear, this is not evidence that you gave at any proceedings, Mr Robinson.

A. Okay

5 MELIS: Your Honour, the references are Exhibit 11.199, being the report of Geist to Detective Sergeant Shepard, and Exhibit 11.200, being the report of Constable W J Pollack to Detective Sergeant Shepard.

Q. Can you assist us, Mr Robinson, in February 1979, was there any difference between the term "uniform police" and "uniform guards"?

10 A. Not as far as I know, no.

Q. Were they terms that were used interchangeably?

A. No. I don't think so, no.

Q. Which term is more familiar to you, or was more familiar to you?

15 A. Well, uniform police were uniform police.

Q. Now, we know in the chronology that after you were relieved, you then returned to your office, and for the entire time of the raid at Bossley Park, you remained outside. Do you accept that?

20 A. I think that was given in evidence from what I remember from what I read. So, yes, I'd accept that.

MELIS: Just for the record, your Honour, that's committal Exhibit 2.3-21, red page 6999.

25 Q. Where you agreed that you remained outside for the entire time that you were at the premises.

A. Yes. Well--

30 Q. Mr Robinson, that's a general overview of your involvement on the night at Bossley Park. There's just a couple of further specific questions I have for you. You'll recall that I took you to some evidence at trial where you said you made a search of a shed, which was located at the rear of the yard. Do you remember that?

35 A. Yes. Yes.

Q. Do you recall now, sitting here, making a search of that shed?

40 A. No. Look, I don't recall. I don't recall a shed, or a back yard or - well, I don't recall being there, so--

Q. At the committal, and we might bring this up. This is 2.3-21, red page 6997.

EXHIBIT 2.3-21, RED PAGE 6997, SHOWN TO WITNESS

45 There's a question at the bottom of the page just before you begin your cross-examination. You'll see there's a heading that says, "CROSS-EXAMINATION".

A. Yes. Yes.

50

Q. Just above that, the prosecutor asks you:

"Q. In the shed at the premises Detective, did you notice any bags of fertiliser?

5 A. Yes I did, two."

Do you see that?

A. I see that, yes.

10 Q. Does that assist you in jogging your memory about seeing two bags of fertiliser in the shed?

A. No, I don't. No, it doesn't.

EXHIBIT 11.152, RED PAGE 1426, SHOWN TO WITNESS

15

Q. Can you see that, Mr Robinson?

A. Yeah. That's a picture of the house again.

MELIS: No. We'll just get the right one up. It's page 1426.

20

EXHIBIT 11.152, RED PAGE 1427, SHOWN TO WITNESS

Q. That's it. Thank you.

Do you see that photo, Mr Robinson?

25 A. I think it's on its side, actually.

Q. We'll see if we can rotate it.

A. Yeah, that's good. Yeah, that's better. Yeah.

30 MELIS: My apologies, your Honour. My copy says, "1426", but I take it it's 1427. My apologies.

Q. This photo that you're looking at, Mr Robinson, does that spark any memory of the shed that you went into at the property?

35 A. No. It doesn't.

Q. You can see in the middle of the picture there are two bags. One of the bags--

A. Yeah.

40

Q. --on the left-hand side has the word, "Nitram" on it?

A. Yes. I can see that.

45 Q. You'll see there's another bag just in front of that white bag, and I don't know if you can see it, but there's some writing that says, "nitrogen fertiliser" in small print?

A. I can see the bag. I can't read the print, yes.

50 Q. Do you say, consistent with the evidence you gave at the committal proceedings, that they would be the two bags that you saw in the shed?

A. Oh, I can only imagine that would be correct.

5 Q. There is some evidence before the Inquiry from Detective Constable Cook who recalled seeing somewhere between eight and 20 bags of fertiliser. What do you say to that?

A. Oh, there's not that amount in the photo.

10 Q. You can't recall anything that is remotely similar to seeing eight to 20 bags of fertiliser at the premises?

A. No, I can't remember the shed, and I don't remember that photo, yeah.

15 Q. In talking about this fertiliser during your committal evidence - this is at Tab 2.3-21, red page 7006 - you'll see this is your committal evidence on 29 August 1979, and you're being asked some questions by Mr Goldberg about the fertiliser. You'll see at the second question, you were asked - sorry, just above that Mr Goldberg asked you:

"Q. Did they have them by the word 'fertiliser' marked on them?

20 A. I believe one of them had 'fertiliser' written on it, yes.

Q. One of them?

25 A. That I can remember. There was, I recall seeing it and remarking to Detective Cook, 'What would they need fertiliser there for', so there must have been 'fertiliser' written on it. I can't recall reading the words 'fertiliser' but it wasn't the sort of place where fertiliser would be used and it was sort of a joke well what would they want fertiliser here for? There's no grass, not growing anything."

30 Do you see that?

A. Yeah. It's very small print but I can make it out, yeah.

35 Q. We can enlarge it a little bit. You were giving some evidence there Mr Robinson, of recollecting, in fact remarking to Detective Constable Cook about why would they need fertiliser at this property. Do you see that?

A. Yeah, I can see that, yeah.

40 Q. Take it from me there's no mention of the fertiliser in the statement that I took you to earlier.

A. Yeah.

45 Q. Take it from me there's no mention of the fertiliser in the report that you made to Detective Sergeant Shepard for the Internal Affairs investigation. Do you accept that?

A. Yes, that's correct.

50 Q. Is it the case that sometime after making your statement on 12 February 1979, and before giving your evidence at the committal on 29 August 1979, you came to discover that there was some significance to the bags of fertiliser that you saw, to the case? There was some significance to them?



A. There may have been, yes.

Q. Did you come to learn that fertiliser can be used to make explosives?

5 A. Well, I'm - yeah, I do know that that is the case. Not that I've had any experience or seen it being used or anything, but I have been told that.

Q. What I'm asking specifically asking you Mr Robinson, is whether you remember being told by another officer about the significance of the fertiliser that you saw at the property, before you gave your evidence at the committal?

10 A. No, I don't recall anyone saying that, no.

Q. In your evidence at the committal - Exhibit 2.3-21, red page 7000 - you said this - if the bottom part of the page could please be expanded, and I'm directing your attention, Mr Robinson, to the second-last question on the page--

15 A. Yes.

Q. --where you're asked by Mr McCrudden:

20 "Q. Well, what would make a bag a fertiliser stick in your mind?

A. I've been told - since then, I've been told that fertiliser can be used as an explosive."

Do you see that?

25 A. Yes, I can.

Q.

30 "Q. You were told since you made your statement that fertiliser can be used in explosives?

A. I don't know whether it was since I made my statement or not."

Do you see that?

35 A. Yes.

Q. I want to ask you again, do you recall at any point in time, prior to giving your evidence at the committal, coming together with other officers who were involved in the Bossley Park raid, including Detective Sergeant Wilson, and talking about the evidence that would be given at the committal proceedings?

40 A. No, I don't recall.

Q. At this time, was it standard practice for officers to come together and talk about the evidence that they would give, before committal proceedings commenced?

45 A. Oh, no, I wouldn't say so, no.

Q. Do you recall ever, around this time, 1978, '79, 1980, ever participating in a meeting between officers where you compared and shared notes and statements about the evidence?

50 A. No, I can't recall of specifically, no.

Q. You can't recall or are you saying that it may have happened, but you can't recall?

A. Look, I'd only be surmising, I'd say, in this case, it didn't happen. There again, I could not say it didn't.

5

Q. Would you consider that to be an improper exercise for police at that time to come together and discuss the evidence they would give?

A. I don't think that's up for me to judge, really.

10

Q. Mr Robinson, as a Detective Constable of Police in 1979, did you consider the act of police officers coming together prior to a committal hearing to discuss the evidence amongst themselves, did you consider that to be an improper practice?

A. I – no I wouldn't consider it to be improper if it happened.

15

Q. Why do you say that?

A. Well, because I don't think it'd be improper. If I was working with someone and you had a case coming up, you'd naturally discuss it, but in this case, I don't know - or many others.

20

MELIS: There's just one further aspect of the evidence I want to delve into a little bit closer, Mr Harding. Could the witness please be shown Exhibit 2.3-21, red page 7004.

25

EXHIBIT 2.3-21, RED PAGE 7004, SHOWN TO WITNESS

Q. My apologies, Mr Robinson. I think I referred to you as Mr Harding. My apologies.

A. Yes, that's all right.

30

Q. I just want to take you back to the evidence you gave about seeing Morris, Harding and Mr Brajkovic walking past you. You remember some of those questions I asked you earlier?

A. Yes.

35

Q. At committal on 29 August 1979, at the bottom of the page, Mr Goldberg asks you - this is the second last question:

"Q. Do you remember on which side Harding was of Brajkovic?

40

A. Yes, he was closest to us, he was on Brajkovic's left-hand side.

Q. What about Morris?

A. The right-hand side."

45

Over the page, Mr Goldberg specifically asks you:

"Q. And did you see Harding or Morris carrying anything?

A. Detective Harding was carrying a bag, looked like a white bag."

50

Do you see that?

A. Yes, I do.

Q. A little bit further down, you're asked whether - this is at question 4, you're asked:

5

"Q. Clear view of Detective Harding and a clear view of Detective Morris?

A. Yes. I'd recognise that it was them.

10

Q. A clear view of defendant Brajkovic?

A. Well, I would not have known him unless.

Q. A clear view of the man that you now know to be Brajkovic?

A. Yes."

15

You see that?

A. Yes, I see that.

Q. Further down the page, about the middle of the page, you're asked:

20

"Q. What makes you remember that he was carrying a plastic bag?

A. Well, it was a white bag, and it stood out quite clearly."

Do you see that?

25

A. Yes, I see that.

Q. Given the evidence I've just taken you to, do you maintain that you saw this white bag that Harding was carrying from 60 feet away, where you were standing?

30

A. No, I don't maintain it, but if that's in my evidence--

Q. You don't dispute it?

A. --I saw that much. Well, no, I can't remember making the - I can't remember the Court. I mean, if that's a true copy of my evidence at Court and that could be sustained as being a true copy, well, I'd have to - I'd go along with that.

35

Q. Do we take it you have no independent recollection of seeing the white bag today?

40

A. No, no I don't.

Q. On the night in question, did you come to learn what, if anything, was in the bag?

A. Like I said, I can't remember the incident, I don't know.

45

Q. Do you at any point in time recollect being told what was in that white plastic bag, if anything?

A. No, I don't.

50

Q. The evidence of police is that there was gelignite and flares and detonators

in the bag, accept that for a moment, do you accept that?

A. Well, if that's what you're saying, I'll accept that, yes.

5 Q. Did any officer that night tell you that they had found gelignite, flares and detonators?

A. No, I don't know.

10 Q. Mr Robinson, your statement is silent on seeing the white plastic bag, I can take you to it but take it from me it's silent on seeing the white plastic bag, accept that?

A. Yeah.

15 Q. When preparing your statement, do we take it you didn't think it was a relevant matter to include?

A. I have no idea. It was a very short statement. It certainly wasn't detailed, well, that particular one it wasn't detailed to any great degree.

20 Q. We also see no mention of the white plastic bag in the report to Detective Sergeant Shepard on 8 June 1979. Again, I can take you to it but accept from me that there's no mention of the white plastic bag in that report, do you accept that?

A. Yeah, I'll accept that.

25 Q. Would you say you were relying on your statement when you made that report to Detective Sergeant Shepard?

A. No. I - I don't know.

30 Q. You don't know? Do you think maybe you were?

A. Well, I--

Q. You were refreshing your memory from something, and it was likely your statement?

A. Sorry?

35 Q. Do you--

A. Could you repeat that?

40 Q. Is it likely that when preparing your report to Detective Sergeant Shepard, you would have refreshed your memory from the statement that you made on 12 February 1979?

A. Well, no doubt. To get the times and dates right, I would have.

45 Q. Take it from me also that there's no mention of the white plastic bag in your evidence-in-chief at the committal proceedings either, and I can take you back to it, 2.3-21, red page 6997. But take it from me, Mr Robinson, there is no evidence of you telling the Court that you sighted the white plastic bag. Would you accept that?

A. If you say so, yes.

50 Q. In your evidence-in-chief.

A. Yes.

5 Q. You mentioned it for the first time in your cross-examination at committal when you were specifically asked by Mr Goldberg, "Did you see Harding or Morris carrying anything?" And I took you to that. That's red page 7005. Do you accept that that was the first time that you mentioned seeing the white plastic bag? You accept that?

A. Yes. If that's correct, yes.

10 MELIS: In fairness, you mentioned it again in your evidence-in-chief, this time at trial.

EXHIBIT 2.1-22, RED PAGE 752, SHOWN TO WITNESS

15 Q. This is your evidence at trial, Mr Robinson, on 14 May 1980.

A. Yes. I can see that.

Q. You'll see at about question 5, you're asked in chief:

20 "Q. Did you see anything?

A. Yes. Detective Harding was carrying a white plastic bag in his left hand."

Do you see that?

25 A. Yes, I can.

Q. Did you come to understand the significance of the white plastic bag at a later point in time after making your statement on 12 February 1979 and your report to Detective Sergeant Shepard in June 1979?

30 A. I have no idea. I don't know.

Q. You don't recall at any point in time discussing with anyone involved in the raid about the importance of the white plastic bag having been sighted at the premises?

35 A. No. I don't, no.

EXHIBIT 11.89, RED PAGE 1287, SHOWN TO WITNESS

40 Q. Mr Robinson, what's being shown to you is a document, and it's five pages long. It's headed, "TIMETABLE OF EVENTS AND NOTES IN RELATION TO THE ARREST OF BRAJKOVIC". Do you see the heading?

A. Yes, I can.

Q. It's dated, "9 February 1979, Armed Hold Up Squad, CIB."?

45 A. Yes. Yes.

Q. You can see there are some times on the left-hand side? "9 p.m.", et cetera?

A. Yeah. Yes. Yep.

50

Q. Just looking at this first page, do you remember seeing this document before. Either recently--

A. No.

5 Q. --or back at the relevant time?

A. No. I haven't seen it before, that I recall. No.

Q. If we look at the last page of the document, red page 1291.

A. Yes.

10

Q. You'll see there's a timestamp of 2.30am, and it says that, "Returned to this Branch and commenced these notes. Notes completed up end of first paragraph on page 2." And then it notes who was present. Do you see those names? "Wilson, Harding", et cetera?

15

A. Yes.

Q. Your name does not appear there, you agree?

A. Yes. Yes. It doesn't appear.

20

Q. And, again, at the timestamp of 8.30am, when the notes are recommenced and completed, your name does not appear there as a person being present.

A. No. That's correct.

25

Q. I want to specifically take you to red page 1287. You'll see at the timestamp 10.15pm you're mentioned there?

A. Yes. Yeah.

Q. You'll see, "Cook and Robinson to front Western side." Do you see that?

A. Yes. Yes, I can.

30

Q. If we go over the page, at the top of the page, there's a reference there to the

finding of a white plastic bag. Do you see that? At the top of page--

A. Yeah. Yeah. Yeah.

35

Q. It goes on to say that, "Harding picked up the bag." Do you see that? The sixth line in that first paragraph on that page--

A. Oh, yeah, "Harding"--

40

Q. --"Harding picked up the bag"?

A. Yeah.

Q. Then towards the bottom of that first paragraph, the last sentence is, "Harding took possession of the bag containing the flares, detonators and gelignite." You see that?

45

A. Yes.

Q. In your evidence at trial, you told the Court that you used this document to prepare your statement. I'll just take you to that. That's Exhibit 2.1-22, red

50

page 755. This is again your evidence on 14 May 1980 to the Court, and you'll

see towards the last quarter of the page there's a question, "Did you attend a meeting at 2.30 in the morning at the CIB?" Do you see that?

A. Yes, I can, yeah.

5 Q. The next question is, "Early in the morning after the arrest?" and your answer is, "No."

A. Yeah, I see that, yes.

Q. The next question:

10

"Q. Did you ever have a look at any statement, typed statement of notes that had been compiled at 2.30am by other detectives in making your evidence?

A. Have I ever?

15

Q. Yes.

A. I have, yes. I have looked at a typed statement of notes, yes.

20

Q. And even though you were not present at the meeting, you used that as a basis for your statement, did you?

A. Yes, that would be correct."

Do you see that?

A. Yes, that's correct.

25

Q. Do you accept Mr Robinson, that the typed document I just took you to that was headed, "Timetable of Events", was the document that you were referring to in your evidence at trial, as having relied upon in making your statement?

A. Oh, I don't know. I can't say, yes. No, I don't know.

30

Q. Just taking the features of that document, that is, that they were commenced at 2.30am at the CIB, they were typed, and you were not present, it's highly likely, isn't it, that those notes fit the description of the notes you say you relied upon in making your statement? Would you accept that?

35

A. Oh, no, I don't really understand the question actually.

Q. The notes that I took you to, the typed notes that were the timetable of events--

A. Yes.

40

Q. --I pointed out to you that you were not present when those notes were commenced and completed. I pointed that out to you, you agree?

A. Yes, that's correct, yes.

45

Q. I pointed out to you that they were notes that were commenced at 2.30am?

A. Yes.

Q. In the early hours of 9 February, and then they were resumed at 8.30am. You accept I took you to those--

50

A. Yes.

Q. --those features of the document?

A. Yes.

5 Q. My question to you is, looking at the evidence that you gave at trial - at red page 755 - it's highly likely, isn't it, that the document that you were referring to as having relied upon to make your statement, was that document, the timetable of events?

10 A. Oh, I don't know. My statement wasn't very detailed. I wouldn't need a detailed document to make it. It was basically just time and date in my statement.

Q. You can't, sitting here today, recall any other typed notes that you relied upon in making your statement?

15 A. No, not at all. No, I can't.

Q. If we do assume that that document I took you to was the document that you relied on in preparing your statement, are you able to assist us as to when you may have gained access to that document?

20 A. No, I can't.

Q. Again, you don't recall sharing any information between officers, prior to giving your evidence at committal or trial?

A. No, I don't recall, no.

25 Q. My question to you Mr Robinson is, why is it that you did not mention seeing the white plastic bag in your statement?

A. Oh, I don't know. From the statement you showed me, that's the unsigned statement, it was just short. Just really there was nothing - there was no depth in it at all. Just the fact that I'd been there really.

30 Q. Is it because you yourself did not see a white plastic bag that night?

A. No. You're making a terrible assumption there.

Q. Have you heard the term "holding the line", Mr Robinson?

35 A. Of what?

Q. Have you heard the term "holding the line"?

A. What, in regards to boating? In regards to boating, or - in regards to boating?

40 Q. No. It was a term used by the Wood Royal Commission to mean sticking to a version of events. Have you, during your policing career heard that term?

A. No, I haven't. I've never heard that term, no.

45 Q. What do you say to the suggestion that you did not see a white plastic bag at all on the night of 8 February 1979, but you were told by one or more senior officers that you had to stick to a version of events, that included you seeing the white plastic bag?

50 A. Well, I don't know how to answer that, except I can't recall being there. If it was in my evidence at trial, that's what's happened - that is what happened.



## NO EXAMINATION BY MR BUCHANAN

## &lt;EXAMINATION BY MS GLEESON

5 Q. Mr Robinson, my name is Ms Gleeson, and I appear for the New South Wales Commissioner of Police. Can you hear me?

A. Yes, I can.

10 Q. You were asked some questions by Counsel Assisting. Firstly, about some evidence that you gave at the committal about whether you saw fertiliser in a shed at the premises. Do you remember that?

A. Yes, yes.

15 Q. She then asked you about a practice of officers getting together and discussing their evidence. Do you remember that?

A. Yes, yes.

20 Q. Can I ask you some questions about your practice in having given a statement and then being called on to give evidence at a committal, what you did to prepare to give that evidence?

A. In regards to?

25 Q. My first question is, do you have any memory of having any discussions with the Police Prosecutor in preparation for giving evidence at the committal?

A. No, I don't have any recollection.

30 Q. Are you able to tell the Inquiry about whether, first, in relation to your duties on the Observation Squad you were regularly called to give evidence at committal hearings arising from operations you participated in?

A. That was a thing to be avoided, naturally, to maintain our anonymity, so, yes, in most cases.

35 Q. How frequently would you say during your time on the Observation Squad you had given evidence in committal proceedings?

A. Look, I'd only be guessing, I really would. It wouldn't be a correct answer, I'll be guessing.

40 Q. Would it be a few times a year? Would it be only once a year? Would it be once every few years?

A. There again, I'm only guessing, it might be three times in one year, it might be once in three years, so, I really - I'd be misleading if I try to give a correct answer.

45 Q. In the times that you did give evidence on committal, do you remember whether it was a usual occurrence for you to meet with the Police Prosecutor before you gave your evidence?

A. No, I can't recall ever doing it. If it was my own case where I charged the people, I would've met with the Police Prosecutor, certainly.

50 Q. In that situation that would be to discuss a brief that you had put together?

A. Well, you had to put the brief to the Police Prosecutor for them to - so, naturally you discuss it with them.

5 Q. In cases where you were giving evidence, but it wasn't your brief, do you remember meeting with the Police Prosecutor to go through your statement or the process of giving evidence before you gave evidence in court?

A. No, I can never recall doing that, no.

10 Q. Can I ask you just in relation to whether - and the same question in relation to committal, to whether you were called to give evidence at trial in cases in which you're involved while you're on the Observation Squad? Did that happen?

A. Sorry, could you repeat that?

15 Q. While you were on the Observation Squad, were you called to give evidence at trials of proceedings in relation to operations you were involved in?

A. I have been, yes.

20 Q. With about the same frequency as when you were giving evidence on committal?

A. There again. Look, I'd only be guessing. I couldn't be correct with that.

Q. But again, a good estimate is a few times a year?

25 A. Well, there again, that might be the case but then it might be once in three years, depends, you know. Really.

Q. Do you remember while you're on the Observation Squad and giving evidence about operations on the Observation Squad, meeting with the Crown Prosecutor before you gave your evidence at trial?

30 A. I can't specifically meeting with any Crown Prosecutors but maybe it happened. I really don't know.

NO EXAMINATION BY MR BROWN, MS BASHIR OR MR SILOVE

35 HIS HONOUR: Am I right in understanding that Detective Cook also did not refer to seeing a white bag in his statement and also did not refer to seeing a white bag in his evidence-in-chief at committal? Does anyone see it differently?

40 MELIS: I just need to double check that, your Honour. But I do recall the statements being very, very similar.

HIS HONOUR: The statements are in very, very similar terms. Both said to have been made at the Breaking Squad, I note, as well.

45 MELIS: Yes, that's also my recollection, your Honour.

HIS HONOUR

50 Q. Well, let me just ask you this, Mr Robinson. If I'm correct in what I've just

said, that is, that Detective Cook also did not mention seeing Mr Harding with a white bag and didn't mention that in his statement and also didn't mention it in his evidence-in-chief at the committal. But like you, did mention it in the cross-examination at the committal. Can you think of any explanation for that similarity?

A. Well, no, I can't really, only the significance of it may have come to light. I don't know, like I said, I can't recollect the actual incident, but that's the only reason that I could give.

Q. Can you think of how the significance may have come to light?

A. Well, maybe from the committal hearing. I don't know.

Q. What led to it being mentioned by each of you, seemingly for the first time that is known of in your cross-examination at the committal?

A. Well, look, I don't know. The question might not have been answered - asked in the committal, I suppose.

<EXAMINATION BY MR HAVERFIELD

Q. Mr Robinson, we've had conversations previously over the telephone.

A. That's correct, yes.

Q. You prepared a statement on 12 February 1979, in this matter.

A. (No verbal response.)

HIS HONOUR

Q. Well, did you?

A. I beg your pardon. I – look--

HIS HONOUR: It hasn't been established that he did.

HAVERFIELD: I'll withdraw this question.

Q. You've been shown a statement that has your name to it from 1979?

A. Yes.

Q. You recall making that?

A. The statement? No.

Q. Wherever you've made a statement for a Court matter, have your statements been true and correct?

A. They are true and correct, yes.

Q. You made a report in an Internal Affairs investigation. You've been shown a copy of that today. Do you recall that?

A. Yes. Yes.

Q. The reports you make in relation to an Internal Affairs investigation, have they always been true and correct?

A. Yes.

5 Q. You gave evidence at the committal at the Central Court of Petty Sessions. Do you recall you were shown transcripts of that and you read transcripts of that?

A. Yes. I've - yeah, I've read the transcripts. Yeah.

10 Q. When you've given evidence in Court proceedings and committal proceedings, has your evidence always been true and correct?  
A. Yes. It has.

15 Q. You gave evidence at trial on a couple of occasions, one in a voir dire and one in the trial proper. You've been shown transcripts of that evidence. When you are giving evidence at a trial on oath, has your evidence always been true and correct?  
A. Yes.

20 MELIS: Your Honour, I have no re-examination, but I can give your Honour the following references with respect to Detective Constable Cook.  
HIS HONOUR: Yes.

25 MELIS: There is nothing in his statement about a white plastic bag. There is in cross-examination at committal, he said he saw Harding with Morris and Mr Brajkovic, "walk towards the front of the house with a white plastic bag."

HIS HONOUR: Is that 2.3-21 at 6985?

30 MELIS: Correct. And that was in cross-examination.  
HIS HONOUR: Yes. Nothing in chief?

MELIS: Nothing in chief.

35 HIS HONOUR: Mr Robinson, that concludes your evidence. I'm not excusing formally any witness in the event that they might be needed to be recalled; but if that occurs, you'll be notified. Otherwise, you're free to go. Thank you.

40 BASHIR: Your Honour, just in addition in relation to Cook, there was also his evidence at trial where he--

HIS HONOUR: Of course, yes. They both gave evidence at the same--

45 BASHIR: Your Honour, could I just say, just in relation to - I don't need the witness to be here.

<THE WITNESS WITHDREW

50 BASHIR: Just in relation to the Sergeant Shepard responses, the Brajkovic complaint itself was a complaint about an assault in that document. There was

also, of course, the statements of others, but I just draw that to the Court's attention, given the conversation that's going on.

HIS HONOUR: All right. Thank you.

5

MELIS: Your Honour, the next witness is Ms Lydia Peraic, and we just need to take a short break to get her up on the screen.

AUDIO VISUAL LINK CONCLUDED AT 3.20PM

10

SHORT ADJOURNMENT

AUDIO VISUAL LINK COMMENCED AT 3.28PM

15

<LYDIA PERAIC, SWORN(3.28PM)

<EXAMINATION BY MS MCDONALD

5 Q. Please state your full name?

A. My name is Lydia Peraic.

Q. Your current occupation?

A. I'm retired.

10

Q. You were formerly married to Joseph Kokotovic?

A. That's correct.

Q. You were married to him in February 1979?

15

A. That's correct.

Q. At that time you were living with Joseph Kokotovic at 9 Livingstone Street, Burwood?

A. Correct.

20

Q. At that house a number of other family members were also living?

A. Yes.

Q. You gave evidence at the trial of the accused who were known as the Croatian 6?

25

A. That's correct.

Q. You gave evidence on five different days?

A. Yes.

30

Q. Have you been provided with a transcript of the evidence you gave on those days?

A. Yes, I have and I've read through it.

35

Q. You gave evidence on 8 May 1980, 19 June, 23 June, 20 November and 21 November 1980?

A. Correct.

Q. You've just said you've had an opportunity to read through the transcript of your evidence?

40

A. Yes, I have.

Q. Reading through it, is there anything in the transcript that you wish to change because there's an error in the transcription of your evidence?

45

A. No.

Q. Is there anything that when you were reading your evidence, you considered was different to your current recollection of events?

A. Reading through the transcript was very slow but my recollection that the events happened very fast.

50

Q. But with the account you gave on those five days, after reading the transcript, is it true and correct to the best of your knowledge and belief?

A. Yes, it is. It's true and correct.

5 Q. I want to ask you some questions about, if I can describe it as the Kokotovic family tree, and I'm talking about in February 1979. Joseph Kokotovic's parents were Maria and Marko Kokotovic?

A. That's correct, yes.

10 Q. He had a brother, Ilija?

A. Yes, Ilija, and a sister, Christine, and a sister--

Q. That was going to be - sorry. A sister, Christine, and another sister, is there?

15 A. He has an elder sister, Rose, but she wasn't there on the night.

Q. Can I first ask you about who was living at 9 Livingston Street, Burwood. As you've given evidence, you were married to Joseph at that time, and you had a young daughter?

20 A. Yes, my daughter was two and a half, and Joseph and I lived at the front of the house, and in residence was also Christine.

Q. Can I just stop you? You, Joseph, and I'm sorry, your daughter's name?

A. Biserka.

25

Q. You were living at the Livingston Street house, but you had an area of the house which could be described as a self-contained area?

A. It was at the front of the house, and it was just a room, and the house was big, and they made it a self-contained area. So, still part of the house.

30

Q. We'll come back to that. You started to refer to Christine. In February 1979, was she married?

A. She was at that time separated, but her husband was there often, and she had her son, little Joseph, and he would have been about three and a half. So, Mile was there quite often, every night, very close friends with Ilija.

35

Q. You've just referred to Mile.

A. Yeah, Mile Nekic.

40 Q. His surname was Nekic?

A. That's correct.

Q. Also living at the house was Joseph's brother, Ilija.

A. Yes, Ilija Kokotovic.

45

Q. Was he married at that stage?

A. He was separated, and his partner used to be Vesna Krizmanic.

Q. If we just establish first, living at the house, as at February 1979, were Maria and Marko Kokotovic?

50

A. That's correct.

Q. The parents of Joseph, Ilija, and Christine?

A. Yes.

5

Q. In addition, there was Rose, but she was not living at the house.

A. No.

Q. Living at the house, were you and Joseph and your daughter?

10

A. Correct.

Q. Ilija?

A. Ilija, Mare and Marko, his parents.

15

Q. I'm sorry, who else?

A. Ilija, Joseph's brother, and Mare - Maria - and Marko, his parents – in laws.

Q. We've got your in-laws, you, Joseph, and your daughter, Ilija, and then Christine, and her son, Joseph?

20

A. That's right.

Q. Can I ask you about 8 February 1979, and that night when the raid occurred at the premises, present at that time, was Maria, your mother-in-law?

A. Yes.

25

Q. You, Joseph, and your daughter?

A. Yes.

Q. Ilija?

30

A. Yes.

Q. Christine and Joseph, and also Mr Nekic was there?

A. Yes.

35

Q. That was everybody who was there at the time of the raid?

A. That's right.

Q. Can I ask you about some of the other accused part of the Croatian Six? Again, I'm focusing on your knowledge in February 1979.

40

A. Yes.

Q. Did you know at that point, Anton, or he may have been known as Tony Zvirotic?

A. No, I didn't know him. The only person I knew was Brajkovic.

45

Q. That was the next name I was going to suggest to you, Vjekoslav Brajkovic, often known as Vic.

A. Vic, yeah. Yes.

50

Q. You knew him as at February 1979?



A. Yes, I did.

Q. Again, roughly, as at February 1979, how long had you known Mr Brajkovic?

5 A. Not really that long. He was a friend of my brother-in-law, so he was more sort of his friend. He might have come to the house once or twice that I remember. This is from my memory, but you'd have to go to my statement if I've -- yeah, I'm pretty sure.

10 Q. Did you know a Maksim Bebic?

A. No.

Q. Did you know a Vico Virkez?

A. No.

15

Q. At February 1979, how old were you?

A. 23. 23, 22.

Q. As at February 1979, were you also pregnant?

20 A. Yes. Eight and a half months.

Q. Eight and a half?

A. Yes.

25 Q. You said that you knew of Mr Brajkovic through your brother-in-law. That's a reference to Ilija?

A. Yes. Yeah. He was a friend of Ilija's. I suppose a friend of Joseph's, but mainly Ilija's.

30 Q. You said he visited your house once or twice before February 1979?

A. If he was visiting, he was visiting Ilija. If he was visiting, he was visiting Ilija - rather as Ilija's friend rather than my friend.

35 Q. You knew at the time, so we're talking February 1979/1978, that Mr Brajkovic had a keen interest in Croatian national politics or affairs?

A. It's - it's - well, he was. Most people in the Croatian community had that side where you - you group together, felt very patriotic, I suppose. So if you want to call that "politics" - I mean, I wouldn't call it politics. It's just like - I suppose, you know, I've got a Croatian background, and I've also been raised  
40 here Australian. So it's just a pride thing being, you know, Croatian, or I'm Croatian/Australian. So I - I knew that he felt very passionate about sort of, you know, Croatia, and a lot of Croatians felt passionate about their negativity, I suppose, to communism at the time.

45 Q. The evidence that you gave at trial, you identified yourself as Croatian; that you were born there?

A. Yes. I was born in Croatia. I was--

Q. And you--

50 A. Yeah. I was raised Croatian, but, you know, years have gone by, so I'm

really - well, I've got my own special nationality. I suppose I'm Croatian/Australian. Australian/Croatian.

5 Q. You described in your evidence at the trial that your father brought you up as a Croatian?

A. Yes, he did. Yes, he did.

10 Q. When you were just giving evidence about "passionate Croatians" back in, let's say, February 1979, that was characterised by being anti-communist?

A. Yes. Yes. It's anti-communist, but it's not about anti-Russian communist. It's just basically Yugoslavia - anti-Yugoslavia.

15 Q. That was going to be the next question I was going to ask you. As part of that, was anti - the regime of Tito?

A. Yeah. It was - it was anti-communism, anti-Tito, yes.

Q. And also a wish or a desire for Croatia to become an independent country?

A. Yes. Yes.

20 Q. I started by asking you, to your knowledge, Mr Brajkovic was involved with groups within the Croatian community who were agitating for an independent Croatia.

25 A. I think most people that were Croatian came to Australia after the Second World War, all of them felt very strong they wanted an independent Croatia. So I don't know - I - I remember being, and I do understand the agitating, but I don't know if it's - you know, trying to agitate. It's just basically you wanted a free country.

30 Q. What I'm asking you is to concentrate on Mr Brajkovic. So it would be very helpful if you could listen to my question.

A. Sorry, yes.

35 Q. I'm asking about Mr Brajkovic, and whether to your knowledge he was involved with certain groups within the community who were agitating for an independent Croatia.

40 A. I - Mr Brajkovic was a friend of my brother-in-law's. Not a personal friend of mine. I did know of him, and they did have strong feelings about Croatia being independent. But then so would have I, and anybody that - who was Croatian that I dealt with.

45 Q. I'm not interested in that. I'm concentrating on certain members of the Croatian Six. But you knew that Mr Brajkovic, before February 1979, on occasion, would attend demonstrations?

A. Yes. Yes.

Q. Your brother-in-law, Ilija Kokotovic, he also was involved in some community groups who were agitating for an independent Croatia?

A. Yes.

50 Q. To your knowledge, he attended some demonstrations?

A. Yes.

Q. And you--

A. He did.

5

Q. I'm sorry?

A. Yes. He did attend demonstrations, yes.

Q. Your husband also was--

10

A. He did, yes.

Q. Attended some demonstrations, and also participated or was a member of different groups who were agitating for Croatian independence?

A. Yes.

15

Q. Before February 1979, on occasion you would attend a demonstration?

A. Yes.

Q. Usually in company with your husband?

20

A. Well, I'd probably meet up with friends over there, different - it was a community thing. I know it sounds - it's a demonstration but it's still got a community aspect of it.

Q. Is that community aspect that, as you said, your impression was many Croatsians who immigrated to Australia post-war, felt very strongly about Croatian independence?

25

A. Absolutely.

Q. Can I just take you to some documents. The first one is Exhibit 11.76 and it's red page 797.

30

A. I don't have my documents in front of me, I'm sorry.

Q. That's all right, it's going to come up on the screen.

A. Oh--

35

EXHIBIT 11.76, RED PAGE 797, SHOWN TO WITNESS

Q. It's up there, thank you. It is probable that you haven't seen this document before. It's a document that's been produced by the police and it's an Internal Report from Special Branch of the NSW Police. Just to orientate you to this document, can you see it's headed, "The Officer-in-Charge, Special Branch"?

40

A. Yes.

Q. Then it's got, "Yugoslav National Day demonstration outside Unisearch House on 25 November 1978"?

45

A. Yes.

Q. This document goes for just over three pages, but if you look at the first paragraph, it commences by referring to a committee in 1978 that was formed for the purpose of organising a ball to celebrate Yugoslav National Day?

50

A. Yes.

5 Q. The ball was scheduled to commence at approximately 7.30pm on 25 November 1978, and was going to be held at Unisearch House, Anzac Parade, Kensington?

A. Yes.

10 Q. Do you recall that in at least '78 there was this decision to hold a ball to celebrate Yugoslav National Day?

A. I wouldn't have really known or taken much notice of National Day, but if there was a demonstration I probably might have went along.

15 Q. That leads me to if we move down to the fourth paragraph on that page, you can see it says, "Information was received from a reliable and confidential source within the Croatian community, that members of the community were intending to stage a demonstration outside Unisearch House, commencing at about 6pm on the date stated." Can you see that?

A. Yep, I can see that.

20 Q. Then it says, "This demonstration was in fact to be separate demonstrations by the Croatian National Council and the New South Wales Croatian Inter-Committee."

A. Yes.

25 Q. Those two entities or organisations, did they ring a bell?

A. Yes.

Q. Which one or both?

30 A. Croatian National Council and the New South Wales Inter-Committee, yes.

Q. Do you remember - I'm sorry?

35 A. Well, I - sorry, I was going to say, I recognise it but at that - I was quite young then, but I recognise it as the - I recognise the sort of committees now because - at this age, so I don't think it would be my memory from 45 years ago. I wouldn't have taken much notice because my interest wasn't sort of there really, but I do recognise them today.

40 Q. Do you recall any involvement by either your husband, your brother-in-law or Mr Brajkovic of being involved with the New South Wales Croatian Inter-Committee?

A. Yeah, I know that my husband had gone to meetings, yes, and I think I had - yep, and I think I even attended one myself, yes.

45 Q. Further in that paragraph can you see that there's then a reference to, "The matter was further complicated by the possible attendance of the most militant group, that is the Croatian Republican Party."

A. Yes.

50 Q. In 1978 or 1979 did you know of the entity the Croatian Republican Party?

A. I know of it now, but I wouldn't have taken much notice then and that's - so I

wouldn't have had a recollection or focused on it then. Remember I'm very young and I've got a young child and I'm pregnant, so I'm not taking much notice of this stuff, but I do recognise it today.

5 Q. Do you recall whether your husband or your brother-in-law or Mr Brajkovic were members of the Croatian Republican Party back in 1978, early 1979?

10 A. No. As I said, I didn't take much notice, but I did know that Ilija was selling papers called Rakovica and my husband also would sell them now and again, but I didn't take much notice of - if they were in a party or what they were called.

Q. The newspaper you just said its name, or its masthead did you?

A. Rakovica?

15 Q. Could you spell that?

A. You have to - I didn't go to school in Croatia, I was three when we came out here, but the way you say it is the way that you spell it, so it's R-A-K-O-V-I-C-A.

20 Q. You've referred to it and that your brother-in-law and your - and I'm calling Joseph Kokotovic your husband, you're divorced?

A. Yes.

Q. When were you divorced?

25 A. While he was in Goulbourn - not Goulbourn, Long Bay.

Q. Was this after he was convicted of offences concerning possession of explosives with an intention to cause grievous bodily harm?

30 A. No, I had a nervous breakdown. I was very young, eight and a half months, so I had a bit of an emotional meltdown. So, we divorced a few years later, but we're still friends.

Q. That's alright. You said, "we divorced two years later"--

35 A. A few years, I can't remember.

Q. Are you saying you divorced a few years later after Joseph Kokotovic was convicted of those offences?

40 A. No, we didn't divorce because he was convicted, we divorced a few years later while he was in Long Bay, so he was already convicted.

HIS HONOUR: Ms Peraic, you need to listen to the questions fairly carefully so that you can direct your answer to the question and just to the question.

A: Yes.

45

MCDONALD

50 Q. What I was trying to find out from you was the date, the year, when you and Mr Kokotovic divorced, not why you divorced or what caused you to divorce, but the date.

A. I can't remember, it would have been 84, maybe, 84, something like that, I'm not sure. I don't have my papers in front of me, so, yeah.

5 Q. That's fine, I just wanted a rough indication of which year. Can I take you - sorry, this newspaper that you referred to, was it associated with the Croatian Republican Party?

10 A. I'm not sure, but I know that Ilija was involved with the newspaper, and I know that he used to sell it, and I know that my husband did. I think they sold another paper as well, and so that's my sort of recollection, Rakovica, and I know it because today it's actually a town. It's named after a town that when they grew up, they were near.

15 HIS HONOUR: Ms Peraic, I know it's difficult because giving evidence is not something people usually do, but you need to listen to the question and direct your answer just to the question. If we need elaboration, if we need more detail, somebody will ask you further questions to get that done, but there's no need to add anything beyond a direct answer.

20 WITNESS: OK. Sorry, your Honour.

MCDONALD

25 Q. Can I take you back to the Exhibit we were looking at, and this is this report from Special Branch, Exhibit 11.76. We were on page 797, and the report is saying there's going to be a ball for Yugoslav National Day to be held at Unisearch House, and we've got some confidential source information that there's going to be a demonstration. Alright?

A. Yes.

30 Q. Could we then go to 798, please? I want to draw your attention to--

A. I just need it a little bit clearer, if you could just enlarge it, please. Yes, that's good, thank you.

35 Q. I want to draw your attention to the first complete paragraph on that page. Which commences, "By 6.30pm".

A. Yes, yes.

Q. Can you see it's got:

40 "By 6.30pm the crowd has reached about 250 persons, fortunately split, firstly by the actions of police clearing a pathway to the door and secondly by the separation into the particular groups as mentioned earlier in this report."

A. Yes.

45 Q. This paragraph is now reporting on the demonstration that was occurring outside of Unisearch House.

A. Yes.

50 Q. You can see it then talks about certain conduct of the protestors, including,

"missiles, eggs, rocks" et cetera, were being thrown by some people, "verbal abuse and some jostling". Can you see that?

A. Yes, I can.

5 Q. Then right at the bottom, last sentence of that paragraph:

10 "Many placards of the type described were held high and some Croats, believed to be from the Republican Party took up positions on the eastern footpath of Anzac Parade, thus effectively disassociating themselves from other groups."

You see that?

A. Yes, I can see that.

15 Q. Just looking very briefly at the next couple of paragraphs, can you see in the next paragraph it reports that, "A man broke from the crowd...with what appeared to be a flaming Yugoslav flag."

A. What paragraph is that?

20 Q. The next paragraph. "The demonstration continued in the same vein"?

A. Yeah. Yes, I can see it. Yes, I can see that.

Q. Then can I jump over the next paragraph. Can you see at, "About 10 pm it was announced that the demonstration had concluded..."?

25 A. Yes.

Q. When Special Branch attended some of these demonstrations, and I'll show you this in a minute, there is often a record of people they see within the crowd demonstrating who they can identify--

30 A. Yes.

Q. --and they use those persons' names.

A. Yes. Yes.

35 Q. If we jump down to the bottom of page 798, can you see, "Amongst those seen to participate in the demonstration were: -", and could we then go to page 799. There are a number of names listed there, and I'm going to mispronounce people. The first name is something like Djurdija Avdic?

40 A. Yeah, Djurdija Avdic. Yeah.

Q. If you go down those names, can you see that they appear to be alphabetical order.

A. Yes.

45 Q. We have Ilija Kokotovic, Joseph Kokotovic and then Lydia Kokotovic.

A. Yes. Yes.

Q. Please look at the other names of people who were attending. Looking at those names, does that jog your memory that, yes, I was at that demonstration in 1978?

50

A. Well, I can - I can see - I can see my girlfriend there. I can see myself there, yes. Yes, I could--

Q. Can I just pause. I'm sorry, who was your--

5 A. I recognise a lot of the people there, yes.

Q. Who was your girlfriend?

A. Vesna Avdic.

10 Q. Yes. The third name down?

A. Yeah. And her mother and her step-father are there. My cousin is there.

Q. Is that Anna?

A. My cousin is Mile Bobanovic. That's my cousin.

15

Q. Looking at those names, those people you identify--

A. Yes.

Q. --and the fact that Special Branch have recorded you as being present--

20

A. Yes.

Q. --and your husband and your brother-in-law, does that--

A. Yes.

25 Q. --jog your memory of attending this particular demonstration at Unisearch House at New South Wales Uni?

A. I - I can't remember the actual demonstration, but I can remember going to a demonstration, yes.

30 Q. At New South Wales Uni, at that Unisearch House?

A. I can't remember. I can't remember the house now, but, yes, I can remember going to the demonstration, yes.

35 Q. Unisearch House, I think is like a reception/convention area, where you can have like balls or dances and things like that.

A. I can't remember the location, because I - I don't live in New South Wales anymore. It's been 45 years, so - you know, I know the basic sort of landmarks, but I can't remember that right now.

40 Q. I want to take you to another document, which is Exhibit 11.76A.

EXHIBIT 11.76A, RED PAGE 1170-1, SHOWN TO WITNESS

45 A. Can I have it increased a bit? It's sort of a bit fuzzy.

Q. Yes, we will.

A. That's good. Thank you.

50 Q. This is a similar type of document that we just took you to. I would assume you haven't seen it before, but you can see--



A. No.

Q. --it's addressed to, "The Officer in Charge Special Branch"?

A. Yes.

5

Q. This time with the heading, "Demonstration staged by members of the Croatian Community outside the West German Consulate", and an address at Woollahra. This time on 13 August 1978. It's a similar document as the document that I just took you to--

10

A. Yes.

Q. --in that what it appears to be, it identifies often information or source information that's been obtained by Special Branch. Could I just pause and ask you: you knew around '78, 1979, about Special Branch? A branch of the New South Wales Police Force?

15

A. No. I didn't. The information--

Q. I'm sorry.

A. When you're talking about "Special Branch", I know today, but at that time, I wouldn't have known, no.

20

Q. But when I use that term today, you have knowledge of the type of work that that Branch was doing in '78/'79?

A. Yes, I do now. Yes.

25

Q. Can I just take you this, again rather quickly. The first full paragraph, the first sentence talks about a Commonwealth police officer who has contact - I'll take it to you shortly - a Detective Jefferies with some information about a deportation of a certain person "from West Germany to Yugoslav was imminent". Do you see that?

30

A. Yes, I do.

Q. Then again jumping ahead, it would appear that information has been obtained that there's going to be a peaceful demonstration at the West German Consulate at Woollahra on 13 August 1978?

35

A. Sorry, what paragraph was that you were reading?

Q. That's just towards the end of that--

A. Oh, yes, I can see it now.

40

Q. --first paragraph.

A. Thank you. Yes, I can see that.

Q. I'll jump over the next paragraph, but again the next paragraph commences, "Between the hours of 1 and 2 on 13 August approximately 200 Croatians assembled on the footpath at Trelawney Street at Woollahra, opposite the Consulate, and then were addressed by the following speakers"?

45

A. Yes.

Q. Again, if you just keep on having a read, there's references to other people

50

who were there--

A. Yes.

Q. --the placards and flags--

5 A. Yes.

Q. --but it's noted that it passed without incident and the crowd dispersed peacefully?

10 A. Yes.

Q. What I want to draw your attention to, as we saw in the previous report, immediately at the bottom of that page, they list the following persons of interest who were observed to participate in the demonstration?

15 A. Yes.

Q. Can I draw your attention on that page to the fifth name, Vjekoslav Brajkovic?

A. Oh, yes.

20 Q. That is the Mr Brajkovic who you've referred to I think as a friend primarily of your brother-in-law--

A. Yes.

Q. --but also Joseph's?

25 A. Yes.

Q. Again, if we continue down that page, you can see Ilija is recorded?

A. Yes.

30 Q. Then you're recorded?

A. Yes.

Q. Then if we go over to page 1170-2, there's some additional names of people that Special Branch have identified as attending the demonstration?

35 A. Yes. Yes, I recognise some of them, yes.

Q. Looking at what is reported in that document, does that remind you that back in August 1978 you attended that demonstration at Woollahra?

40 A. Yes.

Q. If we go back to 1170-2, just under the last name, it's recorded, "The above persons represent a cross-section of the Croatian political community--

A. Yes.

45 Q. --namely the Croatian National Council, the Rakovica Branch--

A. Sorry, "The persons represent a cross-section of the Croatian political community, namely the Croatian National Council", yeah, "(HNV) and the Rakovica Branch of the HNV, the Croatian Republican Party", and then "the Croatian National Resistance", yeah?

50

Q. Yes. Now, again looking at those different entities which seem to come under the umbrella of the Croatian political community, do any of those ring a bell with you?

A. Rakovica Branch.

5

Q. I'm sorry?

A. Rakovica - Rakovica. The Rakovica.

Q. That was the title of the newspaper that you referred us to a little while ago?

10

A. Yes.

Q. You can see the Croatian Republican Party's getting another mention?

A. Yes, I can see that.

15

Q. Can I then take you down towards the bottom of the page and it's really the third last paragraph commencing, "The foregoing information is significant"?

A.

20

"The foregoing information is significant when it's considered that Vjekoslav Brajkovic, a Sydney member of the Croatian Republican Party, discussed the advantages of adopting the tactics of the PLO and the Japanese Red Army during an interview conducted with him by members of this branch in 1976."

25

Q. What I want to ask you about, is in this report they have specifically referred to Mr Brajkovic, describing him as "a Sydney member of the Croatian Republican Party" Do you see that's what's recorded there?

A. I can see that. I've never heard - I have read my evidence. I have read other evidence. At that time, I've never heard of the Croatian Republican Party, but I've heard of the Rakovica.

30

Q. All right, can I just--

A. And the newspaper and Rakovica I thought was sort of like a bit of a party thing, a group.

35

Q. Can I just pause there. When you say, "at the time I hadn't heard of the Croatian Republican Party", you're referring to late 1978, early 1979?

A. That's correct.

40

Q. Can I just, before I finish with this document, draw your attention to the bottom of the document. It's signed by a VR Jefferies, Detective Constable First Class, Special Branch.

A. Yes.

45

Q. In late 1978, early 1979, did you know Detective Jefferies?

A. I think I might have seen him once. I think I did, but, you know, it starts getting all blurry. I think I might have seen him.

Q. When you say, "seen him", was that at your home or at a demonstration?

50

A. Probably at a soccer match. Demonstration, soccer match.

Q. The soccer match, was this when a Yugoslavian team arrived in Australia to play some matches, and I'm going to suggest to you, January 1977?

5 A. I wouldn't know the date, but I would have been to soccer matches, yes.

Q. It was a Yugoslavian team playing a local team?

A. I - maybe, I'm only guessing.

10 Q. Is your recollection that you spoke to Detective Jefferies at the time, or did somebody point him out in the crowd as, "Look, there's a Special Branch detective"?

15 A. I'm not sure. I had a dispute once with my husband, and I stormed off and one of the policemen, and I thought it was Jefferies picked me up and dropped me off home. That's why the name rings a bell, I think.

Q. Is your recollection, the dispute with your husband occurred at a soccer match?

20 A. Yes, yes, and one - because I recognise the face, facial features, so I felt comfortable enough to get a lift home.

MCDONALD: Your Honour, I'm about to move to a different topic. Is that an appropriate time?

25 HIS HONOUR: Ms Peraic, we'll have to stop at that point and continue your evidence on the next hearing date of the Inquiry, which is 24 September.

WITNESS: Yes.

30 HIS HONOUR: I'm sure people will be in touch with you to confirm that – the arrangements for your appearance on that date.

<THE WITNESS WITHDREW

35 AUDIO VISUAL LINK CONCLUDED AT 4.17PM

40 MCDONALD: Your Honour, may I just raise another issue. Your Honour, previously, further dates were set down and Counsel's availability was taken into account. One of the Senior Counsels has now – no longer appears because of a judicial appointment. What I was going to suggest that we may explore, with the various legal representatives, if there are any other dates available where, obviously, your Honour is free and other people are free just to include some more hearing dates.

45 HIS HONOUR: Yes, I think that's important because it would be most unfortunate if we were not able to maintain the timetable for submissions that has earlier been resolved upon. If we had to push that back, it would - or it's something I just don't want to do. So please, see what can be done. I want to maintain the 9.30 starts as well. Make that a permanent feature unless  
50 something miraculous happens.

MCDONALD: Yes, your Honour.

HIS HONOUR: All right, I'll adjourn.

5 BASHIR: Sorry your Honour. Can I just give your Honour a reference?

HIS HONOUR: Yes.

10 BASHIR: Your Honour, when I was asking questions about Exhibit MM and  
the white plastic bag, your Honour asked, "do we know what that is in the white  
plastic bag?". Could I just give your Honour this one reference to evidence  
from Detective Wilson on the voir dire? It's the trial 2.1, day 13, at  
page 402. He is shown the photograph, which becomes voir dire Exhibit A,  
15 which becomes Exhibit MM in the trial, and in about the middle of the page,  
your Honour will see the reference there to him identifying in the photograph  
the flare.

ADJOURNED PART HEARD TO TUESDAY 24 SEPTEMBER 2024 AT  
9.30AM  
20