



## An Alternative Study

### Introduction

An online anonymous research group that refers to themselves as "The Expendable Project" has made the claim that they have compiled overwhelming evidence that proves Australian, Schapelle Corby, innocent of drug related offences, to which she was convicted of in an Indonesia court on 27 May 2005. The Expendable Project also claim that her arrest was part of an elaborate Government conspiracy between Indonesia and Australia, supported by third party collusion.

An Alternative Study will show that the Expendable Project reports, deemed 'overwhelming evidence' are merely a compilation of poorly researched pathways and do NOT prove Schapelle's innocence nor guilt; and that there was *no* Government conspiracy or third party government agency collusion, responsible for her detainment.

The Expendable Project reports originate from one initial report titled 'The Transit Report'. The misinterpretations and factual errors in the report are visible to the trained observer. To the untrained observer it can be a quagmire of confusion trying to make sense of international treaties, mandates and laws, common law (the legal systems of Australia and the United States of America), Roman-Dutch law, customs and Islamic law (Indonesia), complicated foreign internment issues, and the varying roles of foreign authorities and how they operate under mutual assistance legislation. The mass content produced by the Expendable Project, might suggest conclusiveness, but for the fact that the trained observer can easily find fault. An Alternative Study will show that the very suggestion that this Australian citizen was publicly framed by three foreign governments, allegedly working in collusion with the '*organs of the state*' is simply a preposterous, an unsubstantiated allegation.

\* 'Organs of the State' is a term coined by the Expendable Project to group Australian Government agencies in collusion with the Australian and Indonesian Governments, inclusive the Department of Foreign Affairs and Trade, the Australian Federal Police, the Australian Customs Department, Bali Customs Officers, the Indonesian Judiciary, Qantas Airlines, the Sydney Airport Corporation Limited, Human Rights Groups (Amnesty International, the United Nations, Fair trials International, Human Rights Watch, Get Up, International Human Rights Commission, Foreign Prisoner Support Service, Civil Libertarian Groups, the Media (print, television and radio), the CIA, the FBI and several well known celebrities.

The facts are -- Schapelle Corby was arrested upon arrival to Bali with 4.2 kg of marijuana inside her Boogie-Board Bag (BBB). Indonesian Customs Officers gave testimony at her trial that Schapelle Corby admitted it (the drugs) was hers, despite her denials. Since a prima facie was established, the burden shifted to the defence to counter the prosecution case.

The case proceeded in accordance with Indonesian jurisprudence and concluded with Corby receiving a 20 year prison term. She remains incarcerated in Indonesia, her legal appeals have been exhausted, her legal Defence team were unable to present substantive evidence in an extraordinary legal appeal to have her conviction overturned.

An Alternative Study is not in any way intended to offend. It merely seeks to provide an alternative view to the claim that Schapelle Corby was a victim of Government complicity. In preparation of this information, every effort has been made to offer accurate and clearly expressed information possible.



## **An Alternative View**

### **[The Transit Report](#)**

**The first claim is that Schapelle Corby's Boogie-Board Bag (BBB) was the *only one not* scanned at Sydney Airport and that it was diverted past the scanner by baggage staff. The second part to the first claim is that Customs Minister Ellison withheld this vital information, even when Schapelle Corby's lawyer asked directly about screening procedures. This is suggested proof of government complicity resulting in Corby's conviction. [Transit Report, Expendable Project]**

Australian Customs [Minister Chris Ellison](#) confirmed that he had received information regarding screening data from Corby's BBB tag (the 4th tag) that it was missing or not stored. He reported this to the Australian Federal Police (AFP) and commented "*it may be a relevant factor in any consideration as to whether there was any interference with the bag*". [Letter, 6 July 2005, Minister Ellison to AFP Commissioner, p2-18, The Transit Report ]

In a letter dated 11 July 2005, AFP commissioner [Mick Keelty](#) wrote to the Department of Transport and Regional Services requesting an urgent response as to why only three (3) baggage tags were produced and not four (4). The fourth being Corby's over-sized BBB. [Letter, 11 July 2005, AFP Commissioner to Michael Taylor, p2-20, The Transit Report ]

The response gave no particular mention as to why Corby's BBB tag 'data' was missing or not stored. It merely stated that such information was provided to Corby's legal Defence team. The latter questions within the letter were responded to in regards to the *process of check bag screening*.

The response failed however to specifically state how Corby's BBB was screened, or if it was screened or not screened. If the BBB was entered as over-sized baggage, it *should have been* subjected to manual screening prior to transportation to the aircraft. [Qantas Check Bag Allowance, [web reference](#)] That it was loaded onto the aircraft suggests that it passed the screening process. The response concluded with '*wherever human involvement is involved, there is the potential for system failure*'. It does not state that the system failed. It does state however that 100% screening was in place at the time at Sydney International Airport. Logic would suggest that the screening procedures ought to have detected any drugs in her BBB, failing human involvement (baggage handlers or lack of screening). [Reference: Letter titled: Checked Baggage screening process for Ms Corby's baggage, July 2005, Michael Taylor, Transit Report, p2-21,22 ]

The Transit Report **does not:**

- a) prove AFP Commissioner Mick Keelty, Minister Ellison or any other recipients knew that Corby's BBB was the *only* bag not screened. There is no evidence that it was or was not screened. It is merely assumed that it was screened since it was loaded.

The Transit Report **does;**

- a) show that the enquiry was isolated to a specific request relating to Corby's BBB and did not make additional requests in relation to other passengers. The single question asked was "whether a gap exists in the processes that may relate to other baggage." It does not specify whether by 'other baggage' it is referring to other passenger's or Corby's 'other baggage'.
- b) show that no other passenger's oversized baggage is identified or flagged in response to the enquiry.

**The system *could* have been open to corruption BUT there was no evidence of corruption.  
The findings would NOT be considered conclusive evidence in a judicial proceeding.**

11 July 2005, Corby's legal Defence team member, Hotman Hutapea, directed a question to Mr. Woodward of the Australian Customs Service and to AFP Commissioner Keelty. Neither department are responsible for baggage screening. [Letter 11 July 2005, Hotman Hutapea to Mr Woodward, Transit Report, p2-24]

3. Does any passenger's bag always pass through x-ray checking? Please give us the name of officer who did the x-ray checking for passenger's baggage of flight AO 7829 from Sydney to Denpasar on 8 October 2004?

Minister Ellison and others were copied into the correspondence. Minister Ellison interjected by advising Corby's legal Defence team that Australian Customs was not the responsible authority and rightly directed them to the Sydney Airport Corporation Limited (SACL) - the authority responsible for screening passenger baggage. Subsequent correspondence indicated Corby's legal Defence team took Minister Ellison's direction and were in communication with Sydney Airport Corporation Limited (SACL). [Letter 13 July 2005, Chris Ellison to Hotman Hutapea, Transit Report p2-25]

The 'Transit Report' shows that the screening data relating to Corby's BBB was missing or not stored but the legal responsibility of discovering why it was missing or not stored was a matter for Corby's Defence team to pursue. Clearly they understood this because their subsequent line of questioning was directed to Minister Ellison and Commissioner Keelty's departments respectively. Those departments rightly advised the Corby legal Defence to pursue the relevant authority responsible for screening passenger baggage - the Sydney Airport Corporation Limited (SACL).

### **The false claim that corrupt baggage handlers put the marijuana in Corby's BBB**

According to an extract from *Schapelle Corby: The Hidden Truth*, Schapelle's ex-lawyer, Robin Tampoe admitted that the baggage handlers Defence was a lie. He admitted making up the story after hearing callers on a radio show talking about bag security. There is no proof that baggage handlers tampered with Corby's BBB. Hence why it was never going to be a game changer in the judicial proceedings. [Explosive documentary reveals Corby's Defence 'a lie', Perth Now, Claire Harvey, 20 June, 2008]

### **The claim that the failure to weigh Corby's BBB proves complicity**

The 'Transit Report' does not conclusively show any evidence to support its claim that Corby's bag weighed more than the allowable limit. In fact, it claims her bags weighed less.

- a) Corby wasn't charged excess baggage. This may reflect that she knew the allowable limits (researched through frequent travelling or online search) and packed accordingly.

According to the Expendable Project research contained with the Transit Report, the *combined* check-in luggage of four bags recorded under Corby's name by Qantas was 65 kg.

Qantas baggage limits for passengers travelling on a flight, inclusive of international travel, allows 23kg per passenger. (3 passenger's combined total would be 69 kg).

#### **International to/from all other destinations**

International Travel is defined as travel between two or more countries including any flights within those countries when they are combined with international travel on the same ticket.

<http://www.qantas.com.au/travel/airlines/checked-baggage/global/en>

#### **For tickets issued before 2 May 2012**

| <b>Travel Class/Membership Status</b> | <b>Allowance</b>   |
|---------------------------------------|--|
| Economy/Premium Economy               | 23kg (50lb)<br><b>Exception:</b><br>30kg (66lb) in total on QF337/338/358/359 between Sydney/Melbourne and Ho Chi Minh |

It is not beyond the realm of possibility that;

- a) Corby's BBB weighed 10kg;
- b) each passenger's bag weighed 19.6kg, putting the combined group within the required weight limits. This is perhaps why Qantas did not charge excess baggage fees.

Note: Exact weight of Corby's luggage on arrival to Bali is unknown as it was never weighed.

The 'Transit Report' **does not**;

- a) present conclusive evidence to support its claim that Corby's BBB was the only one not screened at Sydney airport. IT merely shows that baggage screening may or may not have been done so correctly.
- b) prove corruption, certainly not Government corruption or cover up. It merely suggests that corruption *may have* been a factor given human involvement but not that it *was* a factor.
- c) prove that the Australian Government and the Australian Federal Police were complicit in any cover up. It does prove to the contrary however, that the Australian Government and AFP officials made such enquiries, following requests from the Corby legal Defence, and such enquiries were made and the findings presented to Corby's legal Defence team; with advice to direct them accordingly to the appropriate authorities responsible for screening passenger baggage.

The 'Transit Report' **does**:

- a) provide insight that the Corby legal Defence team did not seem to fully understand the 'role of authority' in that they did not appear to know who to direct their enquiries to.
- b) proves that when such enquiries were made to the wrong authority, that authority subsequently endeavoured to direct them to the appropriate authority.
- c) support the claim by Australian Customs Department that their role is one of processing passengers out of the country and NOT passenger baggage.
- d) shows that the Australian Customs Department repeatedly attempted to explain to the Corby legal Defence team its role, and gave detailed information to prompt the Corby legal Defence team to pursue the correct and appropriate authorities.
- e) fail to provide evidence of 'evasiveness of responsibility' of the Australian Customs Department.

## **Qantas Complicity**

The Corby legal Defence team wrote to Qantas requesting information on the data screening. Qantas directed them to Sydney Airport Corporation Limited, who agreed to search their database. They advised that no screening data of the BBB was recorded in their system (only the 3 items of checked-in baggage). They referred Corby's legal defence team back to Qantas.

The 'Transit Report' concludes that Qantas did not provide screening data of the BBB and that in itself is evidence that they may have been complicit in Schapelle Corby's demise. It does not provide any conclusive evidence to support this allegation. Further to this, the Transit Report does not disclose all correspondence directed by the Corby legal Defence team, to and received by, third parties; and thereby, it creates an incomplete trail of proceedings undertaken by all parties.

## **Brisbane Airport: The Missing CCTV Footage**

The Expendable Project claim the absence of CCTV footage was crucial to Corby's Defence.

- a) *"If Schapelle Corby was guilty, why would she continually beg Australian airports for CCTV footage which would show her bag bursting with marijuana and thus condemn her?"*
- b) *"May have shown clearly that her bag was virtually empty when she departed."*
- c) *"The footage could have provided direct and unambiguous proof that the marijuana was placed after she (Corby) handed the bag over to the handlers".*

An Alternative Study of the three statements is;

- a) Any photograph and/or CCTV footage would have only shown the external bag and not what was contained therein. Studies on the effectiveness of CCTV footage have found that 80% of images given to police are not useful as evidence. (See as but one example: UK Home Office and Association of Chief Police Officers [Report](#))
- b) At the time of check-in, the BBB did not attract any attention, suggesting that it 'looked' perfectly normal.
- c) Even had CCTV footage been produced and did not show anything abnormal, the Prosecutor might have argued that it had been packed well in space bags. We know from witness testimony submitted to the court that it was. The drug content was packaged to the exact shape of the BBB which confused even Corby's legal Defence team.
- d) Had CCTV footage shown drugs were contained in Corby's BBB then it is reasonable to assume they would have been detected and confiscated. Not loaded on the aircraft.



- e) The 'act' of deleting the CCTV footage does not prove Corby's innocence nor does it prove criminal complicity. In any case, the Corby legal Defence team would have still been expected to prove Corby not party to drug importation or to prove her isolation from any involvement had the CCTV show the carriage of drugs. Hence why the CCTV footage was not game changing in anyone's view.

Qantas provided reasonable explanation to why the CCTV footage was not available at the time.

Qantas uses digital video recording equipment to record images from the cameras installed at Brisbane Domestic Terminal. Images are stored in these for a limited period before being overwritten. The retention time is typically about 1 month.

Unfortunately, during October, the recording equipment at Brisbane had been suffering from an intermittent fault and on or about 2nd November the unit underwent substantial repairs which appear to have resulted in the loss of the data pertaining to the period of interest.

Qantas is currently working with forensic technical experts to determine whether there is any useful imagery left of the 8th October 2004 and we will inform you when we have an outcome from this investigation.

According to the Expendable Project, what may constitute complicity in a cover up is that the Australian Federal Police provided conflicting advice to third parties. See the statement below made to the Senate Legal and Constitutional Affairs in February 2005.

- Qantas advise the closed circuit television (CCTV) recording of the check-in area and air side for 8 October 2004 had been recorded over, and stated it is normal practice to recycle the CCTV tape every seven to ten days.

Extract from ministerial brief from Australian Federal Police to Ministry of Justice and Customs April 2005.

4. The investigation also examined baggage handling procedures, security of baggage and airside access to other employees and contractors. Qantas advised the closed circuit television (CCTV) recording of the check-in area and air side for 8 October 2004 had been recorded over, and stated it is normal practice to recycle the CCTV tape every seven to ten days.

Neither statement constitutes evidence, since the full context of the correspondence is not disclosed. Nor does it prove any complicity or collusion between the Australian Federal Police and Qantas.

# **An Alternative View**

## **The Mutual Evasion Report**

### **Drug Syndicates operating from Sydney Airport**

Over the last decade, thousands of people, including airport employees, have been arrested by the AFP at Sydney airport in relation to varying drug offences. The allegations that drug syndicates were operating at Australian Airports at the time of Schapelle Corby's travel does not in itself prove they tampered with her BBB.

No one denied the existence of drug syndicates operating at Sydney Airport. In fact, the Australian Government sent a letter to Corby's legal Defence team to submit to the Indonesian court confirming that police believe baggage handlers involved in an alleged drug syndicate were operating out of Sydney Airport on the day Schapelle Corby passed through on her way to Bali. But the letter doesn't mention the Corby case directly. There is no evidence linking any drugs (Cocaine) found on a flight from South America to Australia with Corby's pending flight to Bali. Similarly, arrival and departure charts showing delayed flights pending departure does not make for evidence of criminal activity. It merely confirms that flights were delayed. Reasons for the delays are not given but could be supported by a number of plausible excuses.

In any judicial process, one has to make a definite connection between party A and party B. You cannot say that Bill and Bob were both standing beside a smoking gun so they both must be guilty. You have to link the suspect to the actual crime.

### **No Forensic testing of the marijuana**

A request to have the marijuana forensically tested was made by the Corby legal Defence team to the Australian Department of Foreign Affairs (DFAT) Consular officer. He advised Corby on 3 December 2004 that the Australian Federal Police (AFP) had no jurisdiction in Indonesia but as a result of ongoing communication between the Consular Officer and the AFP, the AFP made enquiries and were advised by the Indonesian Head of Bali police "that the AFP will not be able to have the cannabis for testing". [Assistance provided from the AFP to INP, Independent Report, Feb 2005, p2-1]

A copy of a letter between Corby's legal Defence team and an unidentified party is presented with the suggestion that the AFP rejected an offer by an independent party to test the marijuana. [Lily Lubus and Associates, 5 Jan 2005, Independent Report, p2-2]

An Alternative Study can reveal that a copy of the letter and subsequent letters on the matter were made available to the Foreign Prisoner Support Service and others. They reveal that the writer is Dr. Lynne Milne, a lecturer and forensic palynologist from the University of Western Australia's Centre for Forensic Science. Corby's legal Defence (Lily Lubis) contacted Dr. Milne in writing and through a series of phone calls. She asked Dr. Milne to forensically test the cannabis sample Vasu had illegally obtained.



Vasu Rasiah, was working as a case coordinator with Corby's legal defence team. *"He illegally obtained a sample of the cannabis and was talking about flying to Perth with it in his pocket to have it tested. Mercedes was horrified. Any results would not be legally admissible in court and he was breaking the law...not a good look for Schapelle."* quote by Kathryn Bonella, author of Corby's biography titled My Story. Indeed Dr. Milne reveals in her correspondence that she notified the AFP to ask them to assist her and disclosed that Vasu had obtained the cannabis sample. The AFP rightly advised, that if Dr. Milne received the cannabis outside legal parameters (without permission from the Indonesian Government to send the sample to Australia for testing) that she too could be prosecuted under Australian law. Dr. Milne also conducted an interview on Perth television attesting to the fact that she volunteered to test the drugs but Indonesian officials wouldn't release a sample. Dr. Milne advised Lily Lubis accordingly.

DFAT reveal in Consular Talking points dated 2 November 2004, that the AFP is in direct contact with Corby's legal Defence team. According to the consular note, the AFP are reluctant to provide assistance without a formal request from the Indonesian police. It does not have the jurisdiction and does not consider it has the role to provide technical assistance to Australian defendants.

In all of Australia's mutual assistance in criminal matters treaties, the obligation to provide assistance is qualified by certain internationally accepted safeguards, chief amongst which are that assistance shall not be granted in relation to political or military offences or where a request is made for the purpose of prosecuting or punishing a person on account of his or her race, sex, religion, nationality or political opinions. Assistance shall also be refused where grant of a request would prejudice the sovereignty, security, national interest or other essential interests of the requested state. In addition, assistance may be refused where a request relates to an offence which carries the death penalty under the law of the requesting state. At that time, 40+ protesters had gathered on 5 June 2005 at the Australian embassy in Jakarta calling for Corby to receive the death sentence. The group carried placards with comments such as "Corby, drug dealer, must die." (see below photo) At the time, it was not known what sentence the prosecutor would demand. One could argue the AFP operated in accordance with the Mutual Assistance Act.



### **Mutual Assistance is consensual not obligatory.**

Indonesia has the right to refuse any offer of assistance. It may conclude that the provision of assistance could prejudice an investigation or proceeding, or impose an excessive burden on the resources of that State.

In such case, it is pursuant to the following;

- a) Indonesia agrees to assistance or not;
- b) subject to local country law (ie: if the Indonesian Prosecutor received the case from the IND police, they are not obliged to accept assistance under the *Mutual Assistance in Criminal Matters (Republic of Indonesia) Regulations 1999*.

### **The Rights of the prisoner to be made fully aware of unintended consequences**

Prior to making a formal request to the Indonesian Police to offer assistance in testing the cannabis through DNA forensic tests, the Australian Government instructed DFAT to meet with Corby to confirm her agreement to a formal approach; and that she was to be made aware of the fact "that if the tests prove or suggests the cannabis comes from Australia, this could be used against her in the Indonesian courts.

On 3 December 2004, Schapelle Corby gave such formal approval in writing to DFAT. Given the time it takes to go between countries and departments, it is understandable that there were time restraints. During the time it took to confirm Corby's approval, the Bali police concluded their investigations and handed their findings over to the Indonesian Prosecutor on 06 January 2005, therein ending any further police involvement.

On the 7th January 2005, (the very next day) the Head of the Indonesian Police advised the AFP that they would not be seeking any assistance from the AFP on the case. They advised their recommendation that Corby would be charged with trafficking, which can attract the death penalty.

According to Indonesian law, the Prosecutor has every right to accept the police dossier as an indictment that the case has been fully investigated. The Indonesian Prosecutor does not have to accept or uphold Corby's request to have the cannabis tested. There is no violation of law. In hindsight, the Australian Government and AFP acted responsibly in seeking Ms. Corby's official permission *before* making any formal approaches; given the terms outlined in the *Mutual Assistance in Criminal Matters (Republic of Indonesia) Regulations 1999*, whereby the matter relates to the prosecution or punishment of an Australian citizen for which the death penalty may be imposed.

The Mutual Evasion Report wrongly claims that "*DFAT did not invoke the MACMA treaty to obtain the sample of marijuana which Schapelle Corby begged them for when it could have done so within the provisions of the treaty itself.*"

DFAT cannot 'invoke' the MACMA treaty. It is the Australian Attorney's General's Department that deal with all such requests under the MACMA treaty, as the legislative arm of the Australian Government. For the Australian Attorney General to 'invoke' MACMA, the offence would have had to occur in the *requesting State*, that being Australia. Furthermore, no request by Indonesia was made to the Australian Attorney General's Department. Assistance and requests for Mutual Assistance under MACMA are mutually consensual not obligatory.

The Corby legal Defence team did not submit any specific request directly to the Indonesian Attorney General to request direct assistance under the MACMA from the Australian Attorney General. The AFP nor the Australian Government can be blamed if Corby's legal Defence Team did not submit a formal request to the Indonesian Government's Attorney General to request assistance under the MACMA to the Australian Attorney General.

The AFP, nor the Australian Government can be blamed for decisions made by foreign judiciaries to reject their offer of investigative assistance when they are wholly satisfied that Indonesian police have concluded the criminal investigation of the Corby case to their satisfaction.

### **The claim is that the legal procedures were in violation to law**

The Mutual Evasion Report wrongly purports that there was legal or procedural violations at the court hearing of 3rd February 2005. Quote: "Despite the Corby's legal Defence team requests to order fingerprinting of the plastic bags containing the cannabis and further testing of the cannabis, the Australian Government offered no further support and nor did it invoke the MACMA treaty."

An Alternative Study shows that the proceedings were conducted under the jurisdiction of Indonesian law and Indonesian sovereignty. The Australian Government was only obliged to provide prisoner support under the terms of the Consular Services Charter. This is legislated. Governments are obliged by International Law to observe the sovereign rights of other States and cannot march over the jurisdictional rights of another to impose its own rule of law.

Proper processes are available in the Indonesian legal system (via appeals) to right any wrongs or to raise the fact that an injustice has occurred. Hence why judges cannot over-ride trials or judicial procedures. They are there to provide an independent and impartial assessment of the facts and how the law applies to those facts.

### **Basic Law 101**

The prosecution is the legal party responsible for presenting the case in a criminal trial against an individual accused of breaking the law.

The Defence must seek to contest the accuracy of any allegation made against their client in a criminal or civil proceeding.

The judge is there to provide an independent and impartial assessment of the facts and how the law applies to those facts.

### **The claim is that Corby did not get a fair trial**

The assumption that Corby's trial wasn't fair because Indonesia does not have juries is a myth.

An Alternative Study argues to the contrary that the absence of juries is a feature of the European-derived Civil Law tradition, the legal tradition followed by most countries in the world today. Indonesia inherited this tradition from France via the Dutch, who colonised Indonesia.

Law without juries works well in most countries in the world. Take the International Court in the Hague which is made up purely of deciding judges.

The '[Show Trial Report](#)' claims Corby's trial was unfair because she was a non-drug user, with no criminal record and tested negative for everything. The report details fourteen points as evidence to assert that Corby's trial was unfair.

#### **Show Trial Report: Why Corby's trial was unfair.....**

- 1- The value of marijuana in Indonesia was much lower than in Australia. There was no motive.
- 2- Schapelle is a non-drug user, with no criminal record, and she tested negative for everything
- 3- They refused to weight her luggage. If it was heavier than when she left they would have had to release her.
- 4- She was illegally interrogated for 9 hours
- 5- They refused to test the drugs for country of origin. If they were Indonesian they would have to free her.
- 6- They refused to DNA or fingerprint the evidence
- 7- They refused to allow her cross examine customs officers
- 8- They presumed guilt and not innocence
- 9- They refused to seize CCTV footage from the airport
- 10- They burned the evidence so it could never be used to free her
- 11- The judge had never acquitted anyone in 500 cases
- 12- They talked about sending a warning to other Australians, a clear political intervention.
- 13- The 20 year sentence was more than murderers, rapists and terrorists often receive
- 14- She will never have kids, never see them play, and will probably die in a filthy cell.

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An Alternate Study suggests that technically the trial was fair by definition but concedes that many people may argue the outcome was unfair.

- 1) Corby had access to adversarial proceedings, a fair chance to present a defence.
- 2) Corby had the right to provide witnesses and testimony, evidence, to appeal judicial decisions.
- 3) Corby had the right to choose her own lawyer, provide an alibi, the right to legal assistance and financial assistance to engage legal assistance.
- 4) Corby had the right to, and was provided, an interpreter throughout her trial. She had the right to confidential communication with her legal counsel.

- 5) Corby had the right to open justice, which means that she was present at her hearing and was given a fair chance to make a statement in her own defence (right to be heard). She was protected against unlawful and arbitrary detention. The trial proceedings were open and not conducted in a 'closed court' thereby they were transparent and able to be observed by independent third parties.
- 6) Corby was legally processed in accordance with the State's Constitution, especially its provisions on human rights and the judicial system, and its Criminal Code and Code of Criminal Procedure; statutes on the establishment and jurisdiction of the courts and on the public prosecutor's office.
- 7) Corby was informed of her arrest and processed accordingly. She was given immediate access to her family at the time of arrest (her sister) and was not detained in secret.
- 8) Corby was not subject to cruel, inhuman or degrading treatment throughout her detention by definition of the International Covenant of Civil and Political Rights (ICCPR) despite Indonesia NOT being a signatory to the treaty.
- 9) Corby had the right to food, clothing, adequate medical attention, shelter and to communicate with family which is a Human Right according to the Human Rights Commission (HRC).
- 10) Corby was given the right to a trial without undue delay which is a right by definition according to the International Covenant of Civil and Political Rights (ICCPR) despite Indonesia NOT being a signatory to the treaty.
- 11) The right of prohibition on self-incrimination - 'Everyone is entitled "Not to be compelled to testify against himself or to confess guilt"' according to definition of the International Covenant of Civil and Political Rights (ICCPR) despite Indonesia NOT being a signatory to the treaty.
- 12) Corby was given the right to have Government representation at the court. Furthermore, the Indonesian legal system is NOT based on the presumption of guilt. Rather, Indonesia's legal system is the same as the system in Australia, and Commonwealth system. Article 66 of the Criminal Procedure Code specifically states that the burden of proof to prove guilt in a criminal case lies with the prosecution. The problem that Corby's legal defence team faced, whether guilty or innocent, is that they presented no serious evidence before the court that would tend to suggest, or support any hypothesis that would support her innocence.

- 13) The legal proceedings against her were conducted legally. The prosecution established a prima facie case against Corby easily. There was no dispute that the cannabis was in her bag when it was opened at Bali's Ngurah Rai Airport. Their witness said Corby had admitted it was hers. She denied this. Once a prima facie case is established, the burden shifts to the defence to counter the prosecution case. This is true of almost all legal systems, including, Australian and Commonwealth systems. Corby's legal defence team did not successfully counter the prosecution case.
- 14) The evidence of John Ford, the remand prisoner who claimed to have overheard jail conversations regarding a drug ring that planted the drugs in Corby's bag, was hearsay. He lied to the court about seeking a remission in Australia and refused to name the alleged ringleader. He admitted that most of what he said was "opinion", which in Indonesia, as in Australia, can be given only by an expert. Still, his testimony was admitted.
- 15) The evidence of Scott Speed, an Australian baggage handler, about airport corruption did not relate directly to Corby's circumstances. This was true also of DFAT's letter, which comprised allegations of baggage-handler corruption, not yet tested or proven, by a person who lacked personal knowledge and which again did not tie directly to Corby. Still, his testimony was admitted.
- 16) The Indonesian Judges made their decision solely on the evidence before them. Chief Judge Linton Sirait and his colleagues had not much basis on which to enter a not guilty verdict given the evidence before them.

### **Michael Moore on Judge Linton Sirait**

Journalist Michael Moore made headlines with "Out of 500 defendants facing drugs charges before him (Judge Sirait), not one was acquitted." An Alternative Study proposes that Judge Sirait also revealed in subsequent interviews, that he had in hundreds of marijuana cases heard in North Sumatra, never sentenced anyone to less than five years' jail. Why? He sentenced them strictly according to Indonesia law. Sirait was born 1956 and of Christian faith. He showed no bias when he sentenced the Bali Bomber Imam Samudra to death. Sirait had served 15 years on the bench as a Judge at the time of Corby's Trial. The reported 500 narcotic cases over his career that were successfully upheld, averages out at 2 convictions per month. It doesn't show the cases that failed.

A study conducted by the Transactional Records Access Clearinghouse at Syracuse University analysed criminal [caseloads](#) of 430 federal district judges who were all active for the entire study period, almost six years. It measured workload by sentencing and excluded acquittals because "acquittals are exceedingly rare," according to the co-author of the report. One judge had sentenced 305 people, while another 134. Two judges had sentenced 1,288 people during the six year period, and one other had sentenced around 618. Judge Brack sentenced 7,020 defendants over the six year period and the average for Texas judges over six years was more than 4,600 sentences.



By comparison to judicial peers, the workload of Judge Sirait could hardly be deemed sensational but journalist Michael Moore managed to make it so, in his newspaper editorials. Not a single person questioned his findings. Nor did Moore convey to the public that the reason for Judge Sirait's seemingly high caseload was due to the fact that the most experience judges get more cases; and that in the city of Medan, where Judge Siriat tried the majority of his cases, it was one of four major locations within Indonesia that encountered the highest drug trafficking activities in Indonesia. Such facts would have reduced Moore's sensational headlines significantly. Thereby the argument that Corby was destined to be found guilty due to the Judge's caseload history is unreasonable.

- 17) Submission of evidence - The value of marijuana in Indonesia and Australia was irrelevant because the Prosecution did not need to prove motive. They already proved the drugs were in her possession.
- 18) That Schapelle Corby was a non-drug user, with no criminal record and tested negative for drugs is irrelevant. The same analogy could be applied to the case of the two Australians on death row for drug trafficking to Bali (Myuran and Chan). Neither were drug users, neither had previous criminal records and neither tested positive to any drug use.
- 19) According to law, the Indonesian arrest process can last up to 24 hours (so that fact that Corby was detained 9 hours is irrelevant). Her sister was given access soon after her arrest. The Consul was notified 'without delay' as is in accordance with the Vienna Convention on Consular Relations.
  - i. Article 67 (1) Law of the Republic of Indonesia No. 22, Year 1997 on Narcotics clearly states that the investigator can arrest anybody who based on adequate preliminary evidence is strongly suspected of committing a narcotic crime, within not longer than twenty-four (24) hours.
  - ii. Article 67 (2) Law of the Republic of Indonesia No. 22, Year 1997 on Narcotics stipulates that where there is insufficient time, the immediate supervisor of the investigator can give consent to extend the detainment for not longer than forty-eight (48) hours.

An Alternative Study would like to note as a point of interest that the Indonesian Narcotics Law and Queensland Narcotics Law have many similarities. A Qld prosecution has to prove beyond reasonable doubt, that

- the thing in question was a dangerous drug
- the person had it in his/her possession.

Under Qld Legislation, it is not necessary to particularize the dangerous drug which the person is alleged to have possessed. It is sufficient if the court is satisfied that the drug was a dangerous drug, even though the prosecution was unable to give a satisfactory account as to the identity of the drug to the court.

The Qld prosecutor has only to prove that the drug was in the possession of the defendant at the time. In law, the idea of possession is quite different from the idea of ownership. Possession is the physical control or the custody of the thing concerned, and therefore it would be sufficient if the prosecution was able to prove that the alleged person had the physical control of or the dominion over the drug concerned, at the material time. It would not be relevant whether the alleged person was the real owner, or whether they had the intention of consuming it.

Similarly, the penalty under the Qld Drugs Misuse Act 1986 - Sect 9 for a person who has possession of a schedule 2 drug (Marijuana) is guilty of a crime and the sentencing is —20 years imprisonment. (Web [Reference](#))

### **The Claim is that the destruction of evidence by burning the drugs was illegal**

March 18, 2006 Corby evidence was destroyed alongside that from 56 other cases, including almost 2kg of heroin, almost 1000 ecstasy pills and 800 bottles of beer. Its destruction was ordered by the Supreme Court in Jakarta, which had rejected her appeal and reinstated her 20-year sentence for drug smuggling. Corby's legal Defence team attempted to stop the evidence being burned arguing the marijuana has never been tested for origin and a sample should be kept in the event new evidence could be found in the future about the true owner of the drugs. They later admitted to media that there was no obligation to stall the burning because Corby's legal case had been completed.

"Siregar said he failed to convince Arthana to delay Friday's bonfire and admitted that there was no obligation to stall the burning, because Corby's legal case had already been completed." [Bali police burn Corby's marijuana, March 17, 2006]

According to article 238 of the Indonesian Law of Criminal Procedure: (1) the examination at the appellate level shall be conducted by a high court with a minimum of three judges on the basis of the dossier of the case received from the District Court which shall consist of *minutes of the examination of the trial* in the District court, together with *all documents that were introduced at the trial* which are connected with the case and the judgment of the District Court. ([Web Reference](#))

The DNA testing of the cannabis became a legal mute point because the Public Prosecutor had;

- a) expressed satisfaction with the Indonesian police investigation and did not request DNA testing.
- b) The police case was handed to the Public Prosecutor signaling an end to their investigation.
- c) By the time Corby's legal Defence team requested the police forensically test the cannabis, it was no longer in their jurisdiction.

Certainly the Corby's legal Defence team could argue that the Australian Federal authorities were slow in acting, but in consideration to the fact that they had to seek permission from Corby to proceed with any formal requests, given that she might have been subject to the death penalty, it would be considered not unreasonable to expect such undertakings to occur over several weeks. There is no evidence to support a crime of negligence, in fact, evidence submitted suggests to the contrary.

Corby's legal Defence team might argue that the Indonesian police were too quick in concluding their investigation however, this too does not constitute a crime. Article 64 Law of the Republic of Indonesia Number 22, Year 1997 on Narcotics - Narcotics crime cases shall be given priority over other cases to file to the Court of Justice for trial and settlement in the shortest time.

The Corby's legal Defence team was entitled to submit an *extraordinary appeal* to the Supreme Court. There is no time frame on such appeals but only one can be submitted. Nor does the act of submitting an extraordinary appeal over-ride or set aside prior court judgments, which are final and binding at the last appellate level.

The basis of the 2006 appeal was a letter submitted from an Australian government official that said CCTV cameras were operating at Sydney airport on the day she left and indicated that they hoped that the footage (although none has been shown to exist) would show drugs being put into Corby's bag. Corby's lawyers also said that the trial court did not have evidence of actual ownership of the drugs and thus erred in convicting her. The judges agreed to wait ten days to allow for footage to be presented before sending the record to the Supreme Court.

No footage was sent. The Prosecution proved that a dangerous drug was in Corby's possession. In law, the idea of possession is quite different from the idea of ownership. Possession is the physical control or the custody of the thing concerned, and therefore it would be sufficient if the prosecution was able to prove that Corby had the physical control of, or the dominion over the drug concerned, at the material time. It would not be relevant whether Corby was the real owner, or whether they had the intention of consuming it.

The appeal failed. Though the drugs had been destroyed months before the final extraordinary appeal, it is considered reasonable that testing may not have changed the circumstances of the case had the origin been Australia. The Defence would still have had to prove through evidence (not hearsay);

- a) that Corby was not associated with the drug trade;
- b) that another person owned the drugs and that could be legally substantiated and that Corby did not have any association whatsoever with the alleged owner of the drugs; and
- c) that Corby had no knowledge that drugs were being put in her BBB.

Had the drugs been tested and were found to be of Indonesian origin, then the Australian Government might have expressed greater concern which in turn may have prompted the Indonesian authorities to investigate further. Certainly Corby supporters and civil rights groups could have created enough of a media frenzy to bring pressure to bear but the Indonesian prosecutor might have also insisted, in all madness, that evidence be submitted to prove her disassociation with a drug syndicate or with corrupt Bali baggage handlers (as was the scenario in Sydney). It is impossible to know what might have happened since drug trafficking and particularly, foreigners accused of drug trafficking heightens public emotions in Bali.

Corby's legal Defence team's letter from the Australian Government regarding the events at Sydney International Airport did not constitute evidence that could have rendered an acquittal or dismissal of all the charges against Corby.

There is no Indonesian legislation that can be tabled that prevents the destruction of evidence at the conclusion of court proceedings to the contrary, Indonesian authorities do so at the request of legal authorities (Supreme Court). Nor is there any Indonesian legislation that can be tabled that demands the Indonesian authorities retain either evidence in whole or in part, for an indefinite period.

Law of the Republic of Indonesia Number 22, Year 1997 on Narcotics, Chapter x Article 61 (1-3) ([Web Reference](#)) clearly shows that the stipulation when destroying narcotic drugs relating to crime shall be with a minute containing at least the following:

- a) name, type, feature and quantity of narcotic
- b) place, time, day, date, month and year of destruction; and
- c) signature and identity of officer and the witness.

### **False Accusations that the Australian Government endorsed the burning of evidence**

The allegation that the Australian Government endorsed the burning of the evidence (Cannabis) following the conclusion of the trial and conviction of Schapelle Corby, is hearsay. As is the allegation that Indonesia violated the International Covenant of Political and Civil Rights when it arrested, sentenced and detained Corby. Indonesia had not signified its agreement to the treaty until 23 February 2006. It only ratified the agreement in May 2006, two whole years after the arrest of Corby. One year after she was convicted and her legal case concluded. The agreement cannot be applied retrospectively. The allegations that Corby is detained in violation of her Human Rights is easily contested. It is a proven fact that inspections of the prison where Corby is detained regularly occur and are made transparent to both the public government and non-government agencies and media; and that Indonesia does uphold its obligations under the Standard Minimum Rules for the Treatment of Prisoners.

Reference: <http://www.unhcr.org/refworld/docid/3ae6b36e8.html>

Reference: <http://www.foreignprisoners.com/prison-indonesia03.html>

### **False Allegation that Corby was abandoned by her Government**

The allegation that the Australian Government abandoned Corby is false. An Alternative Study shows that at the onset of her arrest and throughout her detainment and even today, the Australian Government provided (and provide) ongoing support under the [Consular Services Charter](#). At the onset of her detainment, the Australian Government offered the services of two Queen's Counsels to work on her appeals on a pro-bono basis (QC's work on a retainer of \$1,000 per day). *Note: QC, Mark Trowell, claimed that the case co-ordinator (Vasu) wanted \$500,000 dollars to bribe the Indonesian judges. Percy and Trowell withdrew from the case.*

In 2005, John Howard sent Senator Ellison to Jakarta, where he lobbied the Indonesian Attorney-General to instruct his prosecutor not to ask for the death sentence. At the conclusion of Corby's trial, the then Foreign Minister Alexander Downer, told the Australian media that the Government would start talks within 10 days with the Indonesian Government on a prisoner-transfer scheme so Corby could serve out her sentence in Australia. [Media](#) The Federal Government indicated that, in the event of a guilty verdict, it would seek to negotiate a one-off deal to get Corby to serve time at home. - the Age Newspaper [25, May 2005](#)

## Australian Government support Corby's clemency and parole application

The Australian government consistently supported Corby through her detainment;

*KEVIN Rudd appealed directly to Indonesian President Susilo Bambang Yudhoyono on behalf of Schapelle Corby and the Bali Nine drug traffickers, urging compassion for the jailed Australians. - March 11, 2010 News.com (then Australian Prime Minister)*

*"We've constantly made representations in support of her clemency bid," Ms Gillard said yesterday. - Herald Sun April 6, 2012 (Prime Minister of Australia)*

*"I'm very concerned about her personal circumstances. I support, the Australian Government supports, her plea for clemency," Ms Gillard said. "We obviously do want that plea for clemency to be heard and to get sympathetic consideration." - July 30, 2010 Daily Telegraph (Prime Minister Julia Gillard)*

*"I feel for you and your family at this very difficult time," Mr Howard wrote in a three-page letter dated July 9. The Australian government is monitoring your case closely. Let me assure you that the Australian government will continue to provide every assistance it can under our legal system, consistent with our approach to date." then Prime Minister John Howard, the Age Newspaper July 11, 2005*

*"The Australian government has consistently supported Ms Corby's application for clemency on humanitarian grounds," Mr Carr said. (2012 Australian Foreign Minister)*

The degree of orchestration of Australian government departments to support Corby was unprecedented compared to other cases of Australians jailed overseas.

## The claim that the CIA and Australia were colluding against Corby

Two questions posed by the Expendable Project: Did the CIA advise Australia to sacrifice the life of a citizen they knew to be innocent? Did the CIA tell them that the airport security issues had to take priority over a life?

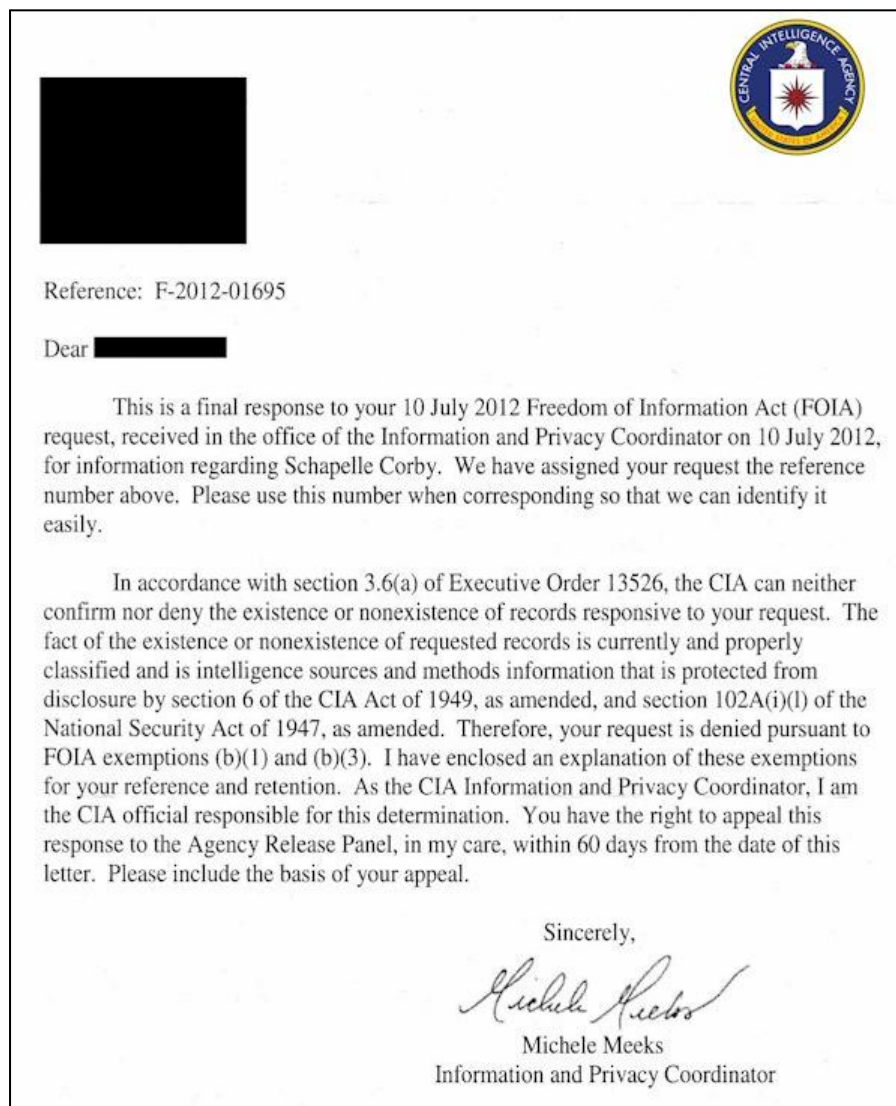


An Alternative Study shows that there is no evidence to support any inference of foul play. Furthermore, the illustration showing Al Qaeda terrorists are no longer targets, and that Schapelle Corby is, would be considered by many to be an unreasonable suggestion.

On 9th July 2012, a researcher acting on behalf of The Expendable Project submitted a Freedom of Information Request to the US Department of State. This sought information relating to Schapelle Corby, and specifically, whether the Australian government had invoked treaty provisions via a mutual assistance request. A formal response was provided, by the CIA, on 2nd August 2012.

The Expendable Project's interpretation of the response - *"it stated categorically that whether or not such a request was made was classified information. In other words, the issue was so sensitive that the existence or non-existence of such a request document was, even in itself, a secret."* [The CIA and the Schapelle Corby Case, Expendable Project].

An Alternative Study suggests that in examining the response letter, one must also examine the articles mentioned in the letter, the National Security Act of 1947, in order to explain exactly why the FOI request was rejected. One also must not assume that an Freedom of Information request in Australia follows the same pattern, or policy, as those in a foreign jurisdiction.





The CIA takes exemptions under the FOIA to protect sources and methods and national security information. (b)(1) Applies to material which is properly classified pursuant to an Executive Order in the interest of national defense or foreign policy. (b)(3) Applies to the Director's statutory obligations to protect from disclosure intelligence sources and methods, as well as the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency, in accord with the National Security Act of 1947 and the CIA Act of 1949, respectively.

Section 102A (i) (1) deals with who can access information. Sec. 102A. deals with responsibilities and authorities of the Director of National Intelligence. For example: who such information can be disseminated to. In this case; a) to the President; (B) to the heads of departments and agencies of the executive branch; (C) to the Chairman of the Joint Chiefs of Staff and senior military commanders; (D) to the Senate and House of Representatives and the committees thereof; and (E) to such other persons as the Director of National Intelligence determines to be appropriate. (2) Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources *available to the intelligence community and other appropriate entities.*

An Alternative Study cannot find any evidence that "The Expendable Project" is part of the intelligence community or appropriate entity to receive intelligence information according to access rights. Furthermore, disclosure of foreign intelligence acquired in criminal investigations deals with the process of how to engage the CIA. Requests can be submitted by foreign federal governments ie: Australian Attorney General. The criminal investigation of the Corby case had concluded.

### **Executive Order 13526- Classified National Security Information**

The Expendable Project cites a National Security document specifically relevant to "Defense against transnational terrorism" as evidence to support its allegation of complicity.

An Alternative Study suggests that the document was irrelevant for a number of reasons. The order specifically prescribes a uniform system for classifying, safeguarding, and declassifying national security information in the United States of America, including information relating to defense against transnational terrorism. As stated "Our democratic principles require that the American people be informed of the activities of their Government." It also means that there are strict protocols for handling and distributing 'classified material'.

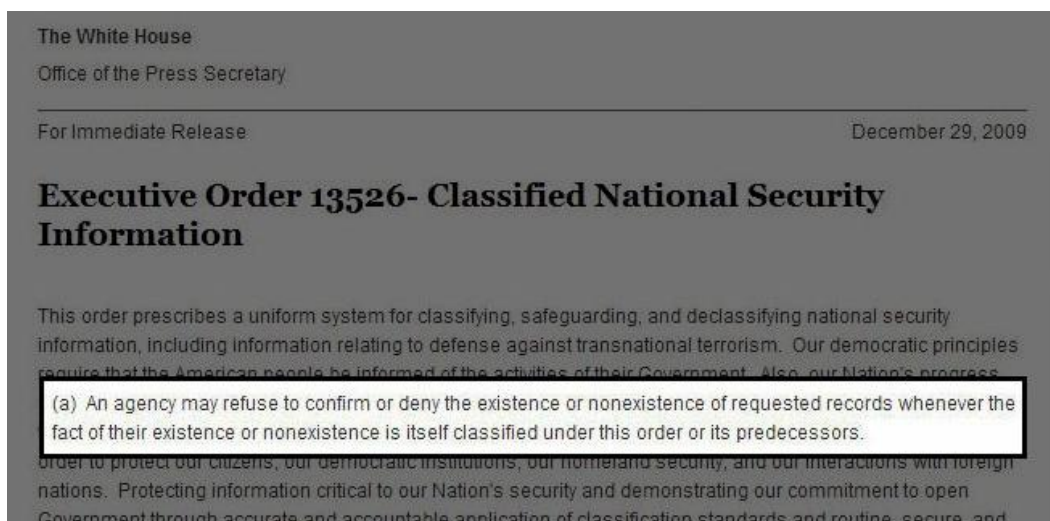
Section 6.1 provides definitions for the purpose of the order. Of particular notes are;

- (a) "**Access**" means the ability or opportunity to gain knowledge of classified information.
- (b) "**Agency**" means any "Executive agency," as defined in 5 U.S.C. 105; any "Military department" as defined in 5 U.S.C. 102; and any other entity within the executive branch that comes into the possession of classified information.
- (c) "**Authorized holder**" of classified information means anyone who satisfies the conditions for access stated in section 4.1(a) of this order.

Section 4.1 details the General Restrictions on Access. (a) A person may have access to classified information provided that:

- (1) a favorable determination of eligibility for access has been made by an agency head or the agency head's designee;
- (2) the person has signed an approved nondisclosure agreement; and
- (3) the person has a need-to-know the information.

An Alternative Study suggests that The Expendable Project would have most likely failed (2) in particular, since their clear intention was to make public any documentation obtained. Further to this, Expendable Project cites a single paragraph (a) of the Executive Order 13526 - Classified National Security Information as a suggested point that the US Government were involved in collusion.



**Let us remind ourselves that the National Security document in question (above) relates to "Defense against transnational terrorism".**

**The entire document is taken out of context.**

In any case, section 3.6 to which the article (a) is referring to, is discussing "Processing Requests and Reviews". Notwithstanding section 4.1(i) of this order, in response to a request for information under the Freedom of Information Act, the Presidential Records Act, the Privacy Act of 1974, or the mandatory review provisions of this order:

- (a) An agency may refuse to confirm or deny the existence or nonexistence of requested records whenever the fact of their existence or nonexistence is itself classified under this order or its predecessors.

The rules of disclosure are enforceable in that a person may have access to classified information provided that (1) a favorable determination of eligibility for access has been made by an agency head or the agency head's designee; (2) the person has signed an approved nondisclosure agreement; and (3) the person has a need-to-know the information.

An Alternative Study suggests that The Expendable Project consists solely of anonymous contributors and vows to make public any documentation it uncovers. Therefore qualification to obtain documentation under the National Security Act would be unlikely. In any case, reference to this document in the Corby case is completely irrelevant since;

- a) Corby was not charged with any terrorist related crimes
- b) Corby is not a US Citizen
- c) Corby was not under the jurisdiction of the United States
- d) No legal action was pending in the United States against Corby

### **The claim that it is alleged there is an Australian - US Government cover up or collusion**

On 16 November 2004, Ms Amanda Heal, the Commonwealth Director of Public Prosecutions did submit a request (below) to the Australian Attorney General's office, asking that a request for assistance be made to the United States of America in the matter of Schapelle Corby. The context of the request is as unclear and as unspecific as the response.

-----Original Message-----  
**From:** Walter, Andrew [mailto:Andrew.Walter@ag.gov.au]  
**Sent:** Tuesday, 23 November 2004 11:25 AM  
**To:** Heal Amanda  
**Subject:** RE: Mutual Assistance Request - United States - Corby - November 2004 [LEGAL-IN-CONFIDENCE]

Amanda,

Thanks. Just to let you know. This will not be signed until early next week. Joanne Blackburn is on leave this week and we are under instructions to only forward the most urgent requests to the next level up. I will make sure it gets a high priority in the new week.

Andrew

-----Original Message-----  
**From:** Heal Amanda [mailto:amanda.heal@cdpp.gov.au]  
**Sent:** Tuesday, 23 November 2004 9:28 am  
**To:** Walter, Andrew  
**Subject:** RE: Mutual Assistance Request - United States - Corby - November 2004 [LEGAL-IN-CONFIDENCE]

Your changes look great to me. Thanks.

Regards  
Amanda Heal

-----Original Message-----  
**From:** Walter, Andrew [mailto:Andrew.Walter@ag.gov.au]  
**Sent:** Monday, 22 November 2004 6:02 PM  
**To:** Heal Amanda  
**Subject:** Mutual Assistance Request - United States - Corby - November 2004

Amanda,

Please find attached a revised version of your draft request in the matter of Corby. I have made a few embarrassingly minor changes and rearranged Attachment A a bit. The most substantive change is in new paragraph 32. This has been drafted following a discussion I had with FA Woodard, the case officer. I would be happy for your views on the wording etc. Let me know if you're happy with the proposed changes or have any amendments etc.

The Office of the Commonwealth Director of Public Prosecutions (CDPP) is an independent prosecuting service established by the Parliament of Australia to prosecute alleged offences against Commonwealth law, and to *deprive offenders of the proceeds and benefits of criminal activity*. It aims to provide an effective national criminal prosecution service to the Australian community.

From this single email, The Expendable Project researchers attempt to build a case to support a connection to the events surrounding the corruption and criminality at Sydney and Brisbane airports with Australian Government complicity. Yet there is no context within the email.

The Expendable Project researchers use the email and its lack of content to take the reader of their 'Mutual Evasion Report' on a wild goose chase that comes full circle to the *"significant problems for the newly privatized Sydney Airport Corporation Limited, who failed to provide her (Corby) with CCTV footage or baggage scanning records" and "substantial fall-out for the AFP, whose officers were involved in drug syndication" and "It would have damaged the reputation of the national carrier, Qantas, whose baggage handlers were engaged in systemic drug trafficking. It would have created a diplomatic minefield for the government itself, with respect to its strategic relationship with Indonesia. It would also have created intense pressure upon individual ministers, including the Prime Minister, John Howard."*

That's a lot of ground to cover from an email that doesn't mention these things.

Then there's the US Government conspiracy against Corby. Post 9/11 when the United States, as the term is so colorfully flavoured *"was heavily engaged in pressing the aviation security revolution across the world"*. Talk of poor security at Australian airports, drug trafficking syndications and the allegedly *"extremely fragile relationship between Australia and Indonesia, due to Post Bali bombings and Indonesia's "democratisation"*. All this miraculously deduced from an email sent by Ms. Heal to the Australian Attorney General's Office requesting assistance to Schapelle Corby. The context not disclosed.

In contradiction to the Expendable Project Reports, the Australian-Indonesian relationships at the time (2001) was strong:

The strength of the relationship (Australia - Indonesia) was evidenced by president Wahid's visit to Australia in 2001, the first by an Indonesian president in 26 years and further enhanced by the historic signing five years later of the Lombok Treaty between the two countries. The visit was undoubtedly an historic occasion and emphasised the fact that Australia and Indonesia attach real importance to their bilateral relations. It underlined a renewed effort to forge even closer ties between our two peoples and our two economies. During the visit, the Prime Minister emphasised that the stability and wellbeing of Indonesia is vital to the security of the region, and that a united and prosperous Indonesia is in the best interests of Australia. Reference: [http://www.trademinister.gov.au/speeches/2001/mvt015s\\_01.html](http://www.trademinister.gov.au/speeches/2001/mvt015s_01.html)

In 2000–01, the aid program was a positive element of Australia's overall relationship with Indonesia. Improving governance and strengthening social protection were the key aims of Australia's assistance. The Australian Government delivered strong and consistent messages on the need to push ahead with the implementation of the Indonesian Government's reform agenda.

These messages were backed up with constructive and practical support for Indonesia, in particular through a range of high-priority economic reform activities. Within the 2000-2001 period, AUSAID was giving substantial aid to both Indonesia (14%) and East Timor (10%) of \$468.2 million. The two countries have maintained unbroken diplomatic relations since Indonesia's emergence as an independent state in 1949. Indonesia held its first democratic elections in 1999. Regardless of how it chose to govern itself, by the time Schapelle Corby's criminal case was put before the court, her trial proceeded in a democratic fashion. (See section below 'Did Corby get a fair Trial?') Reference: Trade Figures can be obtained through AUSAID records

An Alternative Study offer the suggestion that the Expendable Project reports consistently fail to connect vital pieces of information to form a solid conclusive statement of evidence. The arguments are vague at best - *"The precise weight of the CIA response, in contributing to this disturbing course of action, is unknown."* and *"The end result of the deliberations which followed, however, could not be clearer - Schapelle Corby was sacrificed for political expediency."*

When pressed to provide evidence to support political expediency, a poorly orchestrated Utube [video](#) is submitted as evidence of *"How a government willfully withheld vital evidence from a court of law, deceived its public, orchestrated an unprecedented media campaign, and ruthlessly deployed its organs of state against one of its own citizens."*

## **Final Summary**

The Expendable Project has failed to prove Schapelle Corby's innocence or that she was arrested in Bali as a result of Government conspiracy between Indonesia, Australia, and third parties. The entirety of the Expendable Project is based on a collection of reports that can be easily challenged as An Alternative Study has done herein. Accusations by Corby lawyers at the time of her trial stating in media reports that *'the Australian Government is not doing enough for Corby'* are emotionally charged and without legal substance. Similarly are claims of CIA and Government conspiracies, which form no substance or basis by which a proper legal defence can challenge the existing conviction. Due process requires that the procedures by which laws are applied must be evenhanded, so that individuals are not subjected to the arbitrary exercise of government power. [The Requirements of Due Process, Justia US Law - [Weblink](#)]

Corby was subjected to legal proceedings in accordance with Indonesian law. She was afforded due process. There is no evidence of a miscarriage of justice by legal definition though many would argue the sentencing would seem harsh by Australian standards. The suggestion that Corby was setup by Government is a conspiracy theory. The problem with such theories is that they seem to take a life of their own. Conspiracy theorists are those who see authorities as fundamentally deceptive, and new conspiracy theories plausible in light of that belief. They assert, the more that participants believe that a person at the centre of a death-related conspiracy theory, such as Princess Diana or Osama [bin] Laden, is still alive, the more they also tend to believe that the same person was killed, so long as the alleged manner of death involves deception by officialdom. Corby remains in Kerobokan Prison and is due to be released in 2017, notwithstanding parole.