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SPECIAL INQUIRY

THE HONOURABLE ACTING JUSTICE ROBERT ALLAN HULME

5 THIRTY-FIRST DAY: TUESDAY 24 SEPTEMBER 2024

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

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<VICTOR RAYMOND JEFFERIES, ON FORMER OATH(9.33AM)

<EXAMINATION BY MR BUCHANAN

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Q. I asked you some questions yesterday on this topic, but can I go back to the subject of you and other Special Branch Detectives being on the third floor of CIB on the night of the eight of February 1979 after the raids had finished and the various people who had been arrested had been brought back to CIB.  
A. Yes.

20

Q. Did you discuss with any detectives at CIB what approach might be taken with individual men who had been arrested and brought back to CIB?  
A. No, I don't believe so.

25

Q. Did you give any, what might be called, amateur psychological assessment of any of the men?  
A. No.

30

Q. Suggesting perhaps that one or more of them might be susceptible to a particular type of approach in interrogation?  
A. No, I didn't.

35

Q. You denied - I think I used the word geeing up - any detective to give Mr Brajkovic a hiding.  
A. I did not.

40

Q. Can I extend that to ask whether you identified to any CIB detective any of the arrestees as what might be called hard men?  
A. No, I didn't.

40

Q. That might need a bit of softening up?  
A. No, I didn't.

45

Q. Do you know whether any other Special Branch Detective, including Inspector Perrin, formed a function like that of--  
A. No.

50

Q. --providing intelligence to CIB detectives?  
A. No, I don't believe so.

Q. Do I understand your evidence correctly that you deny discussing with any CIB detective what subject matter might be appropriate for the interview of any of the arrestees?

A. Yes, that's right.

5

Q. Did you liaise with any CIB detective about what the police might give evidence about in relation to any of the accused men arrested in Sydney?

A. No, I didn't.

10

Q. Could I ask that the witness be shown, please, Exhibit 11.35, red page 125.

EXHIBIT 11.35 SHOWN TO WITNESS

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Q. And if we could expand it so that the front - the top of it can be read? Counsel Assisting showed you this document yesterday, Mr Jefferies.

A. Yes.

20

Q. It's entitled, "Croatian Terrorists Arrested on 8 February 1979," and it's not got anything in it that directly identifies the author or authors, and - I'm sorry, I do apologise, but can you remind me - tell me if you need to see more of the document--

A. Yes.

25

Q. --but do you think you prepared this document or had an input into it?

A. Can I see the rest of the document?

30

Q. Yes, please. If we could just scroll down that page. First of all, we have a list of arrestees, including, I think, Mr Topich, and it talks about photographs attached.

A. Yeah.

35

Q. The informant is Virkez. Can we go over the page, please? And then it's essentially a summary of a prosecution case.

A. Yeah.

40

Q. I'm not suggesting it necessarily reflects the evidence the police had, but it's a case against those men.

A. Yeah.

45

Q. And then if we could go to the last page just so that you can see that. Paragraph 11, can I just direct your attention to that. "Whilst searching their homes, Yugoslav literature relating to the construction of time bombs was found together with newspaper cuttings referring to various hi-jackings throughout the world". Counsel Assisting asked you about that yesterday--

A. Yeah.

50

Q. --and I think you suggested you had no knowledge of--

A. No, I don't.

Q. --that being true at all.

5 A. No. I can't say I remember this document at all. I can't say that I - Yugoslav literature. I think if I had written this document, it wouldn't be "Yugoslav", it would be Croatian. I wouldn't, while searching their houses - their homes - Yugoslav literature, relating to - the Yugoslavs didn't construct time bombs, so I would have put "Croatian," so I don't think I've written these.

10 Q. Just looking again at paragraph 15--  
A. Yeah.

Q. --this reminds me that you were quite certain that you wouldn't have--

A. I wouldn't have used that terminology.

15 Q. Used that terminology at all?  
A. No.

Q. Nor so far as paragraph 16 is concerned would you have used--

20 A. No, I wouldn't have - I wouldn't have - I wouldn't have used that language. I wouldn't have said that.

Q. Can I just go back, please, to page 126? Red page 126, and to paragraph 8, the second half of the document.

25 A. Mmm-hmm.

Q. And--

A. Yeah.

30 Q. --you can see there that it says that "the group were to abduct American business men from a Sydney hotel and convey them to Mascot Airport where they to hi-jack" - just note the spelling, hijack with a hyphen--

A. Yeah.

35 Q. "A commercial American aeroplane for the purpose of demanding the release of political prisoners being held in America and the sum of \$2 million in cash".

A. I've never heard that before.

40 Q. Now, can I ask that we put that document aside and put up instead Mr Brajkovic's Record of Interview, Exhibit 4.2-75. So this is the first page, the top of the first page--

A. Yep.

45 Q. --of a Record of Interview that was said to have been conducted by Sergeant Wilson, Detective Constable Harding typing with Mr Brajkovic--

A. Yeah.

50 Q. --on the night of 8 and 9 February 1979. If we go to red page 612, please, and I want to take you, if I can, to questions 97 to 99, and can you see that 97 reads, "Just excuse again, Vic. I'm wanted again in the other room." There's

no reply. Interview suspended. Wilson leaves room. Interview then resumed:

5 "Q98. Vic, I have been just been told that your group also planned to hi-jack an American aircraft in the near future. Again, you don't have to say anything unless you wish, as anything that you do say will be typed down and might later be given in evidence. Do you understand that?

A98. Yes. How do you know this some traitor tell you?

10 Q99. I have been informed by another police officer."

I'll come back to that sentence in a moment. The question continues:

15 "Q99. Are you prepared us what you know about this?

A99. All I say is we talk about it. We make no plans yet.

Q100. What did you hope to achieve by hi-jacking an aircraft?"

20 Just note the spelling of "hi-jacking".

"A100. I say no more, we don't know yet what we do. Some traitor tell you about us.

25 Q101. Are you prepared to tell us anything at all about your plans to hijack an American aircraft?"

Hijack is spelt differently on that question.

30 "A101. No.

Q102. Well, are you prepared to tell us what your motive was in causing these explosions".

35 And then it goes on to talk about the proposed murder of Mlinaric and Lovokovic and the proposed hijacking of the American aircraft, and that it attributes an answer to Mr Brajkovic of, "To free Croatia and all Croatian people. People listen. Make Croatia nation." Now, can I just take you to the last page of that document, please? And if we could show the bottom half so that it's legible? Can you see that it was said to have been completed at  
40 1.46am on 9 February?

A. Yeah.

45 Q. Now, I'd like you to assume, please, that in the evidence before the Inquiry, no claim was made by police in their interviews of Ilija or Joseph Kokotovic or Mile Nekic or Tony Zvirotic that disclosed or mentioned discussion about or a plan to hijack American aircraft. So, so far as - and there's no Record of Interview of Mr Stipic. So so far as arrestees of CIB is concerned, this is the only police evidence that there was discussion of, hijacking an American aircraft, the Record of Interview of Mr Brajkovic. Could you also assume,  
50 please, that in Mr Virkez's third Record of Interview which is on the morning of

10 February, Exhibit 4.211 - there's no need to put it up - information was attributed to Virkez concerning a plot to kidnap American business men, and to hijack an American aeroplane at Mascot Airport, but that was not purportedly said by Virkez until mid-morning on 10 February.

5

And additionally, I'd like you to assume that there's evidence that Detective Sergeant Turner and Detective Milroy claimed that on 9 February, Maksim Bebic gave an answer to a question asked by Turner, suggestive that he, Bebic, knew of discussions to hijack - spelt with a hyphen - an American plane. That's question 97 in Exhibit 4.1-D, red page 14. What I'm going to do is read to you Detective Sergeant Turner's question, which is:

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"Q97. We've also been informed that at the same meeting with those men - that is, Zvirotic, Brajkovic, Nekić, Kokotovic, and his brother Ilija, you equally discussed between yourselves hi-jacking (spelt with a hyphen) an American plane from Sydney for the purpose of obtaining the sum of \$2 million dollars and the release of Croatians that had been detained in prisons in other countries".

15

A. The traitor. I get him or my people get him and kill him. I no say nothing about that. I get killed if I do."

20

So that was what the evidence was of what was said to Mr Bebic on that subject, but their evidence, the evidence of Detective Sergeant Turner and Detective Milroy was that that question was asked and answered shortly before 10am on 9 February. Do you know where Detective Sergeant Turner got the information that at the same meeting with those men that is - Zvirotic - Brajkovic - Nekić, Kokotovic and his brother Ilija, Maks Bebic equally discussed between themselves hi-jacking an American plane from Sydney for the purpose of obtaining the sum of two million dollars and the release of Croatians that have been detained in prisons in other countries?

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MCDONALD: Your Honour, I object. Would your Honour excuse me.

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BUCHANAN: I might have made a mistake, your Honour. I've been reminded that the police evidence was that Ilija Kokotovic said something about hijackings, but that does not affect the questions that I'm asking the witness at the moment. Perhaps for safety sake, I can ask that the witness be shown Exhibit 4.1-D.

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EXHIBIT 4.1-D SHOWN TO WITNESS

Q. You can see that this is red page 14 on the screen. Mr Jefferies, this is a Record of Interview between Sergeant Turner and Maks Bebic at Lithgow Police Station on 8 February.

45

A. Mm-hmm.

Q. Can I take you to red page 14, question 97. You can see there the question I was reading out to you earlier.

50

A. Mm-hmm.

Q. The question starts off, "We have also been informed...". Do you know where Sergeant Turner got that information?

5 A. No. I don't.

Q. Can I take you back to Mr Brajkovic's Record of Interview, which is Exhibit 4.2-75, and it's red page 612, please. It's question 97 to 99.

10 EXHIBIT 4.2-75, RED PAGE 612, SHOWN TO WITNESS

Q. Can you see that the introduction to question 98 there is, "...I have just been told that your group also planned to hi-jack an American Aircraft."

15 A. Mm-hmm.

Q. Mr Brajkovic is said to have said, "How do you know this some traitor tell you?"

A. Mm-hmm.

20 Q. Question 99, "I have been informed by another Police Officer." Do you know who that other police officer was?

A. No. I don't - I don't recollect this at all.

25 Q. Did, to your knowledge, any other Special Branch officer do or say anything which is, as you understand it, led to, or inspired, the typing of those questions and answers in the Bebic and Brajkovic Records of Interview?

A. No. Not that I recollect, no.

30 EXHIBIT 5.5-2 SHOWN TO WITNESS

Q. This is your statement for the trial?

A. Mm-hmm.

35 Q. The committal proceedings and the trial, and it's dated 9 February 1979, which you've told us that that would have been the date that you commenced to type the statement.

A. Yeah.

40 EXHIBIT 5.5-2, RED PAGE 561, SHOWN TO WITNESS

Q. Can we go to paragraph 16. Can you see at the top of paragraph 16 it says, "On Wednesday 15th December 1976, in company with Detective Krawczyk...I again interviewed Vjekoslav Brajkovic at his home...at 16 Restwell Road, Bossley Park."

45 A. Mm-hmm.

Q. Then can I take you to passages about 11 lines from the bottom of that page. What you say in that is that in that conversation with you and Detective Krawczyk in December 1976--

50 A. Mm-hmm.

Q. --Mr Brajkovic had praised Yasser Arafat and the PLO. Can you see that?

A. Yep. That's right, yep.

Q. About seven lines from the bottom?

5 A. Yep.

Q. A bit above that, there's a reference to the hijacking of aircraft by Croatsians, and possibly in Sweden. Hijacking of plane - about 11 lines from the bottom.

10

"Brajkovic then said, 'The Croatsians that murdered the Yugoslav Ambassador in Sweden, and the hijackers of the plane are good Croatsians and real patriots to Croatia.'"

A. Yes.

15

Q. I'd like you to assume that Mr Brajkovic's evidence in the Inquiry has been that the Record of Interview--

A. Yeah.

20

Q. --going back to 8 February--

A. Yeah.

Q. --purportedly conducted with him on the 8/9 February was a complete fabrication. Are you sure that you weren't the source for the fabrication of evidence by Wilson and Harding that Mr Brajkovic confessed to discussing plans to hijacking an American airplane?

25

A. No. I wasn't, no.

Q. Was there any other source for that - or police might say that Mr Brajkovic's memory would be a source - but was there any other possible source, or alternative source, for that then - what you had reported that Mr Brajkovic had said in that interview of him in December on that subject?

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A. It could have. I don't know.

35

Q. In fairness, it's reasonable to assume that Detective Krawczyk's statement had the same material in it?

A. Yep.

Q. So that's another source?

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A. Yep.

Q. But apart from that?

A. No. I don't know.

45

Q. Making your statement of 9 February, insofar as it concerned historical matters of interactions with arrestees, you would have been assisted in compiling those passages by referring to Special Branch records?

A. Some of it, yes. Some of it was just memory.

50

Q. Was there a report that you had prepared about this interview of

Mr Brajkovic in December 1976?

A. I believe there was, yeah.

5 Q. Is there a chance that you used that when you were compiling that part of your statement of 9 February?

A. I may have. I may have, yes.

Q. I'll come back to that part, paragraph 16, of your statement later.

10 A. Mm-hmm.

Q. At the moment, I'm just focusing on what might have been communicated by Special Branch officers to CIB detectives on the night of 8 and 9 February 1979 when the arrestees were in custody on the third floor of CIB. Can I turn to Mr Zvirotic. You said yesterday that you might have spoken to Sergeant Webster, but you didn't think you'd suggested to him any questions he could ask Mr Zvirotic. That's at transcript page 2401 to 2402.

15 A. That's right, yes.

Q. The likelihood is, isn't it, that you would have understood that Sergeant Webster would be responsible for any interrogation that was to be conducted of Mr Zvirotic at CIB, because he was the lead--

20 A. Yes .

Q. Leader of the raiding team--

25 A. Yes.

Q. --at Ashfield?

A. At Ashfield, yeah.

30 Q. Did you speak with Sergeant Webster on the night of 8/9 February to see what could be ascertained by police from Mr Zvirotic as to his knowledge about Joseph Stipic?

A. No. I don't think so.

35 Q. As to his knowledge about Steve Topich?

A. No.

Q. As to whether Mr Zvirotic knew Virkez?

40 A. No. I don't believe so.

Q. As to whether Mr Zvirotic knew people by the names of Avdic and Bobanovic?

A. No. I don't believe so.

45 Q. Did you talk to Sergeant Webster about Zvirotic's attendance at demonstrations?

A. No. I don't think so.

50 Q. About whether Mr Zvirotic was a member of the Croatian Republican Party?



A. No. I don't--

Q. As to whether, and if so, why, he read the books and literature of the Croatian Republican Party?

5 A. No.

Q. But you and your colleagues and Inspector Perrin, who were present that night at CIB, were in a position to provide intelligence to the detectives from CIB, whose task it was to interrogate or interview the men who'd been arrested; isn't that right?

10 A. We were there, yes.

Q. But you were in a position to provide intelligence?

15 A. Yes, we were, but--

Q. You and your colleagues and your officer-in-charge had knowledge of Special Branch intelligence that could be provided to CIB detectives interviewing or interrogating the men who'd been arrested?

20 A. Yes, we did.

Q. Mr Jefferies, as you might have been aware - because a few of them have been put up on the screen for you by Counsel Assisting - there's a number of Special Branch reports and related documents which the Police Force has produced to the Inquiry. And an analysis of 18 Special Branch reports, almost all of them authored or co-signed by you between January 1975 and January 1979, which have been produced, have the following mentions of particular people. In terms of reports mentioning Raghib Advic, 13 reports. In terms of mentioning Mile Bobanovic, ten reports. In terms of reports mentioning Joseph or Josip Stipic, five reports. Does that come to you as any surprise?

25 30 A. No.

EXHIBIT 2.1, DAY 107, RED PAGE 3552, SHOWN TO WITNESS

Q. What I'm asking be put up on the screen, Mr Jefferies, is evidence given by Mr Zvirotic in the trial. If we could start this at red page 3552. If we could just go to the top, please. Mr Zvirotic said that after he was being hit by detectives - you can see that claim against the word "witness", and then the first large paragraph that's on the screen in front of you commencing, "Yes, in a protective manner, sir."

35 40 A. Yeah.

Q. He said:

45 "One of them keeps saying, 'Tell us. Tell us', and that once they are walk inside they are close door behind them. and after that, some detective walk inside. Some man walk inside. Before he is walk he is open door very quickly, you know, and he is saying, 'What is going on here? What are you doing? Leave him alone. All of you men get out from the room'. And that was Detective Webster, which I learned later, and all detectives left the room and

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he has come towards Detective Jameson and he say, 'Get us two cups of coffee.'

5 We was - we was waiting for a coffee. Detective Webster come to me and say, 'Tony, I'm sorry this man threatened you in that way. We are not all as bad as them.'. I say to him, 'Sir, I do not understand why that people treated me in this way, brutal way. They don't even get me dressed.' I say, 'What is going on here? What are you want from me? Can you tell me, please?'. He say, 'Look, Tony, don't get exciting.', you know. I say, 'Can I get my clothes because I was still in a shorts, sport shorts.'. And he say, 'You get your clothes later, is not cold.'. He is starting asking questions. He sit in front of me on my left-hand side."

15 And then he talked about the chair he was on, and can we skip the bit where counsel asked the question. Then can you see question:

"Q. 'Was anything said about visitors?'  
A. 'Yes. Yes.'. He say, 'Do you accept?'. 'No'. He has offered me  
20 cigarette first. He say cigarette and I say, 'Yes, thank you.'. Detective take the cigarette and the two cups of coffee were brought. Detective Jameson left. He closed door behind him again, and then he has asked me, 'Do you accept some visitors tonight?'. I say, 'No, I do not accept no visitors tonight.'. Then he has asked me  
25 next question I believe was, 'Do you know man Steve Topic?'. And I say to him, 'Yes, I know him or what about him?'. And he is did not reply, but next question, I believe next question he has asked me was, 'Do you know man Avdic?'. I believe next question, and I say, 'I know him by sight.'. And next question of his was 'Do you know  
30 man called Virkez?'. I am not sure that is everything in a same order. 'Do you know man Virkez?' And I say, 'No, I don't know such person. He say, 'He's got another name, Misimovic. Do you know a person like that?'. I say, 'No, I don't know such person either.'. He say, 'This man is about..'"

35 And then he gives a description. If we could go over the page lease. Mr Zvirotic concludes his question that he attributed to Sergeant Webster:

40 "'He's got a house in Lithgow'. And I say, 'I used to know this person. He has mentioned to me. They call him Vito also. I say, 'I used to know this person very well, you know.'. Then he didn't answer, but he say, he didn't reply, but he say, 'Do you know Stipic from Mount Druitt?'. I say to him, 'Which Stipic?'. And he is - did  
45 not reply, but he say, 'Do you know anybody who talk about explosive?'. And I look at him and say, 'No, I don't know.'"

Just concluding the extract there. You would accept, wouldn't you, that the most plausible explanation for Anton Zvirotic's evidence that Sergeant Webster asked him about his knowledge of Stipic, Avdic, and Bobanovic is that on the  
50

night of 8 February you or one of your colleagues or Inspector Perrin provided those names to Sergeant Webster?

A. That's probably the case, but I really don't remember.

5 Q. Can you see the words, "Mr Lloyd Jones"?

A. Mm-hmm.

10 Q. I am sorry, can I just get us to identify the page it's on - red 3553. Mr Lloyd Jones, question, "Was anything said about the Republican Party at that stage?". Answer:

15 "His question was, 'Are you a member of the Republican Party?'. I say, 'No, I'm not - I am not member of the Republican Party.'. Then he say, 'If you are not member of the Republican Party, why you read their books and their literatures?'. I say to him, 'I read all type of paper. If you were in my room you should see this. It is plenty of papers and magazines.'."

20 Completing that extract at this stage. The most plausible explanation for Mr Zvirotic's evidence that Sergeant Webster asked Mr Zvirotic about the Republican Party is that Sergeant Webster had been provided with that information by a Special Branch officer. You'd accept that?

A. Yes.

25 Q. Certainly you wouldn't have expected Sergeant Webster to have known any of those people--

A. No.

30 Q. --leaving aside Virkez - which he would have heard of from Inspector Morey.

A. Yeah, no, no he wouldn't have known anyone.

Q. Nor the Republican Party.

35 A. No. He wouldn't have.

Q. Did you find out anything either on that night or later about the outcome of Mr Zvirotic's interrogation?

A. What do you mean by the outcome?

40 Q. Did you have a conversation with Sergeant Webster in which he indicated what had been learned from Mr Zvirotic as a result of questioning him?

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

45 Q. Did you or any other Special Branch officer, to your knowledge, show CIB detectives photographs of any of the accused?

A. I can't remember.

50 Q. It would have been logical, wouldn't it, to have taken photographs that were in the possession of Special Branch over at the police headquarters building--

A. It would have.

Q. --to the CIB building in order to brief CIB detectives?

A. It may have happened. I just don't remember.

5 Q. Could we have a look, please, at Exhibit 4.1-KKK. You might remember that in April, Mr Jefferies, Counsel Assisting showed you a series of black and white photographs that had been evidence in the trial that you identified as having been taken by a photographer for Special Branch--  
A. Yep.

10 Q. --or from Special Branch, one or the other--  
A. Yep.

Q. --of some of the Croatian Six at a demonstration.  
A. That's right.

15 Q. If we go, please, to red page 121.  
A. Yep. 121.

20 Q. Thank you. And you identified that photograph as showing Joseph Kokotovic with the placard hanging by a string around his neck?  
A. Yeah.

Q. And it's got, I think, hasn't it, in Croatian, the name "Croatian Republican Party."  
25 A. I believe so.

Q. Now, can we go please to trial transcript Exhibit 2.1, Day 122. Red page 4007. It's most unlikely - well, that's coming up, isn't it - that Detective Grady from CIB was at that demonstration?  
30 A. It is unlikely, yes.

Q. At red page 4007 - I'm sorry, I should give you a briefing. This is a transcript of evidence given by Joseph Kokotovic in the trial. Can we scroll down, please? It's point seven on the page. Can you see the question, "Now, was there any talk about a sign?" Where the cursor is on the screen?  
35 A. I don't know. Is that - yep.

Q. Reads, question - and this is Counsel talking:

40 "Q. Now, was there any talk about a sign? Did you say anything about a sign?  
A. From memory, somehow before he did start hitting me, police brutality came into the conversation somehow, and I remember when he was hitting me later, he was saying that I will be wearing  
45 my sign in Long Bay Gaol.

Q. What had prompted this discussion about a sign?  
A. I remember I did tell him that I will be wearing a sign protesting about police brutality. I will be wearing a sign down George Street  
50 or something like that. There was talk of police brutality and of

wearing a sign because he did bring it up later when he was hitting me, I remember."

5 Is it possible that Detective Grady on the night of the 8/9 February 1979 saw that photograph of Joseph Kokotovic holding that sign? Albeit, not about police brutality but about the Croatian Republican Party.

A. I don't think so. It's possible. He may have seen it. I don't know.

10 Q. But it's plausible, isn't it, that if photographs were taken from Special Branch to show to CIB detectives to, for example, identify arrestees but also give them an idea of their activities in the past, that CIB detectives would have seen those photographs of that demonstration?

A. It's possible, but I - I don't think that - I don't think that happened.

15 Q. Why don't you think that happened?

A. Well, I don't think it's a photograph that would assist them in any way. We would show them photographs to identify people, but a face to a name sort of thing.

20 Q. And that photograph identified Joseph Kokotovic?

A. Yeah.

25 Q. Sir, I'm changing the subject now. That's all in relation to that transcript, thank you. Mr Jefferies, were you interested to learn from a Special Branch point of view the outcome of the interrogation of any of the arrestees?

A. Yes.

30 Q. And did you do anything to try to find out what CIB detectives had been able to get out of any of the arrestees?

A. I don't remember exactly what I did, but I probably would have spoken to somebody about it.

35 Q. Is it possible that on the night of 8/9 February, there were no records of interview that you saw because none had been created at that stage?

A. I don't remember.

40 Q. Did you access a copy of notes in a police officer's notebook of any purported interview?

A. No, I don't believe so.

45 Q. Did you do that at any time after 8 February?

A. I don't think so.

50 Q. Why not?

A. Well, I don't know, It was a criminal matter being handled by the CIB, which as I've said before, were quite separate to the Special Branch and we had different aims. I didn't want to impede anything they were doing.

Q. But you could have learned things about the Croatian Republican Party that you didn't previously know, couldn't you? Possibly?

A. It was possible, yes, it's possible.

5 Q. Is it possible that you didn't bother trying to access the records of any purported interrogation of any of the arrestees, because you didn't believe that there'd be anything useful in them because they were fabrications?

A. No, that's not the case. It was a matter of I didn't want to interfere in the criminal inquiry.

10 Q. How would it interfere to obtain access to evidence?

A. Well, one thing leads to another, and it wasn't the done thing at the time.

Q. I want to make it quite clear to you that the likelihood is that you didn't bother trying to access that evidence because you didn't think it would have anything worthwhile in it--

15 A. No, no--

Q. --because of a belief that it would have been fabricated by police?

A. No, that's not the case at all.

20 Q. Now, I think I asked you yesterday about Mr Stipic at CIB.

A. Yeah.

Q. You know that a rating team from the Armed Hold-Up Squad went to Joseph Stipic's house--

25 A. Yes.

Q. --at Mount Druitt at Willmot?

A. Yes.

30 Q. And that at least part of the house was searched and police allegedly discovered a quantity of electric detonators?

A. Yes.

35 Q. You know that the raiding team arrested Joseph Stipic and brought him back to CIB?

A. Yes.

Q. Are you aware of who interviewed him?

40 A. No.

Q. Did you speak that night with an officer who you thought would be interviewing him?

A. Not that I remember, no.

45 Q. I want to suggest to you that Joseph Stipic was treated somewhat differently from the other arrestees that night. For example, no formal interview was conducted with him at CIB. Does that surprise you?

A. It does, yes.

50 Q. Mr Stipic's evidence in the Inquiry, Exhibit 8.5 at paragraphs 36 to 37, is

that at CIB, he was hardly asked any questions. That comes to you as a surprise, I take it?

A. It does, yes.

5 Q. In addition, it was not alleged by any CIB detective that he possessed any gelignite. Does that surprise you?

A. Well, I can't say it surprises me, but--

Q. Did you think gelignite would be found at his place?

10 A. I thought there was a possibility, yes.

Q. I should inform you that Mr Stipic's case went to Court, so there was a Court hearing about the allegation that he was in possession of detonators. It was not alleged against him that he made any admissions. He was not assaulted. Are you aware of the reason why he was treated in that way?

15 A. No, I'm not.

Q. But he was, on what you understand, happened to the other arrestees, treated somewhat differently?

20 A. Apparently so, yes.

Q. And you can't assist as to why that might have been?

A. No, I can't.

25 Q. Can I take you to a Special Branch? Exhibit 11.76A, red page 1170-1. And this is in the usual format, from the top of the first page you can see, and can I take you to the next page, please?

A. Mmm-hmm.

30 Q. Can we go to the bottom of the page? Thank you. So red page 1170-2 has your signature as the author of the report.

A. Right.

Q. Now, in the third-last paragraph--

35 A. Mmm-hmm.

Q. Can I just check - can we go back to red page 1170-1? And bottom of the - can I go again please to the next page? Can you see the paragraph that's got a mark against it in the margin? The forgoing information?

40 A. Yeah.

Q. And the forgoing information is that a detective confided that a member of the Croatian National Council in Melbourne had been overheard to discuss proposals of the West German member of the Republican Party.

45 A. I'm sorry.

WOODS: I'm sorry, where is my learned friend reading from?

BUCHANAN: Detective Gardner.

50

WOODS: I'm sorry, is that the paragraph starting, "Detective Gardner".

BUCHANAN: Well, yes. The paragraph we're focusing on commences, "The foregoing information", but I just want to make it clear, so that the witness can understand what that foregoing information is.

Q. Can you see, "Detective Gardner"? This is red page 1170-2. Can you see the paragraph above that commencing, "Information received this date from Melbourne Special Branch." Do you see that paragraph?

A. Yep. The information, yep.

Q. Then the last sentence of that reads:

"During this demonstration, Drago JURIC, a member of the Croatian Republican Party of Melbourne delivered a fiery speech calling for action from the Croatians similar to that of the Japanese Red Army, the Palestine Liberation Organisation and other terrorist groups."

A. Yep.

Q. Now, can I go back down, please, to the paragraph commencing, "The foregoing information...".

A. Mm-hmm.

Q.

"The foregoing information is significant when it is considered that the Vjekoslav BRAJKOVIC, a Sydney member of the Croatian Republican Party, discussed the advantages of adopting the tactics of the P.L.O and the Japanese Red Army during an interview conducted with him by members of this Branch in 1976."

A. Yep.

Q. That's all in relation to that report. Can I now take you to the statement you made commencing 9 February 1979.

EXHIBIT 5.5-2 SHOWN TO WITNESS

Q. That's the top of the front page on the screen in front of you.

A. Yep.

Q. Then if we could go to paragraph 16, which is on red page 561.

Q. I should actually take you back. I do apologise. Could we go back to the previous page. Paragraphs 9 to 12 record an interview that you say took place with Mr Brajkovic at his home on 25 November 1976--

A. Yep.

Q. --in the company of Detective Krawczyk.

A. Yep.



Q. Do you see that?

A. Yep.

5 Q. Can I just ask you to note that you say in paragraph 10 in the fourth line, you asked Mr Brajkovic:

"Q. Did you go to the Fairfield Police Station and ask about a demonstration at the Yugoslav Consulate to be held on Sunday?

10 A. Yes.

Q. We would like to speak to you in relation to your inquiries.

A. Yes, come inside."

15 Do you see that?

A. Yep.

Q. Can we then return to red page 561 at paragraph 16. Paragraph 16 commences:

20 "On Wednesday 15th December 1976, in company with Detective Krawczyk of the Special Branch I again interviewed Vjekoslav Brajkovic at his home..."

25 Do you see that?

A. Yep.

30 Q. There are two interviews of Mr Brajkovic that you refer to in that statement. One on 25 November and the other on 15 December. That one was after a demonstration outside the Yugoslav Consulate on 28 November 1976.

A. Yep. Yep.

35 BUCHANAN: I wonder if we can provide the witness with a hardcopy of that statement, please.

Q. What I want you to do is review the statement to see whether you can assist the Inquiry as to whether there is in the statement any reference to the Japanese Red Army.

40 A. Mm-hmm.

Q. I want to suggest to you that there's no reference to the Japanese Red Army. So if you could skim it to see if I've made a mistake there. So there are two interviews. The first commences on the 9th--

45 A. 9 February?

Q. Sorry, my apologies. Paragraph 9, and that's the interview of 25 November 1976.

A. On the - yep.

50 Q. Then commencing paragraph 16, concluding paragraph 17, you record an

interview of Mr Brajkovic at his home on 15 December 1976.

A. Yep.

5 Q. Can you see any reference there to Mr Brajkovic saying anything about the Japanese Red Army?

A. This is paragraph 16?

Q. 16, but it goes on. The interview continues to be recorded at paragraph 17.

10 A. Yes. There's no reference to the Red Army.

Q. In the Special Branch report dated 14 August 1978, which I showed you earlier--

A. Yep.

15

Q. --Exhibit 11.76-A commencing at red page 1170-1, you said that Mr Brajkovic, "...discussed the advantages of adopting the tactics of the P.L.O and the Japanese Red Army during an interview conducted with him by members of this Branch in 1976."

20

A. Yep.

Q. Is there any other record of an interview conducted with Mr Brajkovic in 1976 than those two in November and December of '76 which are referred to in your statement dated 9 February 79?

25

A. I don't know.

Q. Can I ask you, looking at paragraph 9--

A. 9?

30

Q. --of the statement. Paragraph 9. Just keeping that in front of you. How many times did you interview Mr Brajkovic at his home?

A. At least twice. At least twice, possibly more.

Q. Looking at paragraph 9, it's suggestive of it being a first time.

35

A. I see. It was the first time. He made enquiries at Fairfield Police Station. They contacted--

Q. That's what triggered it, isn't it?

A. We went and saw him.

40

Q. You gave evidence about both conversations in 1976 at the committal hearing in 1979 in relation to the Croatian Six and Mr Virkez, and at red page 7602, you talked about the interview on 25 November and the interview on 15 December, and on neither occasion did you say that Mr Brajkovic had mentioned the Japanese Red Army.

45

A. Right.

Q. Is it possible that the allegation in your Special Branch report of 14 August 1978, that in an interview in 1976 Mr Brajkovic had discussed the advantage of adopting the tactics of the Japanese Red Army was inaccurate?

50

A. No. No, it's not.

Q. Is it possible that you transposed to him in your mind the reference to a Mr Juric in Melbourne having talked about the Japanese Red Army?

5 A. No. I don't think so.

Q. Did you fabricate that part of your Special Branch report of 14 August 1978 in which you indicated that Mr Brajkovic had discussed adopting the tactics of the Japanese Red Army?

10 A. No.

Q. Are you able to assist us as to where we could possibly find a record of that?

15 A. I've got no idea. It would only be a Special Branch record, that's all. Held by the Police.

Q. In your statement of 9 February 1979, if we could go back to that, please.

EXHIBIT 5.5-2, RED PAGE 561, SHOWN TO WITNESS

20

Q. Eight lines from the bottom of paragraph 16, can you see a reference to, "P.L.O."? "Yassir ARAFAT and the P.L.O."?

A. Yep.

25 Q. Yasser is spelt Y-A-S-S-I-R.

A. Yep.

Q. "...and the P.L.O."?

30 A. Yep.

Q. It sort of commences with Brajkovic saying about four lines above that, "The Croatians that murdered the Yugoslav Ambassador in Sweden and the hijackers of the plane are good Croatians and real patriots to Croatia."

35 A. Yep.

Q. "I said", meaning you--

A. Yep.

40 Q. --"Vjekoslav do you really mean that.' He said, 'I tell you true, if the Croatians want to liberate the Croatians they must do more of this. They must follow the example of the Yassir ARAFAT and the P.L.O. Look what they have got in a short time. We have got nothing'"?

A. Mm-hmm.

45 Q. Mr Krawczyk said, "Vjekoslav, what about all the innocence people that have been murdered and injured by the P.L.O.?" Brajkovic said, "How you say, the ends justifies the means. We can't be worried about such things. We are sorry for people who get hurt, but we can't help that."

50 A. Yep.

Q. Is it possible that in those passages you're mistaken about what Mr Brajkovic said about Yasser Arafat and the PLO?

A. That's what he said.

5 Q. Can you, for the purposes of this exercise, accept from me that as matters of historical fact, Yasser Arafat and Josip Tito, the president of Yugoslavia, were good buddies. Arafat was an admirer of Tito, the president and dictator of Yugoslavia, and Tito was an admirer of Arafat?

A. I didn't know that.

10

Q. Did you know that when Tito died in 1980, Arafat attended Tito's funeral?

A. I didn't know.

Q. He went to Belgrade to do that.

15

A. (No verbal reply)

Q. Your understanding throughout the time you knew Mr Brajkovic was that he was vociferously opposed to President Tito, the president of Yugoslavia.

A. Yes.

20

Q. So the chances that Mr Brajkovic expressed an opinion admiring of Arafat and the PLO are rather unlikely, I suggest to you.

A. No. That's exactly what he said. I remember it quite plainly.

25

Q. You derived that assertion in your 9 February statement from the Special Branch report that you wrote of the interview?

A. Yes.

30

Q. Did you record those claims that Mr Brajkovic spoke admiringly of Arafat in the PLO and the Japanese Red Army and of the hijacking of a plane, in order to prejudice Brajkovic in the mind of the listener or the reader?

A. No. I recorded them as a matter of fact for Special Branch purposes, for record of the Special Branch.

35

Q. But you recorded the statement for the purposes of giving evidence in court?

A. Yes.

40

Q. In that statement, Exhibit 5.5-2, - it's still on the screen - part of paragraph 16, three lines from the top of paragraph 16, if we could scroll, please.

A. Yep.

45

Q. Can we turn over the page, page 562. This is still paragraph 16 at the top of page 562, and it reads, "Yugoslavia to the Croats, and if you did, you would see what I mean. I said - meaning you--

A. Yep.

50

Q. --'Yugoslav, if you were to do as Arafat has done in this country, you would be in gaol forever. He said, 'We can't be worried about the laws of this country

or anything else. We must fight for Croatia."

A. Mm-hmm.

5 Q. I want to ask you a question or two about that. This statement you say he made on that subject was after, according to your same statement at paragraph 10, Brajkovic had gone to Fairfield Police Station to enquire about holding a demonstration.

A. That's how he came to notice, yeah.

10 Q. It's also after - this on 25 November 1976, red page 559, paragraph 11 - he said to you he did not want to be arrested. That's the reason he said he went to the Police Station. Let's have a look. I'll take you to it. Paragraph 11.

A. Mm-hmm.

15 Q. You said at the third line, "Why did you make inquiries at the Fairfield Police Station concerning the demonstration?". He said, "I want to go to demonstration, and I want to do something outside the Yugoslav Consulate. I don't want to get arrested. I just want to show that I hate them, and that Croatsians must be free."

20 A. Mm-hmm.

Q. Would you agree that it seems incongruous that on 15 December - that's the second interview at Mr Brajkovic's house in 1976 - roughly three weeks after enquiring about holding a demonstration because he didn't want to be arrested, Brajkovic should say he couldn't be worried about the laws of this country? Incongruous is the proposition I'm putting to you.

25 A. I think it's a different context. A different context. Talking about getting arrested at a demonstration, or getting arrested for something far more serious.

30 Q. What, he didn't mind being arrested for something far more serious?  
A. No.

Q. I see.  
35 A. If necessary it was a far more important act, wasn't it?

Q. I see. You were taking notes during--

A. I've got something, yep.

40 Q. Are you all right?  
A. Yes, I'm right.

Q. You were taking notes during these two interviews, were you?

45 A. Probably not, no.

Q. Was Detective Krawczyk taking notes?

A. No.

Q. So at best your account of the contents of these two interviews--

50 A. Yep.

Q. --was your memory--

A. My memory, yep.

5 Q. --with whatever interval there was between the times of the interviews and the times of making a record?

A. Sometimes - I didn't usually make notes. I found once you started making notes people stop talking.

Q. You said that before, yes.

10 A. And sometimes I'd go back to the office, and I'd make brief notes. Then do a full report when I had time.

Q. You gave evidence about the conversation on 15 December 1976 at the committal hearing--

15 A. Mm-hmm.

Q. --in 1979 for the Croatian Six and Mr Virkez. That was on - as far as your evidence was concerned, 12 September 1979. You had made your statement purporting to record the contents of the interviews on 9 February 1979 or a day or so later. So there's not terribly much time between the time when you made the statement recording the contents of those interviews and the time when you gave evidence at the Court of Petty Sessions about them.

A. Mm-mm.

25 Q. Would you accept that?

A. Yes.

Q. In your statement, which is still on the screen, at paragraph 16, 12 lines from the bottom, see the reference to Yasser Arafat and the PLO. Can you see that--

30 A. Yep.

Q. --you attribute to Mr Brajkovic, "The Croatians that murdered the Yugoslav Ambassador in Sweden and the hi-jackers of the plane that took Croatians are good and real patriots to Croatia.". There's a reason for me going through this again, so I apologise if I'm being tiresome.

35 A. Real patriots of Croatia.

Q. You said, "Vjekoslav, do you really mean that?". He, Brajkovic, said, "I tell you true. If the Croatians want to liberate Croatia they must do more of this. They must follow the example of Yassir Arafat and the P.L.O. What they have got in short time. We have got nothing.". And then Krawczyk asked questions about innocent people, which I should just take you to.

40 A. Yep.

45

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

A. Yep.

50 Q. Brajkovic said, "How you say the end justifies the means. We can't be

worried about such things.", and so on. So that's what you said in your statement. Can I take you now to the evidence-in-chief you gave in the committal hearing on 12 September, which is Exhibit 2.3, Day 31, red page 7603. At that part of your evidence, six lines from the top--

5 A. Yep.

Q. --"We went on to discuss", can you see that?

A. Yep.

10 Q.

"We went on to discuss Croatian political matters and he said that if the Croats hoped to liberate Croatia then we must follow the examples set by Yasser Arafat and the PLO. I said, 'You can't be serious about that. What about all the innocent people that have been murdered and killed as a result of the PLO's activities?'. He said, 'We can't be worried about innocent people. We're sorry that they're hurt, but we must fight for Croatia.'."

15

A. Mm-mm.

20

Q. You see that you attributed to yourself--

A. Yep.

Q. --what in your statement you attributed to Detective Krawczyk?

25

A. I do, yeah.

Q. At the committal hearing you weren't giving evidence by reading out a statement, were you?

A. No. Just from memory.

30

Q. Would it be fair to say that you were attempting to give evidence of your recollection of your statement?

A. Yep.

35

Q. You weren't attempting to give evidence of an actual conversation.

A. Well, in this case they were one in the same. The statement was compiled from reports that contained the conversation.

40

Q. I want to put to you that the evidence you put together in your statement, and that you tried to recount accurately in your evidence-in-chief at the committal, on this subject of Mr Brajkovic saying admiring things about Yasser Arafat at the PLO, was made up, was fabricated.

A. No. No, no, no.

45

Q. Can I change the subject now. That's all in relation to that statement, thank you. Can I ask you, please, about Exhibit 11.5, red page 10. Can you see that this is the document, the preliminary report, concerning the arrest--

A. Yep.

50

Q. --of nine Croatians on 8 February 1979 at Lithgow and various suburbs at

Sydney.

A. Yep.

Q. Counsel Assisting asked you about this when you gave evidence in April.

5 A. Mm-hmm.

Q. The preliminary report document is dated 8 March 1979. Can we go to red page 11, please, and can you see that your signature is there--

10 A. Yep.

Q. --as well as that of Constable McNamara--

A. Yep.

Q. --and the - I think I said 8 March - it is dated the 8 March - it's Mr Perrin's date--

15 A. Yeah.

Q. --which is 9 March.

20 A. Yep.

Q. Going back to the preceding page, please. The first page of the document records that, at about point 3 on the page, Constable Ingram. Can you see that in the first line--

25 A. Yep.

Q. --of the first substantive paragraph?

A. Yep.

Q. "Constable Ingram contacted this office with information he had received from a Croatian."

30 A. Mm-hmm.

Q. Those words "received from a Croatian", were a reference to Vico Virkez?

35 A. Yep.

Q. The document goes on to record, about point 5 on the page, after the details of Mr Topich, "Further information". Can you see that paragraph?

A. Yep.

Q. "Further information was received from Lithgow and it was ascertained that a number of other Croatians in Sydney, all members of the Croatian Republican Party (HRS) were involved in a conspiracy with the three at Lithgow."

40 A. Mmm-hmm.

Q. From the use of the words "other Croatians in Sydney," you intended the reader to understand that the three men who were arrested at Macaulay Street, Lithgow - Bebic, Virkez, and Topich - were Croatians.

45 A. Yeah.

50



Q. And that the third Croatian arrested at Macaulay Street, Lithgow, was Steve Topich.

A. Mmm-hmm.

5 Q. What was the source for your information that Mr Topich was arrested at Macaulay Street, Lithgow?

A. I cannot remember.

Q. The likelihood is that it was a police officer?

10 A. Yes.

Q. And the statement that police ascertained that the conspiracy involving the five arrested in Sydney involved also the three Croatians at Lithgow--

A. Yeah.

15

Q. Leaving aside where Mr Topich was arrested--

A. Mmm-hmm.

Q. --what was the source of your information for the statement that the men arrested at Macaulay Street were Croatian?

20

A. I can't remember.

Q. That those--

A. Further information received from Lithgow.

25

Q. --statements that I've taken you to--

A. Yeah.

Q. Plainly impliedly assert that Virkez was Croatian.

30

A. Yes.

Q. But you knew Virkez was not Croatian by the time you wrote this report dated 8 March 1979.

A. By the time I'd written that, I had ascertained he wasn't - he wasn't.

35

Q. You, together with Constable McNamara, wrote this report after you had your meeting with Inspector Perrin in which you gave him your report about your interview with Virkez at Lithgow on 10 February.

A. Yeah.

40

Q. In which, amongst other things, you discussed with Mr Perrin, whether Virkez was setting people up.

A. Yes.

Q. That meeting with Mr Perrin would have been on either 11 or 12 February on the evidence you've given us.

45

A. Probably, yes.

Q. You told the Inquiry, Day 9, red page 592, that you could see in the meeting that Perrin was concerned about the risk that Virkez was setting

50

people up.

A. Yes.

5 Q. You told the Inquiry, Day 9, red page 592, that you tried to persuade Mr Perrin that Virkez was genuine.

A. I don't recall that. Obviously, they said it.

Q. Thinking about it now, do you think you did try to persuade Mr Perrin that Virkez was genuine?

10 A. I think I might have been more inclined to try and persuade Mr Perrin that we should proceed carefully.

Q. Well, are you telling us now that you were urging caution upon Mr Perrin in relation to how the information from Mr Virkez should be handled?

15 A. Yes.

Q. But was it your understanding that Mr Perrin was the ultimate decision maker as to how that information would be handled?

20 A. Yes, he was.

Q. What I want to suggest to you is that at some point, either in the meeting that you had with Mr Perrin on 11 or 12 February 1979, Mr Perrin must have conveyed to you his decision as to how the information that you had obtained from Mr Virkez should be handled?

25 A. Yes.

Q. Is it possible that, as you understood it, Inspector Perrin's decision about how the information was to be handled was that it should be suppressed?

30 A. What do you mean by suppressed? Suppressed--

Q. Concealed.

A. From who?

35 Q. From anyone outside of Special Branch generally, but specifically you and he.

A. I think it was - I don't really remember, but I think it probably would have been along the lines we should proceed carefully.

Q. And do what with the information that you had obtained from Mr Virkez?

40 A. Try and ascertain its veracity.

Q. I'm sorry, I've--

A. Try and ascertain the veracity of the information.

45 Q. Can I take you up on that? Was anything done, to your knowledge, to ascertain the veracity of Mr Virkez's information that he gave you on 10 February.

50 A. I think we made further enquiries about Mr Virkez and his antecedents, and the likelihood or otherwise of his information being correct. I think - I - I - I - I really don't recollect. We're talking 50 years ago. I'm not really sure.

Q. Do you know who conducted those enquiries about Mr Virkez and his antecedents?

A. Well, I presume it was me.

5 Q. What did you learn about Mr Virkez's antecedents?

A. That he was - I noted he was a strange man.

Q. But you'd formed that impression yourself, you told us.

10 A. Yes, yeah. Well, it was reinforced. He seemed to - well, he had two names and I really don't recollect. I can't remember.

Q. Did you ascertain where Mr Virkez had lived before he moved to Lithgow?

A. No, I don't think I did. Can't be certain, but I don't think I did.

15 Q. Did you make enquiries of ASIO about him?

A. I would have.

Q. What did you learn from ASIO about Mr Virkez?

20 A. I can't remember.

Q. Did you make enquiries about Mr Virkez from any interstate Special Branch?

A. Not that I remember. I really can't recollect.

25 Q. Well, what you learned from Mr Virkez on 10 February in particular was that he was an ardent Yugoslav, you told us.

A. I don't know if I said - yes.

30 Q. Sorry, I think I should withdraw that put it another way. You formed the opinion?

A. I formed the opinion.

Q. From what he said to you that he was an ardent Yugoslav.

35 A. That he might be a Yugoslav, yeah, Yugoslav supporter, yeah.

Q. You conveyed that to Mr Perrin?

A. I believe I did, yes.

40 Q. Did you investigate his claim that he'd been in contact with the Yugoslav Consulate before going to Lithgow Police Station on 8 February?

A. Yes. I remember we - I think he went to the Yugoslav Consulate twice, or contacted them. I can't - contacted them or went to them twice and was told to go to the police. I don't know where that came from.

45 Q. Well, wasn't part of the reason that you went to the Consulate or the New South Wales Police went to the Consulate that information had been received by you on 8 February from Sergeant Prytherch?

A. Yeah.

50 Q. About a man called Misimovic--

A. Yeah.

Q. --having made a call to the Consulate on 8 February?

A. Yes.

5

Q. And an attempt was made by NSW Police to get information from the Consulate about that?

A. Yes.

10

Q. Is it fair to say?

A. Yes.

Q. What, if any, enquiries were made to ascertain whether Virkez was, as you say, he admitted to you, Serbian and not Croatian?

15

A. I can't remember.

Q. But you formed that opinion yourself and then put it to him--

A. I did, yes.

20

Q. --to which he responded that he was?

A. Yes.

Q. So you had your own intuition--

A. Yeah.

25

Q. --as well as what he said to you--

A. Yes.

Q. --to underpin that conclusion.

30

A. Yes.

Q. In that preliminary report that you wrote with Constable McNamara, Virkez was described implicitly as Croatian more than once?

A. Yes.

35

Q. And the report was dated 8 March? Long after you had received the information you'd received from Mr Virkez and long after your talking with Inspector Perrin about the information you'd received from Mr Virkez.

A. Yeah.

40

Q. Why would you have described Virkez in that preliminary report as Croatian, given the knowledge that you had, that he was not?

A. I can't remember. I don't recollect. Don't remember.

45

Q. There was nothing in that preliminary report which referred to Virkez's commitment to the Yugoslav government? His adherence to the Yugoslav cause?

A. No.

50

Q. Why was that not?

A. I don't remember.

Q. Well--

A. There was a - would have been a reason. I can't remember.

5

Q. Yes, I want to suggest to you that the fact that there was nothing in the preliminary report saying that Virkez was not Croatian but in fact Yugoslav and that there was nothing in the report saying that he was an adherent of the Yugoslav cause reflected a decision that you understood Inspector Perrin had made that that information was to be suppressed.

10

A. No, that wouldn't have been the case.

Q. Is it the case that, as you understood it, Inspector Perrin decided, after you told him what you'd learned from Virkez on 10 February, that the fact that Virkez was Serbian and not Croatian was to be concealed for public purposes?

15

A. No. No, that never - that was never - never - that was never put forward.

Q. Was it, as you understood it, decided by Inspector Perrin that the fact that Virkez was, in your view, an ardent Yugoslav, was to be concealed from the arrestees and their lawyers?

20

A. No. I don't believe so.

Q. Can you provide us with any other explanation?

A. No. I can't.

25

Q. I want to take you now to some questions that you were asked in April by Counsel Assisting about questions and answers you gave in the committal hearing in September 1979, about whether you, after meeting with Virkez on 10 February, had made a report about that meeting. Counsel Assisting's questions and your answers are at Day 19, pages 609 to 611. You had told the Magistrate conducting the committal hearing that you did not make a subsequent report on that meeting. Exhibit 2.3-32, red pages 7671 to 7672. You told the Inquiry that that was an incorrect answer and you didn't know why you gave that incorrect answer. Inquiry transcript, Day 9, page 610. You told the Inquiry, Day 9, pages 610 to 611, that you didn't think that in giving your answer in the committal hearing about denying having written a report on 10 February meeting with Virkez, you were inspired by a culture of keeping Special Branch index cards, dossiers and reports under the umbrella of Special Branch, and you said that you must have been confused or mistaken or something.

30

35

40

A. Yes.

Q. Counsel Assisting took you to a number of other answers you gave during the committal hearing, which on the evidence you've given to the Inquiry were also not accurate. Inquiry transcript, Day 9, pages 611 to 618, and later on page 619. You told the Inquiry that you thought that in the committal hearing, you had just become slightly confused on certain points.

45

A. Yes.

Q. Then page 624, Counsel Assisting took you to questions you were asked

50

and answers you gave on an almost identical topic in the trial. If I could take you to that, please.

EXHIBIT 2.1, DAY 86, RED PAGE 2961

5

Q. You can see from the top of the page, you're obviously talking about the interview with Mr Virkez on 10 February.

"Q. For how long?

10

A. Somewhere about two or three hours."

A. Yeah.

Q.

15

"Q. Did you do that in your capacity as a Detective with the Special Branch?

A. Yes.

20

Q. Did you take a record of interview?

A. No.

Q. Did you write the conversation down as it occurred in your notebook?

25

A. No.

Q. Did you write up a note of the conversation afterwards?

A. I don't believe I did."

30

Counsel Assisting asked you, just keeping that on the screen, Counsel Assisting asked you on Day 9, page 625:

"Q. Did you distinguish between a note of the conversation and the report that you prepared?

35

A. Yes. I was asked if I wrote up a note, and I didn't."

40 You told the Inquiry, Day 9, page 580, that within a couple of days of returning to Sydney from Lithgow on 10 February 1979, you wrote a report of your conversation with Virkez and provided it to Inspector Perrin. I want to suggest to you that a report about the conversation plainly sat in the same category of documents, in terms of the question you were asked, a note of the conversation, didn't it?

A. I'm sorry, I don't understand your question.

45

Q. The question that you were asked at the trial is up on the screen in front of you, and you were asked:

"Q. Did you take a record of interview?

A. No."

A. No.

50

Q.

"Q. Did you write the conversation down as it occurred in a notebook?

5 A. No.

Q. Did you write up a note of the conversation afterwards?

A. I don't believe I did."

A. Right.

10

Q. That wasn't a frank answer, was it? Because a frank answer would have been, "I didn't write a note as such, but I did write a report."

A. That was sometime later. That's - that's a different question.

15

Q. Within 24 or 48 hours?

A. I don't know. What was it? 24 or 48 hours?

Q. That's what you say. You say it was either the 11th or the 12th.

20

A. I don't remember. But I didn't - I didn't take a note of the conversation, and I wrote a report.

Q. You see, during the trial, you would have become aware by that stage, the time that you were asked that question, that a subpoena or subpoenas had been issued at the request of the accused for production by the Police Commissioner of documents, particularly Special Branch documents--

25

A. Yeah.

Q. --relating to, amongst other people, Vico Virkez?

A. Yes.

30

Q. I think you were shown one of them yesterday.

A. Yes.

Q. When you told the Court in 1980 that you didn't believe you wrote up a note of your conversation with Virkez--

35

A. I wrote--

Q. --you knew, didn't you, that as night followed day, if you told the Court that you wrote up a note or a report, there was a high risk that Special Branch would have to deal with another subpoena for their records relating to Virkez?

40

A. No. That wasn't a consideration.

Q. You told the Inquiry that you would say that CIB officers did not know of Special Branch's system of index cards and dossiers, that that was a resource that was kept within Special Branch?

45

A. That's correct.

Q. That's Day 9 of the Inquiry, page 547. You told the Inquiry that, "Special Branch would never have provided a CIB officer, for example, with access to a Special Branch index card or dossier." Transcript page 542.

50

A. Well, it - we would never have given him one. Certainly not - if they came to the Special Branch, we would show them, but we would never give them an index card or a dossier.

5 Q. You knew, didn't you, that if you answered the lawyer's question about whether you'd written up a note of your conversation with Virkez on 10 February, that if lawyers for the Croatian Six saw your report, firstly, it would be inconsistent with the Special Branch approach that it, not any third party, determined what information in its records it would share anyone?

10 A. No. No. No. That's not the - that's not the case at all.

Q. You knew, didn't you, that if lawyers of the Croatian Six saw your report, it would reflect adversely on the prosecution case?

15 A. No.

Q. You knew, didn't you, that prosecution case was that Virkez was a disaffected Croatian co-conspirator?

A. Yes.

20 Q. If your report had surfaced, the accused's lawyers would have seen what Virkez real ethnicity was?

A. Yes.

Q. They would have seen that he was, in your opinion, an ardent Yugoslav?

25 A. Yes.

Q. They would have seen that he had been providing information to the Yugoslav Consulate?

30 A. Yes.

Q. And if the accused's lawyers in the trial had seen all of that as a result of a frank answer that you gave to the question, "Did you write up a note about the conversation with Virkez?", that would have reflected poorly upon you inside Special Branch, wouldn't it?

35 A. No. Sir, I've got to disagree with you. I was asked if I wrote up a note or did I take a record of interview, and I didn't. I didn't take a note and I didn't conduct a record of interview.

40 Q. It would have reflected poorly on Special Branch, wouldn't it, if the accused's lawyers had found out from a document; namely, your report, subpoenaed as a result of an answer you gave with information in it inconsistent with the Crown case about Virkez?

A. No.

45 Q. I want to suggest to you that that is the reason why you gave the answers you gave in the committal hearing that Counsel Assisting took you to back in April; isn't that the case?

A. No. I wasn't asked if I wrote a report.

50 Q. But Counsel Assisting took you to questions that you were asked in the



committal, which you conceded were inaccurate, not correct, about what you had written up after the interview with Mr Virkez on 10 February.

A. Yes.

5 Q. I want to suggest to you, and Counsel Assisting didn't put this to you, but I want to suggest to you that your evidence in the committal and at the trial that I've just taken you to, you deliberately concealed the fact that you had written a report about what Virkez had told you on 10 February?

A. No. I don't believe I did.

10

Q. Certainly, the effect of the answers you gave, let's confine it to the committal hearing, was to conceal what you had learned from Virkez?

A. No.

15

Q. The effect of that, though, was to conceal, wasn't it?

A. No.

20

Q. The effect of saying, "No. There was nothing I wrote up afterwards. That was incorrect." The effect of that was no-one knew that you had written up something?

WOODS: No. He didn't use the words, "written up", your Honour. That's wrong.

25

BUCHANAN: Can we go back to the evidence that Counsel Assisting asked the witness in April.

30

Q. You told the Magistrate conducting the committal hearing that you did not make a report on that meeting. Where it is in the committal hearing evidence, Exhibit 2.3-32, red pages 7671 to 7672, you told the Inquiry - Day 9, page 610 - that that was an incorrect answer, and you didn't know why you gave that incorrect answer.

A. That's right.

35

Q. I'm suggesting that there's an obvious reason why you gave that incorrect answer. To conceal what you knew to be information inconsistent with the Crown case that would - to use someone else's language - "blow a hole" through the Crown case by revealing that the man Virkez was not Croatian but was in fact Serbian, was ardent Yugoslav that had been in contact about the case with the Yugoslav Consulate.

40

A. No.

45

Q. I want to suggest that in giving those answers, the ones that Counsel Assisting took you to that focused on whether you'd written a report or not, you lied to the Magistrate of the Court of Petty Sessions about not having made a report.

A. I don't recollect. I don't remember.

50

Q. Isn't it fair to say though that you could recollect this, that your thinking at the time in 1979, if not also 1980, was that it was preferable to lie to a court

rather than divulge information which might impinge on the confidentiality of Special Branch files?

A. No.

5 Q. And which might harm the prosecution case?

A. No.

Q. And which might assist the accused in their trial?

A. No.

10

Q. You told Counsel Assisting - Inquiry transcript, Day 10, page 647 - that you didn't know, you couldn't remember, what your view would have been as to whether if the Virkez information had come out it would have weakened the Crown case. That was not a correct answer, was it? That was not a true answer?

15

A. Well, I believe it was.

Q. You did know that it would have weakened the Crown case because you agreed with Counsel Assisting - Inquiry transcript, Day 10, page 646 - that if you had been running the investigation, you would have disclosed the Virkez information. You would have informed the defence.

20

A. I don't recollect saying that.

Q. What I want to suggest is you agreed with Counsel Assisting to that effect because in fairness you thought it should have been disclosed to the defence because it weakened the Crown case.

25

A. I don't remember.

Q. You thought, didn't you, that the information that you had obtained from Mr Virkez, that you've written up in that report, tended to show that Virkez was a person who had a motive to tell lies about the accused?

30

A. I did - I did distrust Mr Virkez. He was a very strange man.

Q. I think we've been through it before. If Counsel Assisting hasn't taken you through it then I will. If you distrusted him, you had a duty, didn't you, if you were running the police brief of evidence to disclose that fact--

35

WOODS: I object to that. Your Honour, the question is a legal question, and the witness--

40

BUCHANAN: I'll withdraw it.

Q. You've told the Inquiry that if you had been running the investigation you would have disclosed the Virkez information, if we can use that rolled up expression?

45

A. Yes.

Q. Why would you have disclosed it? Why did you give that answer, "Yes"?

A. I don't know. I can't remember. I'm not really sure what we're talking about here.

50

Q. Can I take you to another topic.

HIS HONOUR: Is that a convenient time?

5 BUCHANAN: It is, yes.

HIS HONOUR: We'll take the morning break at this point. Mr Jefferies, you can step down. We'll resume after.

10 SHORT ADJOURNMENT

BUCHANAN

EXHIBIT 11.35, RED PAGE 128 SHOWN TO WITNESS

15

Q. Mr Jefferies, this is a two-page document.

A. Mm-hmm.

20

Q. It's headed, "OFFENDERS ARRESTED AND CHARGED AT LITHGOW ON THE 8 FEBRUARY 1979". Do you see that?

A. Yep.

Q. Then there's a list of accused, arrestees.

A. Mm-hmm.

25

Q. Starting with "Bebic", going through to "Topic", "Misimovic", and then there's, "...OFFENDERS ARRESTED IN SYDNEY AREA". And Zvirotic is referenced.

A. Yep.

30

Q. If we could go to the next page, please. Red page 129. Then there's references to "Brajkovic", "Nekic", "Kokotovic" and "Kokotovic".

A. Mm-hmm.

35

Q. The detail of information provided includes when they arrived in Australia?

A. Mm-hmm.

Q. At least sometimes how they arrived, and, you know, down to name of ship or number of flight, and date of naturalisation, if they were naturalised. Do you see that?

40

A. Yep.

Q. That sort of detail is suggestive of having originated in Special Branch records. Would you agree with that?

45

A. No. Not really. Not really, no. It's very similar to what we'd hold, but it's a bit more explicit in all of the cases.

Q. Was there a reason that you can assist the Inquiry with as to why CIB would need to research or record information of that sort of detail?

50

A. No. The CIB wouldn't, unless they had prior convictions, but if they didn't

have prior convictions, the CIB wouldn't record that sort of thing. That's - it doesn't look like Special Branch information, because it's - it's so detailed. The place of birth, and how they arrived for all of them. I don't think that came from Special Branch.

5

Q. You didn't prepare it?

A. No. I didn't. I don't think I prepared that, no.

10

Q. Can you assist the Inquiry as to who prepared or likely prepared it?

A. No.

Q. Or for what purpose?

A. Can you go back to the start of the file?

15

Q. Sure.

A. No. I - I don't know. I don't believe it's a Special Branch document. It's obviously got details there from the CIB, but--

20

Q. The charges?

A. Yeah. All the charges, and dates of birth, but, no, I don't know where that's come from.

25

Q. Can I take you to the reference to Mr Virkez. He's recorded as "Vitomir Misimovic", also known as "Vico Virkez".

A. Yep.

Q. Do you see that?

A. Yep.

30

Q. It records that, and I should just indicate we're on red page 128 of Exhibit 11.35. It records that Virkez arrived in Australia on 5 June 1970--

A. Yes.

35

Q. --and was naturalised as "Vitomir Misimovic" on 11 July 1972.

A. Yep.

40

Q. Are you aware of whether any investigation was conducted as to where Mr Virkez lived in the period late 1972 and following?

A. No. I'm not.

Q. Or as to what he did--

A. No.

45

Q. --in that period?

A. No. I mean, his criminal record would have been checked, his fingerprint record, but I don't think he had prior convictions, so there'd be nothing there.

50

Q. Did you ever watch the interview of Virkez by a journalist Chris Masters broadcast on ABC Four Corners program on 26 August 1991?

A. No. I didn't.

Q. Did you watch a tape of that interview?

A. No. I don't believe I did.

5 Q. In that interview, the transcript of the program - Exhibit 13.2, red page 20, Virkez was asked where he learnt to make bombs, and he said:

10 "Well, I learned from some books, but mainly from, you know, they teach us in the bush how to make them. I was training little bit with groups. They come to Yugoslavia in 1972. I was good friends with them. We played billiards in Geelong, which you know I was married at the time, and I learned with them. That group was killed in Yugoslavia in 1972."

A. Yep.

15 Q. Did you ever discover that before he moved to Lithgow, Virkez lived in Geelong?

A. No. Not to my recollection, no.

20 Q. Were you aware when you were a Special Branch officer that the Geelong region had a substantial Croatian community?

A. No.

Q. Did Virkez ever tell you what he did when he lived in Geelong?

25 A. No.

Q. Or before he came to Lithgow?

A. No. I don't think so.

Q. Did you ask him?

30 A. I don't think so.

Q. Did Virkez tell you of any involvement he had in infiltrating Croatian émigré groups that wanted to organise any armed incursion into Yugoslavia?

35 A. No. Not that I remember.

Q. Did you learn of any involvement he had in infiltrating Croatian émigré groups that wanted to organise an armed incursion into Yugoslavia?

A. No. No.

40 Q. Did you have any suspicion that Virkez had been involved in infiltrating a Croatian group that was planning an armed incursion into Yugoslavia in 1972?

A. That was the Croatian Revolutionary Brotherhood. I don't remember Virkez being associated, not to my knowledge. I don't remember him being associated with them.

45 EXHIBIT 15.11 SHOWN TO WITNESS

Q. You're going to be shown a book. Its title is, and I apologise for mispronouncing it, but it was, "Ostvenici Bleiburga".

50 A. Thank you for that.

Q. This was an exhibit in the trial, and the Crown case was that CIB detectives found it in Bebic's shed in Lithgow.

A. Right.

5 Q. Did you ever see that?

A. I've never seen it before, no.

10 Q. If you could put it to one side for the moment; I will come back to it. You didn't suspect or learn that since about 1972/73, Virkez had been infiltrating Croatian émigré communities in Victoria and New South Wales?

A. No.

15 Q. But you did think, didn't you, after talking to Virkez on 10 February, that he had been pretending to be Croatian, to facilitate his infiltration--

A. Yes.

Q. --into Croatian émigré communities?

A. Yes.

20 Q. There's another document in Exhibit 11.35, which I'd ask if we could show the witness. Commencing this time at red page 125.

EXHIBIT 11.35, RED PAGE 125, SHOWN TO WITNESS

25 Q. I think you had been asked questions about this already, but I'll just refresh your acquaintance with it.

A. Yep.

30 Q. It's headed, "CROATIAN TERRORISTS ARRESTED ON 8 FEBRUARY 1979."

A. Yep.

35 Q. It is undated. If we could go to red page 127. It's a three-page document. The last page is page 127. You can see there's no authorship inscribed.

A. Yep.

40 Q. I want to suggest to you that it appears, from the information in it, to have been prepared at a time after the Croatian Seven, as they were at the committal, including Virkez, had been committed for trial, but before the commencement of the trial.

A. Mm-hmm.

45 Q. Paragraph 14. If you can just read that to yourself?

A. Yeah.

Q. It's suggestive of that period, after committal but before commencement of the trial--

A. Yep.

50

Q. --as being when it was written.

A. Yeah. After that, yep.

5 Q. If we go back to paragraph 3 on red page 125, please. You can see that it says that:

"The informant in this matter is Vico VIRKEZ whose correct name is Vitomar MISIMOVIC, a Serbian by nationality who migrated to this country on the 8 January 1973."

10

Just pausing there. I do apologise, you were probably asked this by Counsel Assisting, but having had your acquaintance with the document refreshed, do you know who prepared this? Did you prepare it?

A. No. I didn't prepare that document.

15

Q. Do you think it was prepared in Special Branch?

A. It may have been, but I don't - I can't - I can't think who it--

20

Q. I'm not putting to you that it was, because I want to provide you with the option--

A. Yeah.

Q. --that it was prepared at CIB.

25

A. It may have been. It doesn't look like a Special Branch document to me, and it uses phrases that we wouldn't - well, weren't usually used in Special Branch. I don't know where it was - I don't know where it was written.

30

Q. Paragraph 3 records that Virkez migrated to this country on 8 January 1973, and yet according to the subsequent document in the same exhibit, which we looked at earlier - Exhibit 11.35, red page 128 - Virkez was naturalised on 11 July 1972, which doesn't sound right, does it?

A. No, it doesn't.

35

Q. As in one of the dates can't be right?

A. No, no. No, definitely not.

Q. This paragraph in this document discloses that Virkez was "Serbian by nationality"--

40

A. Mm-hmm.

Q. --whose correct name is "Vitomar Misimovic".

A. Yep.

45

Q. It goes on to say:

"For reasons unknown he used the Croatian name of Virkez and maintained that he was a Croatian by birth. He became an associate of the other persons arrested, gained their confidence and became a trusted member of this terrorist group. While the police suspect the purpose of Virkez changing his nationality to infiltrate

50

the Croatian terrorist group, it is unable to be clarified."

A. Yep.

5 Q. When you spoke to Mr Virkez on 10 February, Mr Virkez, you've told us, admitted he was Serbian by nationality, which meant that he'd been pretending to be Croatian.

A. Yes.

10 Q. You didn't quiz Virkez on 10 February as to why he had pretended to be Croatian. You didn't actually ask him why. Is that right? Tell me if I'm wrong.

A. I don't remember. I don't remember. That seems - seems a bit strange to me.

15 Q. You've told us that you believed--

A. Yeah.

Q. --after talking to him--

A. That he was--

20 Q. --that he was using a Croatian identity to infiltrate the Croatian community.

A. Yep.

Q. Did you, in due course, see any of Vico Virkez's Records of Interview?

25 A. I can't remember. I don't know.

Q. Can we have a look, please, at Exhibit 4.2-8, commencing at red page 295. You can see from the top that it's a Record of Interview between Detective Sergeant Marheine and Vico Virkez at Lithgow Police Station on 8 February 1979.

30 A. Yep.

Q. You were asked questions about this document by Counsel Assisting in April, Day 10, transcript page 670 - and you were taken to answers to question 38, Vico Virkez's answer to question 38 on red page 298, please. If we could go to question 38.

35 A. Mm-hmm.

40 Q. "Why were you going to plant these bombs in these or those positions?" Answer, "To keep fighting for our country. That is it. A bit of politics too". You told Counsel Assisting that your interpretation of that answer, "To keep fighting for our country", was that he would have been talking about Croatia?

A. Yep.

45 Q. Can I go back to my earlier question. Did you see this Record of Interview at any stage before it was shown to you by Counsel Assisting in April?

A. I can't remember it - I can't remember if I did see it.

50 Q. Do you have a memory of trying to access it?

A. No.



Q. Do you have a memory of being handed a copy by say Sergeant Marheine or Sergeant Turner?

A. No, I don't believe so.

5 Q. You - thinking of the time when the trial started in April 1980 - understood, didn't you, that the information about Virkez that would be revealed in court via evidence like that, was that Vico Virkez was Croatian and that in doing what he said he'd done, he was fighting for Croatia?

A. Yes.

10

Q. You knew that that was false, didn't you?

A. At that time, yes.

15

Q. You did nothing to ensure that your knowledge of Vico Virkez on the subject of whether he was Croatian and had been fighting for Croatia, was drawn to the attention of lawyers for the accused in the trial. Is that fair to say?

A. I think - I think I may have discussed it with Detective Sergeant Turner who was in charge of the case. It wouldn't be for me to go straight to the lawyers. It was Sergeant Turner's case, so I'd discuss it with him.

20

Q. What is your memory--

A. I don't have a memory of it actually. That's what I would have done.

25

Q. Why do you think you would have done it? Are you saying in hindsight you would have done it?

A. Well - no, but I thought you asked me what did I do about it.

Q. Yes.

30

A. Well, I don't remember doing anything about it, but if I did anything it would have been to discuss it with Sergeant Turner.

35

Q. As far as you were aware during 1980, it was not revealed in the trial that Virkez, aka Misimovic, was anything other than Croatian and a disaffected co-conspirator?

WOODS: Your Honour, that is inconsistent with many parts of the trial transcript. At some point during the trial, defence counsel were well aware he was a Yugoslav rather than Croatian. If necessary we can find the relevant page.

40

HIS HONOUR: Do you accept that, Mr Buchanan?

BUCHANAN: No. There were certainly questions asked, the basis for which was a strong suspicion that Mr Virkez was not who he said he was.

45

HIS HONOUR: But there was no acceptance of the proposition?

BUCHANAN: There was no admission.

50

HIS HONOUR: Do you have a reference number for it?

BUCHANAN: Yes, your Honour, I'll just try to find it.

WOODS: Page 882. His Honour asked a question about where he was born I think. This is the trial transcript.

5

BUCHANAN: And he would have said Jablanica with a 'c', Bosnia, Yugoslavia.

WOODS: Born in Bosnia, Yugoslavia. And, your Honour, can I just reserve my position on that, and we'll come back to it.

10

HIS HONOUR: All right.

BUCHANAN

15

Q. Just to cover it off, Mr Jefferies, there's a difference, isn't there, between nationality and ethnicity in general?

A. Yes, yes, yes, yes.

Q. Was it your understanding when you were in Special Branch and working on the Croatian community--

20

A. Yeah.

Q. --that you could have Croatians who were born other than in Croatia?

25

A. Yes.

Q. Just as you could have Serbians who are born in other than Serbia?

A. Yes.

Q. Nothing was done to your knowledge in 1980 during the trial to ensure that the trial did not go off on a misunderstanding as to Mr Virkez's true ethnicity and true motivation?

30

A. No.

Q. That's enough with that Record of Interview. Thank you. Can I take you back to the 'Croatian Terrorists Arrested on 8 February' document, Exhibit 11.35, red page 125. Paragraph 3 of this document at the bottom of that page, says in the second sentence:

35

40 "For reasons unknown he" - being Virkez - "used the Croatian name of "Virkez" and maintained that he was a Croatian by birth. He became an associate of the other persons arrested, gained their confidence and became a trusted member of this terrorist group. Whilst police suspect the purpose of Virkez changing his

45 nationality to infiltrate the Croatian terrorist group, it is unable to be clarified."

A. Yep.

Q. You didn't write that?

50

A. No, I didn't write that.

Q. It's certainly inconsistent, isn't it, with what you understood after you had spoken Mr Virkez on 10 February? In as much as it is not possible to clarify--  
A. Yes.

5 Q. --the purpose of Virkez changing his nationality to infiltrate the Croatian terrorist group?

A. Yes.

10 Q. Certainly Sergeant Turner knew, didn't he, because you'd allowed him to read a copy of your report of 10 February interview, and you'd had a subsequent meeting with him in which you and he had discussed the context of Yugoslavia 101, and some of the details in that report that you'd provided, you'd written for Inspector Perrin that you gave Sergeant Turner access to?  
A. Yeah.

15 Q. So if Sergeant Turner had written this--  
A. Yeah.

20 Q. --and I'm not saying--  
A. Yeah.

25 Q. --that definitely that he did. It would've been a misleading paragraph to say, "For reasons unknown, he used the Croatian named Virkez." Because you believed that the reason was known, and you had shared that with Sergeant Turner.  
A. Yes.

30 Q. So when at that paragraph it says - sorry, the last sentence, Mr Jefferies--  
A. Yeah.

35 Q. "Whilst police suspect the purpose of Virkez changing his nationality to infiltrate the Croatian terrorist group, it is unable to be clarified"--  
A. Mmm-hmm.

40 Q. Are you able to assist the Inquiry as to who - as you understand it - the word "police" in that sentence were?  
A. No. Probably - well, it's really not clear, but it probably refers to the Special Branch and perhaps Sergeant Turner.

45 Q. Because you had shared with Sergeant Turner the knowledge of Special Branch on the subject?  
A. "Whilst police suspect the purpose" - yes, it's possible. I don't - I don't really know.

50 Q. That document, as you can see, plainly identifies Mr Virkez's nationality - I do apologise. I made the same mistake myself. It says, "Serbian by nationality" but it identifies his ethnicity as Serbian.  
A. Serbian by nationality.

Q. The second line of paragraph 3.

A. Yeah, "Serbian by nationality".

Q. Somehow that was not information that surfaced in the trial certainly as explicitly as that. Is that your understanding?

5 A. I don't know. I don't know.

Q. Well, wasn't it your understanding that the Crown case at trial was that Mr Virkez was a disaffected co-conspirator, and it was Croatian conspiracy?

10 A. That was the case, yes.

Q. So that therefore he was pretending to be Croatian?

A. That was it - that was - that was my understanding, yes.

15 WOODS: Your Honour, can I just intrude? On the point that we mentioned before, but in the trial transcript at page 1009 on 4 June 1980, Mr Buchanan was cross-examining Mr Virkez and put to him:

"Q. "You are not a Croatian, are you?

20 A. No."

So by that stage, the defence was aware from Virkez's own mouth that he wasn't Croatian, and if he wasn't Croatian, he was a person who spoke Croatian, and by definition Serbian. The languages are very similar. So to that extent, that was known to the defence. And my recollection is, and I'll take  
25 your Honour to it when I find it, there's a part in the CCA judgment where their Honours speak about this matter, and it's clear that there's cross-examination about his contact with the Consulate. In the trial, his contact with the Yugoslav Consulate is very much an issue so that--

30 HIS HONOUR: But there was a dispute about it, was there?

WOODS: No, there wasn't a dispute about it, your Honour.

35 HIS HONOUR: I thought you were saying it was in issue.

WOODS: Well, I mean, there was different interpretations about what it meant, but certainly once it's established that he's not a Croatian and he's in contact with the Consulate, then his position is - the defence must be alive to it, and indeed, with respect, were. They probably didn't know the detail about the two  
40 dates of him coming to Australia, as has been pointed out my learned friend this morning, which is obviously very suspicious, and the different date of naturalisation inconsistent with one of the announced dates of arrival on what would seem to be a Commonwealth document, one might think, related to immigration. I don't know, but, your Honour, we say that the continued  
45 cross-examination of this witness about this issue of alleged concealment really can only be limited, at least to the earlier period of the committal period, when Virkez was not in the witness box, and anyway, I'll leave it at that, your Honour.

50 HIS HONOUR: I think that the cross-examination can proceed in relation to

this.

WOODS: Yes, your Honour.

5 HIS HONOUR: If the point has merit in the way you put it, Mr Buchanan's point obviously will not, but it's a matter for submissions, ultimately.

WOODS: Yes, I understand that.

10 HIS HONOUR: Yes, all right.

BUCHANAN

15 Q. Can I take you back to paragraph 3 of the Croatian terrorists arrested on 8 February 1979 document?

A. Yeah.

20 Q. Exhibit 11.35. In that paragraph, it was said, "He became an associate of the persons arrested, gained their confidence, and became a trusted member of this terrorist group." Do you know what the source would have been for that sentence?

A. I don't know what the source is.

25 Q. Was it information that had been received from the Commonwealth Police?  
A. I don't know.

30 Q. I've taken you to paragraph 3. Can I take you over the page now, please, to the bulk of the document on red page 126? And can you see, just skimming through the paragraphs 4 through to 9, that there is a recitation of what it was that was said to have been done in furtherance of the conspiracy. So far as it concerned assertions about what the Croatian Six did and were planning to do, would it be fair to say that the source for that information would have been almost entirely Virkez?

A. Yes.

35 Q. Would it be fair to say that the occasion when this information was gathered was on 10 February when you interviewed Virkez at Lithgow Police Station?

A. Yes, yes.

40 Q. So is it possible that a source, for a large part of this document, was your report to Inspector Perrin of what Virkez had told you in that interview?

A. Some of it - some of it was, yes.

45 Q. You didn't leave a copy of your report with Sergeant Turner; is that right?  
A. No, I didn't.

Q. But he both read the whole document, and its content was subsequently discussed between the two of you?

50 A. Yes, yes.

Q. Can I take you to another document? A set of police facts prepared for a Supreme Court bail application made by Virkez, Exhibit 11.47. This is a bail application, while this document is coming up, Mr Jefferies, that was made in the Supreme Court on 31 January 1980.

5 A. Mmm-hmm.

Q. And what I want to suggest to you is that paragraph 3 of the document I just showed you, the document that we don't know the origin of but could have been prepared by someone in the CIB, is similar in structure and content to part of this document, which is a set of police facts prepared for Mr Virkez's bail application made on 31 January 1980 at paragraph 2.

10 A. Yes.

Q. And certainly, the first sentence would have had its origins in what you would have told Sergeant Turner?

15 A. Yes.

Q. And the second sentence of paragraph 2 is very similar to what we saw in paragraph 3 of the earlier document in Exhibit 11.35. That's to say, it is not known the reason for Virkez revoking his Serbian background to become a Croatian. It's similar, is it not?

20 A. Yes.

Q. Can I show you the rest of this document quickly, just so that you can see the sort of document that it is. If we could go to the next page. "Virkez Facts", page 2. You saw that heading. Then down to the bottom, and over the page, and you can see that that was the last page.

25 A. Yep.

Q. There's no authorship ascribed on the document?

30 A. No.

Q. Was that statement of facts prepared at Special Branch?

35 A. No.

Q. Did Special Branch, to your knowledge, prepare any statement of facts for use against any of the people arrested on 8 February?

A. No. I don't think so.

Q. I wonder if we could scroll down. I do apologise for not having the paragraph number. I wonder if we could scroll up, please. Virkez told you on 10 February that he was a member of the Croatian Republican Party?

40 A. Yes.

Q. You asked him; he told you?

45 A. Yes.

Q. Did you gain an understanding from Mr Virkez as to when he joined the Republican Party?

50 A. No. I don't think so.

Q. Or for how long he had been a member before his arrest?

A. No. I don't think so.

EXHIBIT 11.35, RED PAGE 125, SHOWN TO WITNESS

5

Q. In paragraph 3, and we've been there before, but could we go back to paragraph 3 at the bottom of that page, please. Do you see the second sentence, "For reasons unknown he", meaning Virkez, "used the Croatian name of VIRKEZ and maintained that he was a Croatian by birth."

10

A. Yes. Yes.

Q. That was inconsistent - I think I might have already asked you this - that was inconsistent with what Virkez told you on 10 February; is that right?

A. Yes.

15

Q. So you don't know where that information would have come from? What would have been the source of that statement?

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

20

Q. Do you know, looking at paragraph 3, what the source of the information was that Virkez, "became a trusted member of this terrorist group."

A. Look, I'm sorry.

Q. Looking at paragraph 3--

25

A. Yes.

Q. --can you see the fourth line from the bottom, he, "...became a trusted member of this terrorist group."

A. "...and became a trusted member of this terrorist group", yes.

30

Q. Do you know what the source of that information was?

A. No. I don't. It's not - it's not a phrase that I would use.

Q. It's not anything that Virkez told you on 10 February? For example, did he tell you that he was so successful in infiltrating the Croatian Republican Party--

35

A. No.

Q. --that he was a trusted member?

A. No.

40

Q. Indeed, that piece of information that Mr Virkez gave you on 10 February that he was a member of the Croatian Republican Party, did not sit happily with your knowledge of the Croatian Republican Party at that time, did it?

A. No.

45

Q. Because you had, to your knowledge, never seen him before?

A. No. I'd never seen him.

Q. And if there was one group that you were focusing on in your work, it was the Croatian Republican Party?

50

A. No. I had a number of groups I was focused on. It was merely one. It was one of a number.

Q. But you did focus on it? You did pay attention to it?

5 A. Yes. I paid attention to it, but I--

Q. And you were interested in knowing who was a member of the Croatian Republican Party?

10 A. Yes. Yes. Yes. Yes. Yes.

Q. Looking at paragraph 5, if we could, on the next page, can you see the third and fourth sentences? "Each bomb constructed contained 12.5kgs of high explosive gelignite...", and I'll come back to the rest of the sentence in a moment.

15 A. Mm-hmm.

Q. Do you know what the source was for that information, or what the source might have been?

20 A. Well, that would have come from the CIB.

Q. The rest of the sentence reads:

25 "...and were to be detonated by means of an electronic timing device which was to have been constructed by BRAJKOVIC who has been attending an electronic course during the past three years."

Were you the source of that information?

30 A. No. I wasn't. I was unaware of that.

Q. You've already told us that the content of the next sentence is contrary to your knowledge at the time?

35 A. Yeah. I had no knowledge of him travelling overseas, and absolutely no knowledge of him being present during an actual terrorist bombing. That's all foreign to me. I don't know anything about that.

Q. Virkez didn't tell you?

40 A. No. No. No. No. No. I've never seen that before, until it was shown to me here.

Q. Can I take you to paragraph 6.

45 "At the time of placing these bombs at the mentioned premises they were also going to place a similar time bomb on the main Sydney water supply line at St Marys."

A. Yes.

Q.

50 "Whilst it is obvious the reason for attacking Yugoslav premises the



pipeline was to be destroyed to gain publicity which they felt would involve the Federal Government."

A. Mm-hmm.

5 Q. Do you know who or what was the source of the information in the second sentence?

A. In the second sentence?

10 Q. Yes. "Whilst it is obvious the reason for attacking Yugoslav premises the pipeline was to be destroyed to gain publicity which they felt would involve the Federal Government."

A. No. I don't know who the source was, but I do remember being told, probably by Virkez, that that was the reason they were going to blow up the main pipeline.

15

Q. That they wanted to attract the attention of the Federal Government?

A. Yeah. Well, no. He didn't tell me the Federal Government. He just said they wanted to attract publicity and attention, yep, or words to that effect.

20 Q. You didn't tell CIB that they felt attacking the water supply line at St Marys would involve - that the conspirators felt that such an incident would involve the Federal Government?

A. No. I don't believe so. I don't believe so.

25 Q. This didn't come from Special Branch?

A. No.

Q. It doesn't record anything you were told by Mr Virkez, so far as involving the Federal Government on--

30 A. No.

Q. --10 February?

A. He never mentioned the Federal Government to me.

35 Q. Paragraph 7--

A. Yep.

Q. "The death of these two men would have caused confusion within the Yugoslav community and may have diversified Police investigations to other sections of the community."

40

A. No.

Q. Do you know what the source of this was?

45 A. That's - that's not what Virkez told me. Virkez told me they were going to kill - actually, Virkez told me they were going to kill the two elderly members of the Croatian Inter-Committee Council. One was Tomo Mlinaric from the Marrickville Club, and the other one Fabian Lovokovic from the HOP Croatian Liberation Movement, and he said they were going to kill me.

50 Q. Paragraph 8 is about the claim of a plan to abduct American businessmen

and hijack a commercial plane; we've dealt with that. Paragraph 9, "In the event of the mentioned acts of terrorism being successful in Sydney it was their intention to instruct similar groups in Victoria in acts of terrorism."

A. I've never heard that before.

5

Q. It's unlikely to have come from Special Branch?

A. Yes. Yes. It's unlikely. I don't know where that's come from.

Q. You weren't told that by Virkez?

10 A. No. No. No. No. He never told me that.

Q. Did he mention Victoria to you?

A. No. Not that I remember, no.

15 Q. Paragraph 10, the first sentence talks of, "these offenders"--

A. Mm-hmm.

Q. Thinking of the Croatian Six.

A. Yep.

20

Q. "At the time of the arrests they were in the process of leaving their respective premises to meet and form into two groups to place the time bombs in the premises mentioned". I just want to focus on the statement, "they were in the process of leaving their respective premises".

25 A. Mm-hmm.

Q. I want to suggest that that's not consistent with the evidence of what the police said Nekic, the Kokotovic brothers, Zvirotic and Brajkovic were doing at the time they were arrested.

30 A. No, it's not consistent.

Q. Do you know where that assertion would have come from?

A. No, I've got no idea. No idea at all.

35 Q. The people who would have known would have been the CIB detectives who raided the respective premises.

A. Yep.

40 Q. I'll leave it at that. Paragraph 11, you were taken to this yesterday by Counsel Assisting, but I'll just revisit it if I may. "Whilst searching their homes, Yugoslav literature relating to the construction of time bombs was found together with newspaper cuttings referring to various hi-jackings throughout the world." Do I quote you correctly, you told Counsel Assisting that you're not aware of newspaper cuttings having been found that referred to various  
45 hijackings throughout the world?

A. That's right, I don't remember any such literature.

Q. You would have likely remembered if that came to your attention?

A. Yes, I'd be very interested.

50

Q. The first part of that sentence, "Whilst searching their homes, Yugoslav literature relating to the construction of time bombs was found".

A. Mm-hmm.

5 Q. At the trial, the only evidence matching this description was the location by police in Maksim Bebic's shed in Hepburn Street, Lithgow of the book Osvetnici Bleiburnga ("The Avengers of Bleiburg"), and you have the book in front of you--

A. Yep.

10

Q. --Exhibit 15.11. I can tell you, without you needing to go through it, that it has a chapter which is entitled "Ekplozivi", and at page 108 this chapter contains instructions and a diagram for wiring a timebomb, and you don't need to know certain Croatian to work that out. Are you aware of any other literature said to have been found at houses of the accused that related to the construction of timebombs?

15

A. No, I - I don't remember anything else, no.

20

Q. As to the person who owned that book, the Bleiburnga book if I can call it that, Detectives Turner and Milroy attributed to Maksim Bebic an admission that he owned it - Exhibit 4.1-D, questions 80 to 81. Bebic claimed in the trial that, apart from some personal details, the whole of the Record of Interview concerned was a fabrication. You would agree, wouldn't you, that it's not unusual for the owner of a book to write their name and any details inside the cover or on the front page of a book?

25

A. Yes.

Q. Have you had a chance to have a look at the front page or the inside cover of that book?

30

A. I did, but I didn't see anything, I don't think. Oh yes. Yes, "Misimovic".

Q. Yes, and an address in Geelong, West Geelong.

A. Yes.

35

Q. The document that I've been taking you through really appears to have been slanted, doesn't it, to implicate the accused and to divert attention from evidence implicating Virkez. Would that be fair to say?

A. Well, no, I haven't read the whole document so I really can't say.

40

Q. Can I take you to paragraph 12, "Since their arrest the Croatian Inter-Committee Council have refused to assist police, and on a number of occasions have displayed sympathy for this group of terrorists".

A. To my understanding that's incorrect. My understanding was the Croatian Inter-Committee Council disowned them. Actually, the Croatian Inter-Committee Council disapproved entirely of the Republican Party.

45

Q. That was before the arrests though.

A. Before the arrests, and as far as I know they didn't want anything to do with them.

50

Q. Your attention wasn't ever drawn to the product of a search warrant executed on the office of the Inter-Committee Council in this regard?

A. Not that I remember.

5 Q. I can ask you to assume that CIB detectives visited the office of the Inter-Committee Council and executed a warrant for books of the Council that might provide evidence supporting the claim that the Croatian Republican Party were expelled because of their extremist and violent views. As far as would appear to be the case from documents both tendered in the trial and provided to the  
10 Inquiry, police never found evidence on the execution of that warrant that the Republican Party had been expelled from that controlling body because of their extremist and violent views. I'm sorry I should have indicated I'm quoting from paragraph 1 now on the preceding page - on the first page of this document. If we could just go to that, please. No, I apologise, the first  
15 paragraph of this document. Do you see the statement:

"That the Sydney Branch of the Croatian Republican Party, which was expelled in 1978 from the Croatian Inter-Committee Council, who are recognised within the Croatian Community, is the  
20 governing body of various Croatian political parties."

A. Yep. Yep.

Q. You have recorded in various documents - and I hope you don't want me to take you to it because I can't - but it wouldn't surprise you, would it, that you  
25 have recorded in various Special Branch documents that the Croatian Republican Party were expelled by the Inter-Committee Council at a meeting because of the Republican Party's extremist and violent views?

A. That was my understanding, yes.

30 Q. You would have been provided with information to that effect by an informant?

A. Yes.

Q. Is it possible that the information was not correct?

35 A. No.

Q. Why do you say that?

A. Because he was a very good informant.

40 Q. Are you talking about Mr Avdic?

A. No, I'm not.

Q. Can we go back to paragraph 13. I'm sorry to skip around the document, but if we could please go to page 3 I think it is. Paragraph 13, "Information has  
45 been received of three others who are involved with this group and are currently residing in the Sydney area.". Do you know anything about that sentence?

A. I can't be sure about that. I can't be sure about that.

50 Q. Were you the source of that statement?

A. No, I don't believe so.

5 Q. The implication from that sentence is there are three other conspirators at large who haven't been arrested. Given it says, after the committal's over, "are currently residing in the Sydney area".

A. You could draw that inference. I don't recollect that at all. I know there were other - other people in the--

Q. Republican Party.

10 A. --in the Republican Party or sympathetic to the Republican Party, but you know, to draw the inference that they were involved--

Q. Sorry, could you just speak up a little bit.

15 A. Yeah. No, I don't - I don't remember that at all.

Q. Counsel Assisting took you to paragraph 16--

A. Yeah.

20 Q. --"That within information to be kept strictly confidential and not made available to the general public for obvious reasons."

A. That's - that's not a phrase that I would use. That's not something I would put in a report.

25 Q. Can I rewind and ask you, in respect of the whole of this document there's a lot of strange material in the document, isn't there?

A. Yeah, there is. I don't think it's a police document.

Q. Or could it have been written by Roger Cavanagh attached to the AFP?

30 A. I wouldn't - I wouldn't say that.

Q. But there's a lot of information in the document which has a--

A. Yes.

Q. --tag to the police case or to what Mr Virkez told you.

35 A. Yeah.

Q. It has to be a source or an author who's associated--

A. Yeah, or who is a part--

40 Q. --a person who has access to the NSW Police case--

A. Well, some of our reports were disseminated to other bodies.

Q. I'm sorry I didn't hear that.

45 A. Some of our reports at the discretion of the officer-in-charge were referred to other bodies, and I'd say - I don't know where that's come from, but it doesn't look like a police - it just doesn't look like a police document.

Q. When you say that, it must be a police document, mustn't it, because--

50 A. Well, it contains information from the police, but I - well, I've never seen it before.

Q. I understand.

A. And paragraph 16 I don't - I don't - I don't think I've ever seen that - that phraseology anyway.

5 HIS HONOUR: That's a convenient time. Just before we go I noticed in relation to the facts document that you took him to earlier, Exhibit 11.47, the formatting and just general style of the documents that those two documents appear very similar. Secondly, I'm at a bit of a loss as to what the purpose of creating this document at 11.35 could have been, given what's said in  
10 paragraph 16. It seems--

BUCHANAN: It's not a major part of the petitioners case, but my submission will be that by the time all of the material is before your Honour, it wouldn't be difficult to understand that quite possibly it was written by Mr Cavanagh, and  
15 provided to the NSW Police in as much as I'd be submitting, NSW Police provided Mr Cavanagh with a lot of information, and there might have been a quid pro quo - 'Look, here is a document that I've written on the subject' - and it has a skeleton which is consistent with information from the NSW Police about the glots that has been put on so many of the pieces of information that  
20 it's difficult to understand where it could have come from. I'll be submitting the most likely candidate, by process of elimination, was Mr Cavanagh, but the petitioners case doesn't rise or fall on that conclusion.

HIS HONOUR: No, no. All right, we'll resume a little bit after 2.00pm, I think.

25

LUNCHEON ADJOURNMENT

BUCHANAN

30 Q. Were you ever aware, Mr Jefferies, of a Commonwealth Police training manual entitled, "CROATIAN NATIONAL SEPARATISM THE AUSTRALIAN EXPERIENCE 1961 - 1979"?

A. No. I wasn't.

35 Q. I understand the Inquiry has it in electronic form and not readily in paper form.

EXHIBIT 14.1, RED PAGE 2, SHOWN TO WITNESS

40 Q. I was wanting to take you to the first page, if at all possible, and I haven't made a note of what page number that is. It'll be at least 100 pages back. Here we are. If we could have a look at the next page, please. If we could expand that so it's more legible.

A. Mm-hmm.

45

Q. Just for the record, could I ask for the red page number of what we're looking at? So the cover page is 1. We're looking at the title page, red page 2, of Exhibit 14.1. This is not familiar to you, Mr Jefferies?

A. No. I've never seen it before.

50

5 Q. If we could go to red page 65. Thank you. If we could have a look at note 25. This is a set of pages at the back of that intelligence manual, Mr Jefferies; that as far as this is concerned is, it's either a bibliography or end notes and I can't remember which, but either way it's available to the reader as an indication of sources. It's probably a set of endnotes. Note 25 reads, "Paper entitled, 'The Croatian Threat', presented to the 1979 ASIO-Special Branch Conference by Mr RF Cavanagh, Principal Intelligence Officer, Commonwealth Police Force".

10 A. Yep.

Q. Did you attend that conference?

A. No, I didn't.

15 Q. Can I take you to page 60 of this exhibit, and can you see under the heading, on a previous page, "The Croatian Republican Party (HRS)", on page 60. It reads:

20 "The most serious incident occurred over the period 8/9 February 1979 when nine Croatians, all closely associated with the HRS, were arrested by NSW State Police on charges associated with conspiracy to murder as well as possession of arms and explosives."

A. Yep.

25 Q. Do you know who the ninth Croatian would have been?

A. Who the?

Q. Ninth Croatian would have been?

30 A. No, I've got no--

Q. Think of the Croatian Six, and it's plus Mr Virkez, plus Mr Stipic, that's eight. Who was the ninth?

35 WOODS: Mr Topich.

BUCHANAN: Mr Topich. Thank you very much. My attention's been directed to the page of the volume at the top of page 78, and if that can be expanded. This is page 78, I think.

40 HIS HONOUR: Red page 83.

BUCHANAN: Thank you, your Honour.

45 Q. You can see that there's a list there of nine people, and it includes Mr Topich.

A. I can't remember a 'Stephan Topich'. I don't remember him.

Q. He was arrested on the night of 8 February 1979 but separately--

50 A. Yeah.

Q. --from the arrest of Mr Virkez and Mr Bebic.

A. Yeah. No, I can't say I remember Mr Topich.

Q. This is despite keeping a fairly close eye on the Republican Party--

5 A. Yeah.

Q. --you don't remember a member by that name, 'Stephan Topich'?

A. No, I don't. He's much older than the rest.

10 Q. Sorry?

A. He's much older than the rest.

Q. I do apologise, Mr Jefferies, I misheard--

15 WOODS: He's much older than the rest.

WITNESS: Much older than the rest.

BUCHANAN

20

Q. Mr Topich?

A. Yes. According to the document. I can't - I can't remember a 'Stephan Topich'. I may have known him, but I can't remember him now.

25 Q. Despite keeping a close eye on the Republican Party--

A. Yeah.

Q. --you hadn't seen Virkez associating with the Kokotovic brothers and Nekić and Stipić or Zvirčić or Brajković?

30 A. Not to my knowledge, no.

Q. Similarly Mr Bebic, you hadn't seen him associating with those men?

A. Yes. I know Maks Bebic.

35 Q. You did know him?

A. Yeah, I knew Maks Bebic.

Q. As a member of the Croatian Republican Party?

40 A. Well, he was associated with them, yes. He attended demonstrations with them.

Q. Yes, but most demonstrations you attended had 100 to 400 people.

A. Little groups within the bigger group.

45 Q. Are you saying you saw Mr Bebic with the Kokotovic brothers or Nekić?

A. And Nekić. I'm pretty sure I did.

Q. You did?

50 A. Yeah, I'm pretty sure I did. I think there's a photograph to that extent of them altogether. Somewhere there's a - I'm pretty sure there was a



photograph taken.

Q. Have you seen it shown to you in this Inquiry?

5 A. No, no it hasn't turned up. From memory, if it's the photograph I'm thinking of, they're bare chested and chained together in the photograph. Which was part of or prior to the demonstration at Double Bay, from memory. But I knew Maks - I didn't know him well. I think - I think I sort of wrote him off as being a bit slow.

10 Q. I'm sorry?

A. I think I wrote him off as being a bit slow. I tried to talk to him, but didn't get anywhere.

15 Q. But that was the opinion you formed after trying to talk to him on 10 February?

A. I tried - I think I tried to speak to him a few times at demonstrations and what have you.

20 Q. Just pardon me for a moment would you please. Could the witness please be shown - I'll come back to this document in a moment - but could we please have a look at Exhibit 4.1-KKK.

Q. So this is the photographs that you were shown before--

25 A. Yep.

Q. --that the Inquiry has. Can we just go through them and can you tell us if they show Mr Bebic at all. And sorry, can I just clarify, is this what the red page number is?

30 A. Beg your pardon?

Q. 112, thank you very much. Can you see Mr Bebic there on the next one?

A. I can't see him in the first one.

Q. Right.

35 A. Not the fellow that I'm thinking of. That's Tomo Mlinaric. I think that was Popovic. There was bikes. No.

Q. Thank you, can we have the next one please?

40 A. That's just Vjekoslav Brajkovic.

Q. Yes, and the next one.

A. Maksim Bebic. No, I'm not sure.

Q. You can't identify Mr Bebic in that photograph?

45 A. No, I can't be sure.

Q. Thank you, if we can have the next one, please.

A. Mmm-hmm, yeah.

50 Q. Is he visible there?

A. No.

Q. Can we go to the next one, please? Might need to enlarge that a bit to assist in viewing the faces of the--

5 A. Brajkovic. I think that's Butkovic. Suljak, I think. No, I can't place him.

Q. All right, the next one, please?

A. Suljak.

10 Q. Now, does it appear there that there are chains visible?

A. Yeah.

Q. Can you see Mr Bebic there?

15 A. No, I can't place Mr Bebic. I'm not sure that I'd recognise him from a photo now. It's a long time since I saw him.

Q. Could you--

20 A. I can identify some of them, but you're talking - you're talking 50 years ago. Suljak, I think that's Zvirotic. No, as I say, I don't - I don't know that I'd even recognise him if I saw him - if I saw a photo of him. I can't be sure. No, I can't say that I see him.

Q. Special Branch provided these prints of black and white photographs to CIB, I assume, for the purposes of the compilation of the brief of evidence.

25 A. Yes, I believe some were supplied, yeah.

Q. And it suggests, doesn't it, that Special Branch provided the tags - the labels - of individuals in the photographs.

A. Yes.

30

Q. The purpose of the brief of evidence was for use in the prosecution of the Croatian Six.

A. Yes.

35 Q. The Croatian Six included Mr Bebic.

A. Yes.

Q. And so, whoever compiled these photographs and labelled the individuals in them, would surely, if they'd identified Mr Bebic, have put a tag on him so that the trial could see that Mr Bebic was present with those men from the Republican Party.

40

A. Yes, probably, yes.

Q. So if we could go to the next page, please.

45

A. Yeah, I can't - I can't - I can't remember the names of all of them.

Q. But you can see chains?

A. Yeah, they're are chains.

50 Q. So I'm not suggesting this is the only demonstrations where chains were

deployed.

A. No, I think it was.

Q. I'm just asking, this was one?

5 A. Yeah, this was - I think this was - I think this was the first time, perhaps, that they'd used chains to demonstrate--

Q. And can I just ask you, did you assemble the photographs and label them?

10 A. I didn't provide the photographs. I did--

Q. You didn't select the photographs?

A. Yes, afterwards I would have, and labelled them.

Q. So these labels were applied by you?

15 A. I can't remember to tell you the truth, but I would have been responsible for naming the people, but I can't remember whether I put the labels or - I don't think I put the labels on them. I would have indicated somehow or other who they were.

20 Q. Very good. If we could go to the next one, please. This is the photograph I showed you earlier.

A. Yeah.

Q. Which is - I think we're at page 121.

25 A. Yeah.

Q. Do you see a person that you understand to be Mr Bebic there?

30 A. As I say, I - I don't know that I'd recognise him anyway, but I don't - I don't think he's there. I don't think he - I don't - I can't see him.

Q. But the--

A. Joseph Kokotovic.

Q. Sorry, go on.

35 A. Well, Joseph Kokotovic is labelled and I'm pretty sure I - I did that or indicated that to the photographer.

40 Q. The time we knew would have done that would have been a lot closer in point of time to the time that you had seen Mr Bebic on 10 February, wouldn't it? It would have been within 24 months or less, or hadn't been Mr Bebic--

A. Probably, yeah.

Q. --in--

45 A. Yeah, within 24 months, probably, yeah.

Q. Therefore, it would be reasonable to assume that the appearance of Mr Bebic, to a greater extent than today--

A. Yeah.

50 Q. --for example, had been fresher in your mind?

A. Yeah. Well, I - I knew him then. I just can't put a face to the name now, unless--

Q. If we could just quickly go through the rest, please.

5 A. Nekic.

Q. No-one - Mr Bebic is not visible in that photograph?

A. No. Not that I know of.

10 Q. The next photograph, please. Mr Zvirotic and Mr Brajkovic are labelled in that photograph?

A. Brajkovic, Zvirotic. Another man named Suljak should be labelled, but for some reason he's not.

15 Q. Because that gentleman was not one of the Croatian Six.

A. Well, that could be the reason. Usually--

Q. If we can go - sorry.

20 A. Usually all of the photos that I identified - you know, that were labelled, as the photos were taken, as they were shown to me, that's Vjekoslav Anic in the front. Mile Nekic. I can't remember the bloke in the middle.

Q. If we could go to the next one, please.

A. That's Zvirotic.

25

Q. If we could go to the next one, please?

A. I think the second bloke, I think that was Butkovic, Suljak, Zvirotic and I can't recognise anybody else.

30 Q. The next one, please?

A. That's Mr Brajkovic and - I don't know. The fellow to the right of Brajkovic, I know his face, but I can't put a name to it.

Q. It's not Mr Bebic, is it?

35 A. I don't know. As I say, I wouldn't know Mr Bebic if I saw him.

Q. If we have a look at the next one, please. The important point is, isn't it, that the purpose of you going through those photographs at the time you did in order to indicate people, was for it to be available to be used in the legal

40 proceedings against the Croatian Six. Yes?

A. No. I - I can't say that was the case. The photographs were taken at demonstrations, and I identified them on a regular basis. I think they were already in the files.

45 Q. Labelled?

A. Yeah. I think so. I think so. That would be the case. We had a big photo index.

Q. You knew that Mr Bebic was one of the Croatian Six, though, didn't you?

50 A. Not until the events.

Q. I'm sorry, not?

A. Not until the event.

Q. Certainly, but--

5 A. Maksimilian Bebic.

Q. You knew that Mr Bebic had been arrested?

A. Yes.

10 Q. He was taken from a cell for you to interview him on 10 February, wasn't he?

A. For me to interview him?

15 Q. Yes. Or did you to go into the cell and sit down with him and talk to him there?

A. I - where was that?

Q. Lithgow Police Station on 10 February.

20 A. Yes, I - I think I did speak to him. I spoke to him at the police station, and I think I decided he had nothing to offer.

Q. But he was in custody, wasn't he?

A. He was in custody, yeah.

25 Q. He was in custody because he'd been arrested?

A. Yes.

Q. He was one of the Croatian Six--

30 A. Yes.

Q. --as you understood it?

A. Yes. He was arrested--

Q. You would have had an input into--

35 A. He was arrested at Lithgow.

Q. You would have had an input into the provision of those photographs to CIB, wouldn't you?

A. Yes.

40

Q. It's unlikely that if you saw that Mr Bebic was in any of those photographs at the time they were being assembled to be given to CIB for the purposes of the prosecution, that you would have omitted to say, "That's Maks Bebic. He's one of the Croatian Six."

45 A. No.

Q. That's not likely, is it?

A. That's not likely, no. A picture of Mr Bebic is coming to mind, and I can't say he was in those photos at all, was he?

50

Q. I was in the middle of going through, however, the fact that there were three people of the nine identified in Exhibit 14.1, page 60, the manual from the Commonwealth Police--

A. Right.

5

Q. --there were three people who, to your knowledge, you hadn't seen associating with any of the men you knew to be the Croatian Republican Party, and Bebic is one of them, I want to suggest to you.

A. Yeah.

10

Q. Virkez?

A. Yeah.

Q. And Topich?

15

A. Yes.

Q. Where this manual, I do apologise. If we could put it in front of the witness again.

20

EXHIBIT 14.1, RED PAGE 60, SHOWN TO WITNESS

Q. Where this manual said, "The most serious incident", can you see that paragraph?

A. Yep.

25

Q. "Occurred over the period 8/9 February 1979, where nine Croatians all closely involved with the HRS were arrested by NSW Police"--

A. Yep.

30

Q. Do you know where it was right to say - for the author to say, "all closely involved with the HRS."

MCDONALD: Your Honour, I object. I just question the relevance of this. It is not Mr Jefferies' document. Mr Jefferies has given evidence that he hasn't seen it before. To cross-examine him about an unknown person's representations about the nine Croatians being closely involved with the Republican Party, in my submission, won't assist your Honour.

35

HIS HONOUR: No. I'm struggling to see it, Mr Buchanan. Whether the assertion of the author of this is correct or incorrect in saying what you're pointing to, how does that bear upon the issues in this Inquiry?

40

BUCHANAN: It's part of a matrix, in my submission, of evidence that was put together by police that all of these men were closely involved, to use the language used on this occasion, with the HRS, when on, so much as this witness can say, that wasn't the case, and this is one illustration of where that assertion is made, but the witness agrees that Virkez, who was said to be a member of the Croatian Republican Party was not a person he'd seen associating with the Croatian Republican Party, and the same with the man Steve Topich.

45

50

HIS HONOUR: Well, the point is made then. To go further and question the correctness or otherwise of the assertion in another police force's document doesn't seem to take it any further.

5 BUCHANAN: May it please the Court.

Q. Are you able to assist as to where the author of this manual might have got the idea from that all nine Croatians were closely involved with the HRS?

10 WOODS: Well, that's the same question, your Honour.

BUCHANAN: No. It's a different question, with respect.

15 HIS HONOUR: It's not far removed from the original question, but I'll allow this. Do you know?

BUCHANAN

20 Q. Do you know where the author of the manual might have got this idea from?

A. He could have got it from a number of sources. He might have got it from ASIO.

Q. I'm sorry, from?

25 A. He might have got it from ASIO.

Q. ASIO, yes.

A. The Commonwealth Police. CIB. I don't know.

30 HIS HONOUR

Q. That sounds like you're just speculating now because--

A. I am. I don't know.

35 Q. --you don't know.

A. I don't know, sir.

Q. Well, just leave it at that then.

A. Thank you.

40

BUCHANAN

Q. Do you know whether on the evening of 8 February, thinking about Lithgow now--

45 A. Yep.

Q. --whether on 8 February Roger Cavanagh came to Lithgow?

A. No. I've got no information on Mr Cavanagh at all.

50 Q. Are you aware of whether anyone from Special Branch informed Cavanagh

of events in Lithgow on 8 February?

A. I think it would be unlikely.

Q. That anyone from Special Branch would have done that?

5 A. It would be unlikely. If it was anybody, it would be the officer-in-charge, but I don't think he would have done that.

EXHIBIT 10.3-95 SHOWN TO WITNESS

10 Q. This is an ASIO file note, Mr Jefferies.

A. Right.

Q. Can you see it's a note for a file headed, "ARREST OF CROATIAN  
EXTREMISTS IN NEW SOUTH WALES".

15 A. Mm-hmm.

Q. It starts off:

20 "Mr Cavanagh Of COMPOL advised me by telephone this morning  
that nine Croatians in New South Wales were arrested by New  
South Wales Police during the night of 8-9 February."

A. Mm-hmm

Q. Then it proceeds to give information about them.

25 A. Mm-hmm.

Q. If we could go over the page, please. That's a different document. This is  
all that the Inquiry has by way of this file note, and the identity also has been  
redacted--

30 A. Yep.

Q. --but it can be assumed that it's someone in ASIO?

A. Well, he's got--

35 Q. I do apologise, what--

A. He's got a number of the names wrong.

Q. Yes. Where would he have got the information from in the first place,  
though?

40 A. Well, the information would have come from the NSW Police, but--

Q. If it didn't come from you, then--

A. It didn't come from me. It would have come from, you know--

45 Q. From someone in CIB?

A. Perhaps somebody in the CIB, yeah. Yeah, we - they liaised with the  
Commonwealth Police, but, yeah.

50 Q. As reported, Mr Cavanagh seemed to think that the nine people arrested  
were Croatians?



A. Yep.

Q. Similar to what was asserted in your preliminary report dated 8 March 1979.

5 A. Yep.

Q. Is there any connection between what ASIO recorded Mr Cavanagh told them on that subject and what you reported in your preliminary report of 8 March 1979?

10 A. I'm sorry I don't follow your question.

Q. You see at Exhibit 11.5 you asserted that all the people who'd been arrested were Croatians.

15 A. Yes.

Q. Likewise Mr Cavanagh asserts that in this document.

A. Yes.

20 Q. Do you know where Mr Cavanagh would have got the idea from that all the people who were arrested were Croatians?

A. Probably from his liaison with the - from liaising with the CIB.

25 Q. Were you ever aware of any sort of friendship or relationship of any sort between Detective Sergeant Turner and Roger Cavanagh? I mean before you were shown those duty book entries yesterday by Counsel Assisting, where it appeared that there was a degree of association between the two.

A. I - yeah, I was aware that there was some degree of association between the two, yes.

30 Q. But when were you aware of that, sir?

A. After the arrests, and the subsequent inquiry, and investigation, the subsequent investigation. I became aware that Turner and Cavanagh were conversing.

35 Q. Would it be fair to say, close?

A. I couldn't say that. I wouldn't know whether they were close, but I became aware they were conversing, yes.

Q. How did you become aware?

40 A. I'm not really sure.

Q. Did Turner ever indicate that he was talking to Mr Cavanagh?

A. He may have. I can't remember.

45 Q. You were asked questions in April, and I think also yesterday, about information the police had about the bombing of a statue at a Serbian Orthodox Church in Canberra.

A. Yes.

50 Q. You were shown yesterday a telex--

A. Yes.

Q. --which indicated that ACT Police had information that a person that might have been involved had the name Misimovic.

5 A. Yeah.

Q. Do you have much of a recollection of that particular incident?

A. No, I don't.

10 Q. Do you recall the type of statue or of whom the statue portrayed?

A. I'm not sure. Was it a Serbian leader?

Q. Yes. General Mihailovic.

15 A. General Mihailovic, yeah, he was the--

Q. Military hero.

A. --he was the leader of the Chetniks, which were another group.

20 Q. Could I ask you, what did the name Chetnik or Chetniks mean to you around the period 1979/1980?

A. Well, Chetniks were largely Serbian, and my understanding was they were in favour of the return of the royal family of Yugoslavia - King of Yugoslavia. That was my understanding. Whether it was right or not I don't know. The Chetniks, yeah. They were--

25 Q. Might it have been a Serbian King rather than a Yugoslav King?

A. Yeah, yeah, I'm sorry. I think - I'm only - I'm dredging memory now, I think they were still - they were - I think they were supporters of the Yugoslav State as opposed to the Croats who were opposed to it.

30 Q. You told Counsel Assisting in April - this is Day 10, page 694 - that there were suspicions that an UDBa agent had been involved in the bombing of the statue--

35 A. Yeah.

Q. --at the Serbian Church.

A. Yep.

40 Q. You told Counsel Assisting - also at page 694 - that you thought that Virkez's name had come up as somebody caught up in that or as a possible suspect.

A. Yes.

45 Q. Might it have been that the name that came up was Misimovic?

A. It could have been.

Q. Since the time when the bombing occurred, the events with Virkez and then finding out that Virkez was Misimovic has sort of compressed that data of Virkez equals Misimovic and Misimovic equals Virkez.

50 A. It may very well have, yes.

Q. Are you aware of what the basis was for suspicions that Virkez/Misimovic was involved in that bombing?

A. I think there were reports - I think it was just information received from the Commonwealth Police.

5

Q. Could it have been that telex which was sourced to ACT Police?

A. It could have been, yes.

Q. Were you ever aware that Virkez was considered by NSW Police as a man prone to violence? This is language attributed to--

10

A. No.

Q. --Assistant Commissioner Roy Whitelaw.

A. No, no, I don't--

15

Q. Exhibit 9.1--

A. --I don't remember that.

Q. Exhibit 9.1-26 at red page 38. Were you ever aware of a basis on which police could have considered that Mr Virkez was a man prone to violence, apart from his involvement, whatever that was, in the Croatian Six matter?

20

A. No, I don't think so.

Q. Would it be fair to say that given that that claim was attributed to Mr Whitelaw, the most likely source for the information, a man prone to violence was Whitelaw himself? That is to say he would have had the information from his days as officer-in-charge of Special Branch.

25

A. No, Mr Whitelaw was not prone to violence.

Q. I do apologise.

30

A. I say Mr Whitelaw was not prone to violence.

Q. I apologise. Do you know where Whitelaw would have obtained the information that Virkez was a man prone to violence?

35

A. No, I don't know where he would have got that information from. It wasn't from me.

Q. From what you knew of Mr Virkez after you had spoken with him on 10 February - that is to say obtained from him all the information about him, Mr Virkez--

40

A. Yep.

Q. --as a result of interviewing him - if he was in fact involved in such a bombing as the statue bombing in Canberra, that would have been consistent, wouldn't it, with a Serb who was passing himself off as a Croat trying to demonstrate his credentials--

45

WOODS: Well, your Honour, that's a speculative question in the extreme.

50 BUCHANAN: I'll ask it another way.

Q. Why would a man who is a Serb bomb the statue of a Serbian military hero at a Serbian Church unless he was trying to demonstrate his credentials to the Croatian nationalist community as a violent Croatian radical?

5 A. Mr Virkez was a very strange person. He could have had all sorts of reasons that we're not aware of.

Q. You said that in your conversation with Mr Virkez on 10 February he gave you details of what the plotters had been planning?

10 A. Yes.

Q. That those details included not just the bombing of the Elizabethan Theatre when a Yugoslav dancing troop was there, but also planning to blow up a huge reservoir at Petersham.

15 A. Yes.

Q. And planning to murder, you thought, about ten people including yourself.

A. Yes.

20 Q. You don't have a memory of reviewing the contents of Mr Virkez's records of interview with NSW Police?

A. No, I don't.

Q. Was there a reason, do you know, why you couldn't answer--

25 A. I just broke the chair I think. Well, I think I explained that at that point in time it had become a criminal investigation and under the leadership of Detective Sergeant Turner, and it would have been inappropriate for me to interfere in that at all.

Q. Leave aside--

30 A. And Mr Turner - and Sergeant Turner would not have agreed to it.

Q. I spoke over you.

A. Yep.

35 Q. What did you just say?

A. I said Sergeant Turner would not have agreed to it.

Q. As far as you knew the detectives investigating Mr Virkez were not Sergeant Turner, but rather Lithgow detectives?

40 A. In the beginning, yes.

Q. As at 10 February?

45 A. As at 10 February, yeah. Yes. They were Lithgow Police, yep. But I think - I think the police from the CIB went to Lithgow shortly - shortly after his arrest.

Q. They were involved in his arrest.

A. They were involved in his arrest.

50 Q. They were actually there and--

A. Yep.

Q. --provided the numbers--

A. Right.

5

Q. --for the arrest.

A. Yep.

Q. You did interfere, didn't you, inasmuch as you had Lithgow Police bring to you two men who were under investigation by Lithgow Police--

10

A. Yes.

Q. --and you proceeded to interview them.

A. I did, yes.

15

Q. But you weren't ever interested to know what Lithgow Police had recorded Mr Virkez as having said?

A. I was interested from a Special Branch point of view in the political activities and radical actions, and the Lithgow Police and the CIB were concentrating on the criminal aspect.

20

Q. Is it possible that as at 10 February there was no Record of Interview of Mr Virkez, as far as you're aware?

A. I don't know. I don't know.

25

Q. It wouldn't have been interfering in the Lithgow Police investigation of Mr Virkez to have asked to look at the product of their interview, or interviews, of him, would it? Just to look at it?

A. They would treat it as their case and would we - would not welcome any intrusion into what they were doing.

30

Q. You weren't intruding what they were doing by interviewing their suspects?

A. No. Not really, because of what I was interested in.

35

Q. Did you subsequently tell Lithgow detectives anything of what Mr Virkez had said to you?

A. No. I don't think so.

HIS HONOUR

40

Q. Mr Jefferies, I'm finding this very hard to understand. What would have been the problem with you saying to the Lithgow Police, "I'm going to speak to this fellow now. Can you show me what you've got from him so far?"

A. I'm sorry, sir. It was a matter of police - police ethics or police manners, really. It was their case, and you just don't intrude on--

45

Q. But you wouldn't have been intruding. You would have been just having a look at what they had recorded him having told them, that's all.

A. Yes. Yes, sir.

50

Q. Sorry, I don't see what the problem would have been?

A. That's as I recall it.

BUCHANAN

5

Q. It wouldn't have assisted you, Mr Jefferies, in performing your Special Branch role to have seen what Mr Virkez was recorded as having told Lithgow detectives about his motivations or who he'd been hanging out?

A. No. I can't - I really can't recall what the situation was there. I don't know.

10

Q. But it would have assisted you to have known what Mr Virkez was recorded as having told Lithgow detectives about his motivations and with whom he had been associating, wouldn't it?

A. Yes. But that - it would have, but I - I've got no explanations.

15

HIS HONOUR

Q. Mr Jefferies, I've got the same difficulty in understanding this in relation to the other people who had been arrested. Surely it would have been the case that if you have had the opportunity to look at what they had supposedly told police--

20

A. Yeah.

Q. --you might have been able to provide some assistance to the investigators by saying, "Look, I know something about this particular topic. I can give you that information. It might be worth investigating this aspect of it."

25

A. Yes.

Q. That's just to give an example. It just doesn't seem to make sense to me that you wouldn't have asked to have a look at what they supposedly had told police, and those police wouldn't ask you to have a look and see if you could contribute anything useful?

30

A. I'm sorry, sir. That's just the way it was.

35

Q. With respect, I'm wondering whether you're being disingenuous about this evidence--

A. I'm not being disingenuous. No, I'm not, sir. I'm certainly not. I'm trying to do my best. You're talking about something 50 years ago.

40

Q. I know.

A. I really - that's the only explanation I've got, sir.

Q. All right.

45

BUCHANAN

Q. Mr Jefferies, can I take you to two particular things that you've told us that Mr Virkez told you about. One is that there was a plan, or that they were planning to blow up a huge reservoir at Petersham.

50

A. Yes. That's the reservoir behind - it's a huge reservoir behind Petersham

Police Station, as a matter of fact.

5 Q. I apologise for not being able to show you the document, but there were efforts made by investigating police, particularly Detective Milroy, to notify the owners of premises that were said to have been the intended targets of the bomb plot, and also efforts to obtain information about those intended targets. What sort of building it was, more than one storey, how many people. That sort of thing.

A. Mm-hmm.

10

Q. I apologise, it's an occurrence pad entry that I'm thinking of. There's a reference in it to a water tower at Petersham.

A. Right.

15

Q. But the reference to it in that occurrence pad entry is different from the reference to the other intended targets, inasmuch as Detective Milroy has referenced where those references were to be found. Such as, Virkez Record of Interview 1, 2 or 3. In respect of that particular target, there is simply either a numeral "1" or the letter "I", perhaps meaning "intelligence". Did you tell CIB

20

police what Virkez told you about the intended targets or any of them?

A. I can't remember. I probably did, but I can't remember.

Q. What I should indicate is that there's no reference to the water tower at Petersham in Mr Virkez's Records of Interview.

25

A. Right.

Q. Even the morning of 10 February Record of Interview.

A. Right.

30

Q. Where he does go to town by adding more targets--

A. Yep.

Q. --to what he'd previously said.

A. Yep.

35

Q. Did Virkez tell you who any of the ten people to be murdered, apart from yourself, were?

A. Yes. He nominated Tomo Mlinaric, who was the Secretary/Manager, and I think the President of the Marrickville Croatian Club. Fabian Lovokovic, who produced a Croatian newspaper.

40

Q. Yes.

A. I can't remember the rest.

45

Q. Did you provide any of that information, about the intended targets of the murder plot, or plots, that you learned of from Mr Virkez on 10 February? Did you provide any of that information to CIB?

A. I can't remember, but I probably did.

50

Q. Because it wouldn't be a good situation from a policing point of view, would

it, for it to have been discovered eventually that a criminal had provided you with incriminating information?

A. I remember putting it in a report.

5 Q. Right.

A. I remember putting it in a report.

Q. The report to Mr Perrin?

A. Yep.

10

Q. You showed that to Sergeant Turner?

A. I did, yes.

Q. Subsequently, you and he talked about the contents of it?

15

A. Yes.

Q. Did you ever suspect that Virkez was not telling the truth when he claimed to have been part of a Croatian conspiracy to set off bombs and murder people?

20

A. I didn't believe him implicitly.

Q. By that, do you mean you didn't believe him completely?

A. Yes. That's right. I didn't believe him completely. I took his information as requiring more - you know, more investigation.

25

Q. Is it the case that so far as you know, the four particularly memorable pieces of information that you learned that you hadn't known before, driving up to Lithgow on 10 February, were new pieces of information that he was, in fact, a Serb. He was an ardent Yugoslav, he'd been pretending to be Croatian to infiltrate or obtain information, and he'd been contact a couple of times with the Yugoslav Consulate?

30

A. Yes.

Q. Did you disclose any of those facts to Lithgow detectives who were investigating Virkez?

35

A. I don't remember. I don't remember, but I probably would have.

Q. It doesn't sit quite neatly with the impression that, I want to suggest, that you've been giving; that you didn't have a memory of talking to Lithgow detectives at all, before or after talking to these two men?

40

A. I don't really - I really - I don't really have a recollection of speaking to them. I know I did.

Q. You know you did?

45

A. I know I did, but I - I don't - I can't recollect what was discussed or said, but I would have spoken to them.

Q. When would you have spoken to them?

50

WOODS: Your Honour, could my friend make it clear whether he's talking



about the Lithgow detectives who were resident at Lithgow, or the CIB detectives who went to Lithgow? It's not entirely clear.

HIS HONOUR: I thought it was the former, but do you want to clarify?

5

BUCHANAN: It is the former.

Q. You would have spoken, you think - is that your evidence? - to the Lithgow detectives?

10

A. Well--

Q. On the 10th or before the 10th or after the 10th?

A. --no. On the - I really don't recollect, but I would have spoken to them. I can't remember when I spoke to them, but I spoke to them.

15

Q. My suggestion is that indeed you would have spoken to them because someone had to unlock the cell door to let these men out so that you could speak to them.

A. My recollection is they were let out by the station staff, the uniform station staff. They were present.

20

Q. He would have been prepared to do that just on your turning up and saying, "I want to speak to these men"?

A. Yeah.

25

Q. I want to suggest that the evidence that you gave - and I'm going to try to roll it up a little now in relation to your thought processes in relation to Mr Virkez - was that this might have been a setup by Virkez. You say that you considered that.

30

A. I always considered that.

Q. There were particular reasons to consider it, weren't there, if for no other reason than your assessment of this man as being very strange?

A. Yep. Yep.

35

Q. There were I want to suggest to you two ways in which Virkez might have tried to setup to frame the people he named. One possibility, that I suggest would have occurred to you, is that Virkez, a Serb, had successfully masqueraded as a Croatian and persuaded the Croatian Six that he wanted to take part in a Croatian bomb plot, or with a view to informing on them when the time was right.

40

A. Yep.

Q. To do that would have entailed some skill on the part of Mr Virkez.

45

A. Yes.

Q. Another possibility was that Virkez, the Serb, who was an ardent Yugoslav, had associated in Croatian nationalist circles in Sydney and Lithgow for long enough to work out who the radicals were--

50

A. Yes.

Q. --and then motivated to discredit the Croatian Anti-Yugoslav Government because he fabricated a story about those men which had no foundation and fact.

A. Yes.

5

Q. Did that possibility occur to you?

A. Yes.

Q. That is one of the ways in which realistically there might have been a setup by Virkez that you considered?

10

A. Yes.

Q. There were, you must have considered, I want to suggest, two troubling but important facts that despite your longstanding interest in the Croatian Republican Party, you've never previously been aware of Virkez?

15

A. Yes.

Q. The second troubling but important fact was that Virkez you discovered on 10 February had political or ethic interests of his own to serve.

20

A. Yes.

Q. You said that he seemed to have his own agenda.

A. Yes.

Q. Day 9 at transcript page 587. So there must have been at least a reasonable possibility, surely in your mind, by the time you were driving from Lithgow back to Sydney that Virkez might not have been associating with the Croatian Republican Party at all. That was one possibility?

25

A. No, I was - I think I was pretty sure that he was associating with them from the information he gave me.

30

Q. But he would have seen, if he had attended any of the demonstrations, the people you thought were members of the Croatian Republican Party agitating, would he not?

35

A. Well, yes, I suppose he would have, but whether he - whether he knew their names or who they were is another matter.

Q. He's standing under a tree at Marine Park in Double Bay with 400 other people and someone is addressing them. No harm in saying, "Who's that?".

40

A. Well, that's a possibility, yes.

Q. And gathering information in a way that's quite remote from any real proximity to the men concerned.

A. Well, that's of course possible, yes.

45

Q. Another matter that I want to suggest to you would have been at least a reasonable possibility, is that Virkez had obtained the Lithgow explosives on his own account to give credibility to his story.

A. That was a possibility, yes.

50

Q. A third matter that I want to suggest was at least a reasonable possibility, was that Virkez had made up his story about the bomb and murder plot in order to discredit Croatian nationalists.

A. Yes.

5

Q. Would it be fair to say that given all of the evidence that I've just taken you through, that you were aware of by the time you had finished interviewing Mr Virkez, you turned a blind eye to suspicions you harboured, at least temporarily, that Virkez had fabricated his entire story?

10

A. No.

Q. Did you turn a blind eye in order to assist in gaining convictions--

A. No.

15

Q. --in the charges laid?

A. No.

Q. Did you and Inspector Perrin persuade members of CIB that the Croatian Republican Party was made up of dangerous terrorists?

20

A. (No verbal reply)

Q. Thinking of the afternoon of 8 February, you're over there, Perrin is laying out the cards about who these men are to the CIB detectives. Is he painting them as angels or is he painting them as troublemakers and violent radicals?

25

A. More as violent radicals. More as violent radicals.

Q. Is it the case that Mr Perrin, as you understood it, then relied on CIB to use their skills to come up with evidence against the Croatian nationalists who'd been named?

30

MCDONALD: Well I object, your Honour. It's really now moving to what was in Inspector Perrin's mind, and Mr Jefferies can't--

BUCHANAN: I'll reframe the question.

35

Q. Is it the case that you understood that Mr Perrin then relied on CIB to use their skills to come up with the evidence against the men who'd been named?

A. Yes, I suppose. Yes.

40

Q. But you didn't go over to CIB for no reason?

A. No.

Q. Can I change the subject, Mr Jefferies?

A. Yes.

45

Q. Have you ever heard of a man called Kerry Milte?

A. Yes, I've heard his name.

Q. In the context of the Croatian community--

50

A. Yes.

Q. --he was involved with Attorney General Lionel Murphy and the raid on the Melbourne office of ASIO in--

A. So I understand, yes.

5 Q. In 1973?

A. Yeah. Mr Milte, yeah.

Q. Did you have any contact with or from Kerry Milte in relation to the Croatian Six case?

10 A. No. I think Mr Milte spoke to - came to the Special Branch office - this is from memory - and spoke to Mr Whitelaw, I think it was at the time, but I never had any personal dealings with Kerry Milte.

Q. Did he, to your knowledge, have any dealings with any element of the New South Wales Police in relation to the Croatian Six case?

15 A. I don't know.

Q. Now, by 8 February 1979, I want to suggest to you that there was an anti-Croatian atmosphere that prevailed, of which police would have been aware.

20

MCDONALD: Sorry, I objection. Prevailed where?

WOODS: And by whom?

25

BUCHANAN: Well, I withdraw that question.

Q. You were aware, weren't you, that in June 1972, there'd been an armed incursion of a number of Croatians into Yugoslavia, nine of whom were Australian citizens or who had previously lived in Australia?

30

A. Yes.

Q. You're aware of the raid on ASIO headquarters in 1973?

A. Yes.

35

Q. That was said to be because the Attorney General was persuaded that ASIO was concealing information from him about dangerous right-wing elements in the Croatian community?

40 MCDONALD: Well, I object. How does he know what was in the mind of the Attorney General in '73.

HIS HONOUR: Yes.

45 BUCHANAN

Q. You know what was reported, don't you?

A. I know it's reported, yes.

50 Q. And that was what was reported, wasn't it?

A. As far as I remember, yes.

Q. There were Commonwealth Police raids on various Croatian nationalists in 1973?

5 A. I don't remember that.

Q. You've told the Inquiry of premises in George Street, Sydney that were bombed?

10 A. Yes.

Q. And the premises were connected with the Yugoslav airlines?

A. Yes.

Q. And that was thought to have been the work of Croatian extremists?

15 A. Yes.

Q. On 2 September 1978, 19 Croatian men were arrested who were alleged to have been conducting military training in the bush outside of Eden, New South Wales?

20 A. Yes.

Q. In preparation for an incursion into Yugoslavia?

A. Yes.

25 Q. There was the Hilton Hotel bombing on 13 February 1978?

A. Yes.

Q. And the Yagoona bombing conspiracy arrests of the supposed plot to bomb a known right winger called Cameron were made on 15 June 1978?

30 A. I don't quite remember that one.

Q. You did tell us that there was a Ananda Marga at the Special Branch?

A. There was, yes.

35 Q. Do you remember that section being involved in an action around June 1978 where people were arrested by the name of Anderson, Alister, and Dunn?

A. Yes.

40 Q. And that the arrests were made by CIB detectives from the Special Breaking Squad and the Armed Hold-Up Squad?

A. Yes.

45 Q. I want to suggest to you that against the background of those events, it would be fair to say that NSW Police could not be seen to squib or fail to act on Virkez's information--

BUCHANAN

50 Q. --and the explosives found in Virkez's car at Lithgow?

WOODS: Your Honour, I object to that. The witness can't speak on behalf of the entire police force.

5 HIS HONOUR: I think he can be asked about his perception of what the situation was, and I think that's what you're asking, aren't you, Mr Buchanan?

BUCHANAN: I'll reframe the question.

10 Q. Would it be fair to say that it was your perception that against the background of the events that I've taken you through, NSW Police couldn't be seen to squib or fail to act on Virkez's information and the explosives found in his car at Lithgow?

A. Yes.

15 Q. A review of the information provided by Mr Virkez on 8, 9 and 10 February to Lithgow Police could be sorted out in this fashion: there was the information provided to Plain Clothes Constable Ingram on the midday of 8 February at Lithgow Police Station, reiterated to Sergeant Marheine within the hour. Then there were three Records of Interview. After the arrest of Virkez at the house  
20 at Macaulay Street. Virkez is taken away, and then interviewed by Mr Ingram and Mr Marheine, and that happened on the evening of 8 February. Then he was interviewed again on 9 February. Then he was interviewed by Sergeant Marheine alone on the morning of 10 February.

25 So if you compartmentalised the occasions in which police received information from Mr Virkez, you might consider those four occasions, and that there was a certain quantity of information provided on each occasion. What I want to suggest to you is that the information increased in volume. That is to say, additional allegations were made by Mr Virkez on 8 February evening  
30 from what he had said, according to police, at midday on the 8th. He gave additional information, additional claims on 9 February, and then on 10 February he really went to town and told Sergeant Marheine a whole lot of things that he'd never been recorded as having said before.

35 I've asked you to assume that, basically. It fits with, to the extent that you're aware of it, the occasions in which Mr Virkez provided information to NSW Police. Is that fair to say?

A. Yes.

40 Q. Not counting what he told you on 10 February.

A. Yes.

45 Q. Although, we could call that a fifth compartment, because there were additional pieces of information that he provided you. Like the intent to plan to bomb the reservoir at Petersham. Eight more people, including yourself, to be murdered. Did it ever seem to you that Virkez was sort of going lunatic, if you review the nature and type of information that he provided on each of these occasions, and how it increasingly got more weird?

A. No. It never occurred--

50

MCDONALD: I object.

BUCHANAN

5 Q. Increasingly increased?

MCDONALD: Your Honour, my concern is that Mr Jefferies has given evidence that he hasn't seen any of the Record of Interviews. So to ask him questions about the different types, or the increase in the number of  
10 allegations, that they're becoming more extreme, et cetera, in the absence of actually reading those Records of Interview and knowing what was contained in them, that Mr Jefferies, other than in a very general level, really can't comment.

15 HIS HONOUR: Yes. How broadly or confined are you intending to put this proposition, Mr Buchanan?

BUCHANAN: Yes. I will.

20 Q. Tell me if this is wrong: you didn't get the impression that Virkez was adding to his version of events with each occasion that he was interviewed by police, including, if I may now, the afternoon of 10 February.

WOODS: Your Honour, the same objection applies. That he--

25 HIS HONOUR: Without him being--

BUCHANAN: If he didn't know, the answer is, "No. I didn't get that impression."

30 WOODS: He wouldn't have been able to have an impression of any kind, your Honour, on the analysis of the witness's evidence to date; that he hadn't seen the documents, or whatever it was.

35 HIS HONOUR: Yes.

BUCHANAN: I'll try again.

40 Q. The information that Mr Virkez gave you as to the intended targets of the conspiracies, were they new information to you?  
A. Yes.

Q. As far as you're aware, he hadn't told police those things before; is that right?

45 A. I didn't know what he'd told police, but it was certainly new information to me.

Q. Can I take you to something in Mr Virkez's third Record of Interview, Exhibit 4.2-11, please. This is red page 306, it should be. You can see that  
50 the date at the top is 10 February 1979, time - interview commenced 8.30am.

A. Yep.

Q. Can I take you to questions 5 and 8. Just pause there.

5 "Q4. Will you now tell me what was to happen if the bombs, which you and other members of your party planted, had exploded?

A. Well, it was planned that these two men had to be killed.

Q5. Do you know those men's names?

10 A. Yes, it was these men. (Writes down the names, Tomo Mlinaric, Manager of Croatia Club Marrickville, and Fabian Lovokovic)."

A. And Fabian Lovokovic, yeah.

Q.

15

"Q6. Why were these persons to be killed?

A. Well, they think that these men are not really working for the Croatian people, and if these men were killed the Croatians would think that the Yugoslav people killed them, and that would mean that other Croatians, which are not fighting now, would fight more against the Yugoslavs."

20

A. Mm-hmm.

Q.

25

"Q7. Do both of these men live in Sydney?

A7. Yes.

Q8. Do you know where they live?"

30

And then he gives an address for Mr Lovokovic, but didn't know where Mlinaric lived.

A. Yeah.

35

Q. Can I ask whether we can go to questions 10, 11 and 12.

"Q10. Do you know how decided that these men were to be killed?

A10. I don't know who decided it, but Brajkovic and Zvirotic and Ilija Kokotovic they told me because they said to me, 'You will have to be in it and so you will have to know some plans'."

40

A. Mm-hmm.

Q. If we could go over the page.

45

"Q11. Do you know when they were to be killed?

A11. Well, I know that some plans were made to kill them two weeks after the bombs went off."

A. Yep.

50

Q.



"Q12. Do you know how they were to be killed?

A12. Just come into their house and just shoot them or find a spot to kill them, you know. Watch them and see where they go or drinking, I don't know."

5

I'm just asking you to consider that particular answer: "Just come into their house and shoot them or find a spot to kill them. Watch them and see where they go or drinking. I don't know."

A. Yep.

10

Q. Would it be fair to say that that answer by Virkez sounded like it came from a person who either had training or experience in assassinations or had at the least thought about it quite a bit?

15

MCDONALD: Your Honour, I object. Again, I suppose it's asking an expression of opinion of Mr Jefferies about assassinations. He's worked for Special Branch, but I don't know if he's got expertise in assessing three lines in a Record of Interview to assess whether they're comments that a trained assassinator or assassin, I'm sorry, or somebody experienced in that would express.

20

HIS HONOUR: I'm not sure it's helpful, Mr Buchanan.

BUCHANAN: May it please the Inquiry.

25

Q. Can I change the subject now, Mr Jefferies, to--

A. Yep.

Q. --Virkez's call to the Yugoslav Consulate on 8 March.

30

A. Yep.

Q. I apologise, 8 February 1979. In April of this year, Counsel Assisting took you - Day 10, page 699 - to the copy of an occurrence pad entry. If we could have a look at it, please, Exhibit 11.50, page 226. If we could focus on the top of the document, and it's dated 26 March 1979, and headed "telex from Commonwealth Police Sydney to Commonwealth Police Canberra dated 08/02/79 concerning Vitomir Misimovic of Lithgow". And if I could just take you down to the bottom of the entry, so that you can see that the author is identified as Detective Senior Constable Krawczyk, and you will recall that in the right-hand column it's indicated that it's prepared for Detective Sergeant Turner. If we could go up to the top, please.

35

A. Yep.

Q. That's an occurrence pad entry of 12 March.

45

A. Yep.

Q. I'm sorry, my mistake, 26 March--

A. Yep.

50

Q. --1979, but earlier you had made an occurrence pad entry - Exhibit 11.50,

page 208, and it was dated 12 March 1979.

A. Mm-hmm.

5 Q. If we could just show the witness the bottom of the page, please. You can see that you're identified as the author?

A. Yep.

10 Q. I think you told us that from what you could see in the right-hand column at the top of the page, it was prepared for Special Branch purposes.

A. Yep.

15 Q. There was reference, I think, in your occurrence pad entry to a Commonwealth Police telex, and I just want to make sure, when reviewing that, if we could just - I apologise for this. It doesn't seem to be there. First of all, just to remind you, it does say up the top that a telephone message was received from Sergeant Prytherch of the Commonwealth Police, Sydney--

A. Yep.

20 Q. --as to the information he'd received from Mr Cerar--

A. Yep.

Q. --Vice Consul for Yugoslavia earlier that day that Misimovic had telephoned the Consulate with information regarding a bombing.

A. Mm-hmm.

25

EXHIBIT 11.50A-59, RED PAGE 229-130, SHOWN TO WITNESS

30 Q. It's Detective Krawczyk's occupation occurrence pad entry that I took you to before. It's seemed to have been prepared for Detective Sergeant Turner. It talks about information obtained from Sergeant Prytherch concerning the attached telex.

HIS HONOUR: I have this as 11.50A-59. Is that what we've got on the screen? Page red number 229-130.

35

BUCHANAN: 130?

HIS HONOUR: Yes.

40 BUCHANAN: Red page 229-131 should be the attached telex.

Q. I think you might have been shown that earlier in this Inquiry, sergeant.

HIS HONOUR: The red page number is 229-130A.

45

BUCHANAN: 130A? I definitely didn't pay close attention to the entry.

Q. You can see that this is the telex. Have you had a chance to read it?

A. No.

50

Q. Could we show the witness the top-half, please, so that he can read it. Can you see just at the top-half, if I can direct your attention, from, "COMPOL Sydney to COMPOL Headquarters".

A. Yep.

5

Q. COMPOL Headquarters were in Canberra?

A. Yep.

Q. On the right-hand top, you can see what appears to be a name written of Detective Sergeant Prytherch, I think it was.

A. Prytherch.

10

Q. Then a date: "9 February 1979".

A. Yep.

15

Q. Although the date wasn't necessarily applied at the same time as the handwriting.

A. There's a date above it. "7/12/79" above the signature.

20

WOODS: It's 7/2.

BUCHANAN

Q. Yes.

25

A. 9 February, and then his signature, going upwards.

Q. Yes. Yes.

A. It's the 7th of the 12th, '79.

30

WOODS: Isn't that the 7th of the 2nd?

BUCHANAN

Q. I was going to suggest as Dr Woods has.

35

A. I'm sorry, it's the 7th of the 2nd, yeah.

Q. At 7 February--

A. Yep.

40

Q. --if it's in the Australian formatting of dates, it wouldn't have been a date on which this information existed?

A. Well, that's the date on it. 7 February, 79.

Q. Yes. Okay.

45

A. Sergeant Prytherch. He - somebody has--

Q. If I can show you then the contents of the telex.

A. Mm-hmm.

50

Q. Show the witness the first-half, please.

A. It's 8 February.

Q. It says that, "At approximately 11am this date"--

A. Mm-hmm.

5

Q. And the date is identified as 8 February, which is the date of the telex, I mean.

A. Mm-hmm.

10

Q. Then it records that:

15

"A person stating his name was Vitomir Mesimovic (of what could be an abbreviation of Macaulay Street, Lithgow) made a telephone call to the consulate. He stated he'd been instructed with three other persons named Brajkovic, Bebic and Zvirotic to place explosives in the Elizabethan Theatre. The Balkan Travel Service. The Brana Travel Service. The Hajduk/Jadran Club."

A. Yep.

20

Q. "No other information available. This force not informed until 3.15pm, and NSW Police not advised by SFRY officials." That would be a reference to Yugoslavia? The Yugoslavia Government?

A. I see it.

25

Q. "The NSW Police has now been advised by this force. Vitomir Mesimovic, Bebic and Zvirotic not recorded, but there are ten Brajkovics." Then it goes into the security arrangements for the Elizabethan Theatre on 10 February.

A. Mm-hmm.

30

Q. I've shown you your occurrence pad entry. Do you need to see it again to refresh your memory as to what you said in your occurrence pad entry about this?

A. Yes.

35

EXHIBIT 11.50, RED PAGE 208, SHOWN TO WITNESS

Q. You can see what's recorded. Can I just ask that the witness have a look at the top-half first, and then you tell us when you've read that, Mr Jefferies, so that we can scroll down.

40

A. Yep.

Q. If you could assist us, the second-last paragraph, the second line of that paragraph, is about an interview by you of Mr Cerar, and the date is a date in March 1979.

45

A. Mm-hmm.

Q. It looks to me like an "8"; is that right? Or is it a "3"?

A. Where?

50

Q. The first digit on the second line of the second-last paragraph.

A. 8 March.

5 Q. Can I ask you, the words, "Telephone message" at the top of your occurrence pad entry, a telephone message was received from Sergeant Prytherch of the Commonwealth Police, Sydney. Did you actually talk with Prytherch on this occasion?

A. I don't remember. I don't remember, but I probably did.

10 Q. The use of the word "message" leaves open the possibility that the phone rang, and someone else answered it and took a message for you.

A. It's a possibility, yes, but I - I can't remember, but--

15 Q. Is it possible that someone did take a message, wrote it down on a piece of paper, left it for you. You saw the message, and then rang Prytherch?

A. It's a possibility, yeah. It's a possibility. I don't remember, but--

20 Q. Was the person who told you about the message having been left Detective Senior Constable Krawczyk?

A. I don't remember. Telephone messages. I don't know.

25 Q. I showed you a copy of the telex dated 8 February from Commonwealth Police, Sydney to Commonwealth headquarters, and it has Sergeant Prytherch's name written on it in handwriting.

A. Yep.

30 Q. It appears to be a telex that is internal to the Commonwealth Police.

A. Yeah.

35 Q. It has been produced to the Inquiry by the NSW Police.

A. Right.

40 Q. Have you any suggestions as to how it came to be in the possession of NSW Police?

A. No.

45 Q. Did you know where Sergeant Prytherch was based in February--

A. Yeah--

50 Q. February '79?

A. As far - I can't remember where they were.

Q. When you say, "they", you mean the people who did the counterpart work to the work you did in Special Branch for the Commonwealth Police?

A. I can't remember where the Commonwealth Police were.

Q. TNT Towers, Redfern.

A. Yeah.

Q. What were then the TNT Towers.

A. Yeah.

Q. Now a block of glamorous residences.

A. Yeah. I can't remember it at all.

5 Q. Is it possible that Sergeant Prytherch delivered that copy of the telex to Special Branch?

A. It's possible, yes.

Q. On 9 February.

10 A. It's possible. I don't remember, but he may have.

Q. Did Sergeant Prytherch give you the copy of the telex?

A. I don't remember.

15 Q. Mr Krawczyk was junior to you in Special Branch or in the handling of Croatian affairs?

A. Yes, he was.

Q. Is it possible that Sergeant Prytherch provided a copy to you on 9 February?

20 A. It's possible, yes.

Q. Is there anything that you know of that leaves open the possibility that Sergeant Prytherch provided Sergeant Turner with a copy of the telex?

25 A. It's possible.

Q. You're saying that on what basis?

A. It's possible he may have. I don't know.

30 Q. You told Counsel Assisting - Day 10, page 699 - that you discussed Sergeant Prytherch's message with Inspector Perrin--

A. Yep.

Q. --who then you thought took the information to Sergeant Turner.

35 A. Yep.

Q. Can you recall where you were when you discussed Sergeant Prytherch's message with Inspector Perrin?

A. No, I can't remember. I would have been in the Special Branch I suppose.

40 Q. Or is it possible that it was at CIB?

A. (No verbal reply)

45 Q: Can I posit a scenario? You went to CIB twice that afternoon, didn't you? On the first occasion, or on one of them anyway, Inspector Perrin was already at CIB, and Detective Sergeant Parsons said you should go over and join them. Do you have a memory like that?

A. Well, vaguely. Vaguely. I think that - I think that was the case, but I'm not sure.

50 Q. But you can't recall where you were when you discussed Sergeant

Prytherch's message with Inspector Perrin?

A. No, I can't.

5 Q. Is it possible that you didn't provide it to Inspector Perrin on 8 February but instead later?

A. No, that's highly improbable.

Q. Because of the importance of the content of it--

10 A. Yes.

Q. --and the fact that all of these things were happening--

A. Yes.

Q. --and decisions were being made--

15 A. Yep.

Q. --on 8 February.

A. Well, Mr Perrin was the officer-in-charge.

20 Q. The date of your occurrence pad entry was 12 March 1979. More than a month later than the date on which the message was communicated to you. Did you make the occurrence pad entry because Sergeant Turner asked you to make an entry in relation to--

25 A. No.

Q. --what had happened with the Consulate?

A. No. No, I don't know - I don't know why it was a month later. I can't - I can't explain that to tell you the truth. I don't know.

30 Q. By the time that you had spoken with Virkez on 10 February, you've told us that you knew that Mr Virkez had two names: Misimovic and Virkez.

A. Yeah.

Q. But the message conveyed via Sergeant Prytherch to you--

35 A. Yeah.

Q. --was that the name of the person who had supplied information to the Consulate was Misimovic not Virkez.

40 A. Yeah, Misimovic.

45 Q. Did you assume that they were one and the same person? Did someone tell you they were one and the same? Did you not know? Are you able to assist us as to that gap in your knowledge between 8 February when you got the message and 10 February when Mr Virkez told you he used the name Misimovic?

A. Yeah, I don't - I don't think - I think at the time of the incident on 8 February I don't think I'd ever heard of Vitomir Misimovic. I didn't know him at all, as far as I remember.

50 Q. As at 8 February, and once that message had been conveyed to you, what

did you think of it as to whether it had a bearing on the decisions being made and the plans to arrest people? What did you make of this message about a Misimovic contacting the Consulate and saying there was a bomb plot?

A. I was very interested obviously.

5

Q. Did you do anything to find out what it all meant?

A. Well, obviously I would have - I would have made enquiries. I would have tried to ascertain who Vito Misimovic was, and how true the allegations were, but--

10

Q. You would have come up with a blank, wouldn't you, because there were no index cards, no dossiers?

A. No, there was no record of him as far as I remember.

15

Q. Do you know that Inspector Perrin communicated to CIB that this contact had been made by a man called Misimovic and the Yugoslav Consulate talking about a bomb plot? You know that you communicated to Perrin?

A. Yep.

20

Q. Do you know that Perrin communicated it to Turner or Morey on 8 February?

A. I can't be sure. I think Mr Perrin might have spoken to Mr Morey about it, but I can't - I can't be sure, but I sort of recollect that's what - that's what was done.

25

Q. I don't suppose you have a memory that enables you to say what Mr Morey thought about that?

A. No, that wasn't - I wasn't party to those discussions.

30

Q. I do apologise?

A. I wasn't party to those discussions. They were two detective inspectors discussing matters.

35

Q. You, according to your occurrence pad entry, on 8 March followed up that message by attending on the Vice Consul.

A. Yep.

Q. You didn't get anywhere, but you did follow it up yourself on 8 March.

A. Yep.

40

Q. By 8 March 1979, you knew that the person Misimovic referred to in the telex and Sergeant Prytherch's message, was in fact Virkez, because it was after 10 February when Virkez had told you that? Both that he had those two names and that he'd been in contact with the Yugoslav Consulate? No?

45

A. I don't remember.

WOODS: Your Honour, can I just make the point that the answer to that is fairly obvious, but I think the witness is very tired.

50

HIS HONOUR: Are you able to keep going for a few minutes, Mr Jefferies, or



would you prefer to break now?

WITNESS: We've only got a few more minutes, haven't we, sir?

5 HIS HONOUR: Sorry?

WITNESS: We've only got a few more minutes?

10 HIS HONOUR: Yes.

WITNESS: Yes. We'll go on.

HIS HONOUR: Thank you very much.

15 BUCHANAN: I was going to join my friend actually, your Honour. I won't finish today with Mr Jefferies, and with respect I join in Dr Woods' observation there.

HIS HONOUR: That's fair enough. You will finish tomorrow?

20 BUCHANAN: Sorry, your Honour?

HIS HONOUR: You will finish tomorrow?

25 BUCHANAN: I will finish tomorrow. I promise.

HIS HONOUR: Sooner or later into tomorrow?

BUCHANAN: Into the mid of tomorrow.

30 WOODS: Your Honour, just for timing, I'll certainly take half an hour or so.

HIS HONOUR: Yes. I'm just conscious we've got another witness due to return to complete her evidence as well. So I'd like to have all of that done tomorrow if we can.

35 MCDONALD: It might have been because of availability of a witness next week there might have been a bit of rejigging.

40 HIS HONOUR: Is there. All right. We do have somebody else?

MCDONALD: Oh gosh yes. Yes. So Mr Helson.

HIS HONOUR: Right. See you tomorrow morning at 9.30am, Mr Jefferies.

45 WITNESS: Thank you, sir.

<THE WITNESS WITHDREW

50 ADJOURNED PART HEARD TO WEDNESDAY 25 SEPTEMBER 2024 AT 9.30AM