

**IN THE SUPREME COURT  
OF VICTORIA  
AT MELBOURNE**

**THE QUEEN**

**-and**

**ANTONIOS SAJIH MOKBEL**

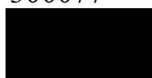
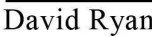
**CONFIDENTIAL AFFIDAVIT OF  
STEPHEN WADDELL**

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Date of document:  
Filed on behalf of:

24<sup>th</sup> June 2009  
The Chief Commissioner of Victoria  
Police

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I, **STEPHEN WADDELL**, Detective Inspector of Victoria Police, Victoria Police Centre,  
637 Flinders Street, Melbourne 3005, make oath and say as follows;

1. I am a Detective Inspector of the Victoria Police. I am authorised to make this affidavit on behalf of the Chief Commissioner of Police. I make this affidavit from my own knowledge and belief save where this appears otherwise. Where I depose to matters of belief I believe those matters to be true.

2. I refer to my first affidavit filed in this proceeding and in particular to the general statements as to the basis for claims of public interest immunity. I now deal in more detail with the specific issues which arise out of the Briars taskforce investigation.
3. As I previously deposed, on 4 June 2003 the Victoria Police Homicide Squad commenced an investigation, known as operation Clonk, into the murder of Shane Chartres-Abbott which had occurred earlier that day. At the time of his death Chartres-Abbott was on trial for an alleged rape and serious assault of a female.
4. That Homicide Squad investigation continued until mid 2006 when the Purana taskforce assumed responsibility for this murder investigation. Whilst it remained an active and on going homicide investigation where investigators had initially identified several persons of interest in relation to the murder, little progress was made in identifying the principal offenders, and the prospect of any charges being laid was minimal until July 2006.

**The involvement of** <sup>Mr Gregory</sup>

5. The murder of Chartres-Abbott occurred nearly a year prior to the murder of Lewis Moran on the 31<sup>st</sup> of March 2004. That murder was in turn followed by the murder of Lewis Caine on the 9<sup>th</sup> of May that year. Both the Moran and Caine murders were treated as gangland killings and the investigations into them were conducted by the Purana taskforce.

6. <sup>Mr Gregory</sup> was arrested in respect of the Caine murder on the 19<sup>th</sup> May 2004. His co-accused in relation to the murder was Evangelos Goussis. Both <sup>Mr Gregory</sup> and Goussis were convicted of that murder on the 3<sup>rd</sup> of May 2006.

7. Following his conviction for the Caine murder <sup>Mr Gregory</sup> approached Purana investigators indicating that he wished to speak to them in relation to other murders in which he had been involved or about which he had knowledge. This included the murder of Lewis Moran.
8. In mid 2006 <sup>Mr Gregory</sup> provided information concerning the Chartres-Abbott murder which implicated a serving Victoria Police member, Detective Sergeant Peter Lalor and former Detective David “Docket” Waters. Information received suggested that Lalor and Waters had assisted <sup>Mr Gregory</sup> in murdering Chartres-Abbott by providing <sup>Mr Gregory</sup> with Chartres-Abbott's residential address and engaging in a course of conduct designed to establish an alibi if <sup>Mr Gregory</sup> came to be suspected of involvement in the murder. <sup>Mr Gregory</sup> also implicated Goussis as his accomplice in the Chartres-Abbott murder and identified a person hereafter referred to as “suspect 1” as the instigator of the killing. <sup>Mr Gregory</sup> has provided investigators with a number of signed statements in respect of the persons involved in the murder.
9. Following receipt of this information the Briars taskforce was established in conjunction with the Office of Police Integrity (“OPI”). The taskforce was specifically set up to investigate the link, if any, which might exist between the killing of Chartres-Abbott, a number of well connected career criminals and serving or former members of Victoria Police. <sup>Mr Gregory</sup> greatly fears the persons involved. They have extensive local and international criminal associations and connections, including connections with both former and serving members of Victoria police and interstate state police forces and members of the legal fraternity.

10. From the outset, the operations of the taskforce were highly confidential and every effort was made to quarantine the taskforce from other Victoria Police and OPI activities so as to ensure that its investigations remained secret.
11. However, despite the steps that were taken, it soon became apparent that information concerning the taskforce investigation was being leaked to the investigative targets and the press. It appeared that a concerted campaign was being undertaken by persons of interest to destabilize and undermine the investigation. The source of the leak remains unknown, however, the fact of the leak of information and the nature of the information itself was of great concern to the Briars taskforce and its management committee. This is particularly so because one focus of the Briars investigations is on the role of serving and past members of Victoria Police.
12. The leaks associated with the investigation culminated in articles published in 'The Age' newspaper on the 14<sup>th</sup> and 15<sup>th</sup> of September 2007 which disclosed a significant body of information about the investigation. The articles were detrimental to the progress of the investigation and unnecessarily placed <sup>Mr Gregory</sup> and [REDACTED] at greater risk of serious injury and death. As a result of the leaks of information which had occurred the persons involved in the murder of Chartres-Abbott will have concerns that <sup>Mr Gregory</sup> is assisting police with not only this investigation, but with other matters.
13. Subsequent to the publication of The Age articles the OPI conducted public hearings in November 2007 which revealed that the suspects involved in this matter are connected and that they have been able to obtain information about the investigation.

14. I believe that the fact that the suspects were informed of the investigation undermined the investigation in its early stages and put the lives and safety of investigators and witnesses at risk. I believe that any further disclosure would greatly increase this risk.
15. Ultimately, on the 11<sup>th</sup> of October 2007 <sup>Mr Gregory</sup> pleaded guilty to the murder of Chartres-Abbott, adopted his statements in relation to that murder and was sentenced in respect of it.
16. On 11<sup>th</sup> October 2007 <sup>Mr Gregory</sup> also pleaded guilty to the murder of Lewis Moran. Subsequently, <sup>Mr Gregory</sup> gave evidence against Goussis during his trial for the murder of Lewis MORAN. Both the plea and sentence of <sup>Mr Gregory</sup> and the Goussis trial were conducted before her Honour Justice King.
17. The information provided by <sup>Mr Gregory</sup> and subsequently by others in relation to the murder of Chartres-Abbott has been crucial to the investigation. Without the continuing co-operation of these witnesses it is unlikely that the other persons involved in this matter will be charged.
18. Thus, I believe that a disclosure either in oral form or through documents of the information <sup>Mr Gregory</sup> and others have provided in relation to the Chartres-Abbott murder investigation would be highly detrimental to the investigation and to the safety of those assisting the investigation. I believe that such disclosure would act as a significant disincentive to other persons to co-operate with police and provide information and assistance in such investigations. It would have an adverse affect on other similar investigations and would, I believe, lead to other murder and corruption investigations remaining unsolved.

19. This investigation has been compromised almost from the beginning as a consequence of damaging leaks suspected to have come from both within Victoria Police and the OPI. Those leaks fundamentally altered the investigative approach that was planned and probably irreparably damaged the potential for gathering all the available evidence and thereby reaching a successful conclusion to this investigation. No investigative strategy will succeed if the targets of that strategy have knowledge of the direction of that investigation as well as the nature of the evidence against them.
20. The investigation is significant to Victoria Police and the community insofar as if the allegations are true, as evidence tends to suggest, it establishes a connection between organised crime and corrupt police. The importance of conducting a thorough, comprehensive and competent investigation which gathers all the available evidence is important in maintaining community confidence in Victoria Police as well as the administration of justice. The release of information which may, either directly or indirectly, lead to the identification of persons who assist the Victoria Police in the conduct of serious criminal investigations will, I believe adversely affect and inhibit the free flow of further information to the Victoria Police and other police services. Generally, if the identity of such persons were to become known it is likely that they or their families or associates would suffer harassment, intimidation, serious injury or even be killed, simply because they were known to have assisted the Victoria Police.
21. Similarly, if witness statements or other documents identifying witnesses or revealing their addresses or other confidential information which could lead to their identification is made available to the accused I believe, it is likely that such witnesses will be unwilling to give evidence and members of the public will become increasing

reluctant to disclose information or confidences in the future due to the likelihood of threats or acts of intimidation.

22. The risks to human sources and witnesses to which I have referred above, are very real. I am aware that human sources and witnesses have been killed as a result of the co-operation that they have given the Victoria Police. I refer in particular to the deaths of Terrance Hodson and his wife. On a number of occasions in the recent past, witnesses who had previously agreed to co-operate with police and to give evidence in particular prosecutions have subsequently refused to do so because of fears for their safety or their family's safety as a result of threats made against them.
23. During the course of the current investigation a number of the potential witnesses expressed concern for their personal safety and that of their families and associates due to their fear of violent retribution from the suspects were they to co-operate with police. Investigators reassured each of the potential witnesses and on occasions undertook that police would do all that they could to ensure that the witnesses' identity and personal details would not be prematurely revealed.
24. It was only as a result of the assurances and undertakings given to the civilian witnesses that they agreed to co-operate and provide witness statements. Despite giving these undertakings of confidentiality a number of potential witnesses have continued to refuse to co-operate with the investigation or provide evidence because of the fear of retribution that they hold.
25. Any further information provided at this stage will be detrimental to this investigation and would impact greatly on the safety of witnesses involved in this matter. The



remaining five suspects involved have the means and ability to fabricate evidence and actively seek to intimidate and harass witnesses.

**Status of the investigation.**

26. Operation Briars is a continuing investigation. Electronic surveillance devices, covert surveillance and human sources are being utilised. Any information provided at this stage of the investigation, or indeed confirmation of who the targets are in respect of this matter, will have a significant adverse effect on the investigation, and may place investigators, witnesses and/or covert operatives at unnecessary risk of serious injury or death.

27. In December 2008 Victoria Police received advice from the Office of Public Prosecutions that there was insufficient evidence to prosecute any of the suspects arising from the investigation at that point. It is known that at least some of the targets became aware of this advice and no doubt have taken comfort from it. As a consequence investigative operations were suspended for a short period of time in anticipation that this would also give comfort to the suspects.

**The suspects**

28. Evangelos Goussis is a suspect in this matter. To date he has not been charged. He is currently appealing his conviction for the murder of Lewis Moran. He is represented by the same firm of solicitors who act for the defendant in the current proceedings. I believe that it is highly likely that any information provided to those solicitors which suggests that Goussis has been identified as a suspect in relation to the Chartres-Abbott murder will be passed to Goussis.



29. I believe that any information provided to Goussis at this stage of the investigation would be detrimental to the investigation relating to him and would cause him to actively take steps to avoid being prosecuted. Despite the fact that he is currently undergoing a prison sentence this could include arranging for the harassment and/or intimidation of witnesses in this matter. I believe any information provided to Goussis will find its way into the hands of the remaining suspects.
30. There are a number of other suspects who are believed to have actively assisted or procured the death of Chartres-Abbott.
31. Suspect 1 is an elusive career criminal who has criminal connections both interstate and overseas. It is believed that he is currently in hiding overseas at an unknown address. Any further information provided at this stage of the investigation would cause him to take further steps to hide from investigators. As suspect 1 is likely to be overseas, it is not known when he is likely to be arrested and interviewed in respect of this matter.
32. Suspect 2 is currently living in Queensland. He is a well connected career criminal, with networks in Victoria, New South Wales and Queensland. Goussis is well known to suspect 2. Any information provided at this stage of the investigation, would cause suspect 2 to actively take steps to avoid being prosecuted. This could include harassing and/or intimidating witnesses in this matter.
33. Peter Lalor and David Waters are suspects 3 and 4. Lalor is a current serving member of the Victoria Police and Waters is a former member of the Victoria Police. Both suspects have strong connections with current and former members of the Victoria Police, career criminals and members of the legal fraternity.

34. Waters has attempted in the past to establish what <sup>Mr Gregory</sup> has said in respect of this matter, what other information <sup>Mr Gregory</sup> has provided, and his current location [REDACTED]

[REDACTED] It is known that Waters spoke on a number of occasions to Senior Counsel representing Goussis during the Lewis Moran trial. It is believed that these approaches were unsolicited and were to provide the Goussis defence with material to attack <sup>Mr Gregory</sup> with during that trial.

35. I believe that any information provided at this stage of the investigation would undoubtedly filter back to these suspects, which would cause significant problems in respect of interference with the investigation including the harassment and intimidation of investigators and witnesses.

36. Suspect 5 is a well connected career criminal, with networks interstate and overseas. Goussis is well known to suspect 5. Any information provided at this stage of the investigation would cause suspect 5 to actively take steps to avoid being prosecuted. Once again this could include the harassment and intimidation of witnesses in this matter. Suspect 5 has an in-depth knowledge of <sup>Mr Gregory</sup> and [REDACTED] and would be in a position to approach [REDACTED] in respect of this investigation, in an attempt to intimidate and harass <sup>Mr Gregory</sup>. I believe that suspect 5 is unaware that he has been implicated.

37. As previously indicated, <sup>Mr Gregory</sup> [REDACTED]  
[REDACTED] He is crucial in the successful prosecution of any charges laid as a result of the Briars taskforce investigation. [REDACTED] is vulnerable at this stage of the investigation, with legitimate concerns for his safety [REDACTED]

[REDACTED] The suspects involved in this matter have criminal

connections that are able to access [REDACTED]

Mr Gregory [REDACTED]

### **The Subpoena Issues**

38. The subpoena served on the Chief Commissioner of Police dated 1<sup>st</sup> of June 2009 requires the production of a wide range of material relating to the Briars taskforce. As noted in my first affidavit, the Chief Commissioner of Police generally claims public interest immunity in respect of all the documents which fall within the subpoena arising out of the Briars taskforce with the exception of those which it has been indicated will be provided to the parties. The classes of material in respect of which public interest immunity claims are made are set out in a schedule to this affidavit. The schedule also sets out those classes of documents which it is proposed to release.

### **The information reports and chronology**

39. The police investigation is outlined in its information reports and what is termed an "offence chronology". The information reports not only disclose intelligence and methodology but also the future direction of the investigation. Those information reports are either in a completed or active state. An active information report denotes one that is currently being worked on, whilst a completed information report is self explanatory. However, information reports once completed may be reactivated as fresh information, intelligence or evidence is discovered. A number of information reports that were completed at the time of the Goussis trial that are now active.

40. The offence chronology is a detailed chart reconstructing the events in and around the time of the murder. It is predominantly based upon call charge records but also uses information drawn from statements and other documents to recreate events. This is a

particularly sensitive document insofar as it provides a snapshot of the totality of the evidence available to investigators in the case.

41. The Briars taskforce information reports, which were available at the time, were produced to Justice King during the Goussis trial for the Moran murder. No information reports relating to Operation Clonk were produced as Goussis had never been identified as a suspect as part of that operation. Some information reports were edited for production to the defence in that proceeding. The remaining reports were the subject of a claim of public interest immunity. Having inspected the information reports her Honour did not require the production of any additional material arising out of them nor did she require the re-editing of any of the reports which it was proposed to produce in edited form.
42. In response to the current subpoena, 9 information reports are proposed to be released in edited form. The remaining information reports are all the subject of a claim of public interest immunity. Insofar as they include information reports which were released in the Goussis proceeding the claim is made because of the current status of Goussis as a suspect in this investigation and the lack of any relevant material in those information reports to the defendant in this trial. At the time of their release in the Goussis proceedings they were seen to be relevant because of his status as the accused despite the fact that he was also a suspect in relation to the murder of Chartres-Abbott.
43. The offence chronology, as it then stood, was produced to her Honour Justice King during the Goussis trial for the murder of Lewis Moran. The document was not identified in open Court and no part of it was required to be produced to the defence in the proceeding. A claim of public interest immunity is made in relation to the whole of this document.

**Witness statements and transcripts.**

44. A number of witness statements and transcripts are produced in edited form and are the subject of claims of public interest immunity. These are set out in the attached schedule to which I have referred. Each of the documents referred to is produced to the Court.
45. <sup>Mr Gregory</sup> provided investigators with a fifth statement on the 24<sup>th</sup> of July 2008. This statement is predominantly confined to the involvement of suspect 5, a person not referred to in the current subpoena. The mention of other suspects in the statement is no more than a re-statement of matters covered in the previous statements which have been released. Up until the making of this statement <sup>Mr Gregory</sup> had not wanted to talk about the involvement of suspect 5 for a number of reasons, but primarily because of fear of retribution against his family [REDACTED] Suspect 5 is very familiar with [REDACTED]
46. Additionally, since December 2008, investigators have been negotiating with <sup>PII</sup> [REDACTED] key witnesses. These witnesses give evidence that is crucial to the prosecution of two of the suspects, including one of the police officers. The negotiations with each of these witnesses has been difficult and protracted due to the risks involved for them. These risks are magnified by publicity not only for the individual, but their families and any such publicity undermines the confidence of potential witnesses in Victoria Police to protect them and keep their evidence confidential until such time as a prosecution is commenced.
47. [REDACTED] of these witnesses are currently [REDACTED] This puts them at additional risk should it become apparent they are assisting police. <sup>PII</sup> [REDACTED] of the



witnesses has signed a statement whilst <sup>PII</sup> [REDACTED] has indicated an intention to do so. A draft of a statement for the <sup>PII</sup> [REDACTED] witness has been prepared and it is expected to be signed in the next few weeks. [REDACTED]  
[REDACTED]

48. The [REDACTED] witness to whom I have referred has indicated a preparedness to assist investigators further. [REDACTED]  
[REDACTED]

[REDACTED] That approach would not be viable if it became known that the witness was assisting police.

49. Investigators are aware that one particular suspect has recently been trying to make contact with one of these potential witnesses. It is believed that this suspect will be concerned about the fact that he cannot contact the witness and will probably draw a correct conclusion as to what that might mean for him. This suspect looms as a very real threat to the well being of this potential witness and has the connections and the ability to neutralise any threat against him.

50. The statement and the draft statements of the <sup>PII</sup> [REDACTED] witnesses referred to are of such sensitivity that it is not proposed to produce these to the Court unless directed to do so. In the event that such a direction is given I propose to edit the documents so as to remove any material which might identify the maker of those statements.

#### **The CCR's and reverse CCR's.**

51. Investigators have obtained Call Charge Records ("CCR's") on a large number of <sup>PII</sup> [REDACTED] both in Victoria and interstate. Those CCRs relate not only to <sup>Mr Gregory</sup> [REDACTED] but a number of the other suspects. The CCRs are produced to the Court in their raw

form and are of no forensic value. Whilst no analysis of this material has been called for, the production of any such analysis would be objected to on the grounds that it reveals police methodology and has the potential to compromise the investigation at this stage.

**OPI hearings.**

52. The provisions of the Police Regulation Act prohibit investigators from either acknowledging the existence of a particular OPI hearing or disseminating material which may or may not be in their possession as a consequence of such a hearing. Consequently, no material in response to this aspect of the subpoena has been produced or referred to.

**Current investigative focus**

53. The investigation will enter its final phase once the statements from the [REDACTED] witnesses to which I have referred have been finalized and their security is assured. That final phase will include the following investigative techniques -

- (a) Electronic and physical surveillance;
- (b) Deployment of sources;
- (c) Interview of additional potential witnesses;

[REDACTED]

54. The deployment of sources is difficult and dangerous work and their effectiveness and safety is only ensured by the level of trust that the target of the deployment has in them. Investigators at this also point intend to ask the [REDACTED] to summon 7 people to compulsory hearings to answer questions in respect of this investigation including.



This will include hearings involving a number of prominent criminal lawyers. The chances of eliciting truthful responses from interviewees is likely to be undermined if they are to be fore warned about not only the nature of the examination but also the material that investigators hold that is relevant to them.

55. I am able to give further evidence in confidence in relation to the claims of public interest immunity which are made in this matter if this is required.

SWORN by Stephen Waddell )  
 at Melbourne in the State of Victoria )  
 this 24<sup>th</sup> day of June 2009. )

Before me:.....