



# Ministerial Submission

13-22  
14/01/2013

**FOR:** SEN CARR (ACTION)      DR EMERSON (INFO)      MR MARLES (INFO)  
**From:** Justin Brown, 2379      **Contact:** David Binns, Assistant Secretary, 3013  
**Subject:** CONSULAR: SUPPORT FOR SCHAPELLE CORBY'S PAROLE APPLICATION

**Urgency:** As soon as possible - potential media interest

**Key Issues:**  
s 33(b) Schapelle Corby's parole application needs to be supported by a document signed by an Australian official providing guarantees for her behaviour while on parole.  
s 33(a)(iii)

**Recommendation:**

That you:

- (a) Agree that our Consul General in Bali should sign the attached Indonesia pro forma giving guarantees that Schapelle Corby will abide by parole conditions; and
- (b) Note that Ms Corby will still require documentation from Indonesian authorities about her visa status, prior to her parole application being considered. s 33(a)(iii)

**Decision:**

Agreed/Not Agreed

Noted

Please Discuss

**Domestic/Media Considerations:** No

**Action:**

Bob Carr  
5/2/13

**Information:**

Noted

Craig Emerson

Richard Marles

**Background:**

You (Senator Carr) agreed to a recommendation in a submission in July 2012 (no. 12-750) that the Government could provide a letter to Indonesian authorities confirming the Government would assist, up to the limit of its authority, in ensuring that Australian parolees from Indonesian prisons would not depart Indonesia during their parole period. That letter was provided by our Consul General in Bali in August 2012 to support Schapelle Corby's application for parole.

2. The letter was provided in lieu of Australian Government signature of a standard Indonesian pro forma guarantee requested by Indonesian officials. s 33(a)(iii)

3. s 33 (a)(iii)

s 33(b)

s 33(b) the standard guarantee needs to be completed. (A translated version is attached.) Ms Corby's application is currently not being processed. s 47 F(1)  
s 47 F(1)

4. s 33(a)(iii)

s 33(b)

5. s 42 (1)

6. s 33(a)(iii)

7. It is important to note that, even if Ms Corby is granted parole, s 33(a)(iii) there is, at present, no Indonesian visa category for foreign parolees.

8. Subject to your agreement, we will instruct our Consul General in Bali to sign the pro forma guarantee.

9. As a separate area of activity, we are working with Indonesian officials to have input into a current Indonesian review of the parole system for foreigners.

is hoped such a meeting can be convened shortly.  
Confirmation of other agencies' participation is currently being sought.  
perspective  
visa arrang

It

s 33(a)(iii); s 33(b)

Justin Brown  
First Assistant Secretary  
Consular Public Diplomacy and Parliamentary  
Affairs Division,  
Consultation: ILD, SED

s 33(a)(iii)

File No: 10/2154-2; 11/20190

LETTER OF GUARANTEE

The undersigned, whose details appear below:

Name :.....  
 Age :.....  
 Occupation :.....  
 Address :.....

is the Consul General of Australia in Bali and is the responsible authority to represent the Australian citizen Schapelle Leigh Corby who is currently serving a prison sentence at Class II A Prison Denpasar, and hereby declares that:

if the above mentioned prisoner is granted parole:

1. He/she guarantees that the above-mentioned prisoner will not flee the area of jurisdiction during the parole period.
2. He/she confirms that the prisoner will comply with all applicable regulations applying during the parole period.

This statement is true and is relevant for all appropriate circumstances.

(Date)

Statement made by:

On behalf of Australian Consulate General

(.....)

Signature

**Case Chronology**

Name: CORBY, Schapelle Leigh  
Date of Birth: 10/07/1977  
Passport #: s 47 F(1)

Case Type: Prisoner  
Post: Bali  
Country: Indonesia

**Chrono Details**

Created by s 22 1(a)(ii) - 16/01/2013 05:16:16 PM  
Time Spent on this Chronology: 1 minutes

Status	: <input type="radio"/> Draft <input checked="" type="radio"/> Final	s 22 1(a)(ii)
Summary	: Attachment: Post (Farmer, met with s 47 F(1) on 16 January 2013. Post provided NOK with an update on Australian government efforts to resolve Ms Corby's parole issue, as per attached points provided to post by ConOps.	
Details	: Please click on 'View Attachment' Button to see this attachment...	

Current Australian efforts in relation to parole

*Efforts to improve the parole system*

s 22 1(a)(ii)

*Support for the current application*

We are of course continuing to push Schapelle's application. At this point the prison has not accepted our letter of guarantee in its current form. We are trying to find a way around that problem (and hope to be able to update you soon). We will then most probably need a letter about her visa status from Immigration - which will be difficult to get given there is currently no visa category for parolees. After that, a decision on the merits of the application will be needed at senior level in Jakarta

s 33(a)(iii)

s 22 1(a)(ii)

*Bottom line:* we are working on all these lines of effort simultaneously, with the current parole application as the priority.

s 22 1(a)(ii)

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**From:** s 22 1(a)(ii)  
**Sent:** Friday, 18 January 2013 12:34 PM  
**To:** '-M-CON@dfat.gov.au'; '-M-MLS-Talking\_Points@dfat.gov.au'; Centre Conops  
**Cc:** s 22 1(a)(ii) Moriarty, Greg; McPhillips, Justin; Farmer, Brett; s 22 1(a)(ii)  
s 22 1(a)(ii) Scott, Steve; Cox, Allaster; Cox, Allaster; Engel, David;  
s 22 1(a)(ii)  
**Subject:** Consular Media Talking Points: Bali: Prisoner: Schapelle Corby (Version 151)  
DFAT - DECLASSIFIED  
FILE: 13/18731  
COPY ISSUED UNDER FOI Act 1982

**Reason for update:** recent media reporting that Ms Corby may be ineligible for parole as a convicted drug smuggler.

**Subject:** Prisoner – Schapelle Corby

**Date/Version:** 15 November 2012 (*Version 151*)

**Post:** Bali, Jakarta

**Time Difference:** Bali is 2 hours behind Canberra, Jakarta is 3 hours behind Canberra

s 22 1(a)(ii)

s 33(a)(iii)

s 22 1(a)(ii)

**Parole process**

s 22 1(a)(ii)

The parole process is unclear and the outcome is uncertain. Under Indonesian law, all prisoners have the right to apply for parole after serving two thirds of their prison sentence. However, foreigners face two additional hurdles. The first is the assertion by some Indonesian officials that a letter is required from their embassy guaranteeing that, once released from parole, they will not flee Indonesia. s 33(a)(iii)

This form of letter was accepted by Jakarta officials in an earlier case, but was rejected by Bali authorities.

s 22 1(a)(ii)

Consul General met with the Governor of Kerobokan on 9 August and with the head of the Corrections Division of the Ministry of Law and Human Rights on 18 September to discuss Ms Corby's parole application and to outline Australia's approach to Indonesia's request for a letter of guarantee. The Consul General is continuing to seek meetings to follow up on earlier representations.

s 22 1(a)(ii)

**Media Interest**

s 22 1(a)(ii)

**Approval**

Author	s 22 1(a)(ii)
Cleared by	




130117 Corby  
talking points ve...

s 22 1(a)(ii)

**CORBY, SCHAPELLE (INDONESIA: PRISONER)**

s 22 1(a)(ii)

***What is the Australian Government doing to support Ms Corby's parole application?***

- The Government supports Ms Corby's parole application. Our Consulate General in Bali has written to Indonesian authorities confirming this support.

***Will the Government agree to guarantee that Ms Corby will abide by parole conditions, including by remaining in Indonesia?***



We have already indicated to Indonesian authorities that we are prepared to issue Ms Corby with a passport which could be held by Indonesian authorities during the parole period.

s 22 1(a)(ii)

**Background**

s 22 1(a)(ii)

Parole application

s 22 1(a)(ii)

On the question of a guarantee, the Consulate-General in Bali has provided a letter confirming the Government's support for Ms Corby's application and committing to issue her a passport which could be held by Indonesian authorities for the duration of her parole, in order to ensure she does not depart Indonesia.

Indonesian officials have said that this letter is not sufficient. They have insisted a standard pro forma 'guarantee' be completed before the parole application can progress. It includes an assurance that Ms Corby will abide by parole conditions. The Minister has now agreed the Consul General should complete this paperwork. **We are currently arranging this with post (as at 12 February.)**

s 22 1(a)(ii)

s 22 1(a)(ii)

Prepared by:	Cleared by:
s 22 1(a)(ii)	David Binns, AS CNB
	Ext: 3013
Date: 11 February 2013	Date: 11 February, 2013

  

<b>Consultation:</b> SED/INB/INA	Date: 11 February, 2013
s 22 1(a)(ii)	

s 22 1(a)(ii)

**REDACTED**

s 22 1(a)(ii)

9 August 2012

Consul General met with the Governor of Kerobokan to discuss Ms Corby's proposed parole application and outline Australia's approach to the letter of guarantee, including alternative assurances regarding the handling of the passport.

s 22 1(a)(ii)

s 22 1(a)(ii)

**REDACTED**

s 22 1(a)(ii)

REDACTED



Australian Government  
Department of Foreign Affairs and Trade

## CONSULAR MEDIA TALKING POINTS

**Subject:** Prisoner – Schapelle Corby

**Date/Version:** (Version 152)

**Post:** Bali, Jakarta

**Time Difference:** Bali is 3 hours behind Canberra, Jakarta is 4 hours behind Canberra

### Talking Points

s 22 1(a)(ii)

*(If asked) – Have you agreed the Consulate in Bali can guarantee that Ms Corby will abide by relevant Indonesian regulations while on parole?*

*I have agreed that relevant documents required in the Indonesian system can be completed by our officials to confirm Australian Government support for her parole arrangements.*

s 22 1(a)(ii)

*(if asked) Haven't you declined to provide guarantees like this until now?*

*We did provide at an early stage a letter expressing our support for Ms Corby's application and outlining the ways in which we would give practical support to her fulfilment of parole conditions.*

*That letter is now accompanied by a standard pro forma, required by the Indonesian Government, which is completed by our Consulate General.*

s 22 1(a)(ii)



*(If asked) The Indonesian word in the document translates to 'guarantee' in English. Is it possible to 'guarantee' another person's behaviour?*

*Don't want to get into a linguistic or semantic debate. We have made very clear to Indonesian officials what we are practically able to do to support Ms Corby and her fulfilment of parole conditions.*

s 22 1(a)(ii)

Ms Corby is nominally eligible for parole and may be eligible for release in 2015 if she receives all the remissions available to her.

#### Obstacles to Parole

On 3 October 2012, s 47 F(1) submitted Ms Corby's parole application with Kerobokan Prison. On 16 January, Consul General (Bali) met with s 47 F(1) to brief her on the Australian Government's efforts in relation to Ms Corby's parole application and the uncertainties surrounding the parole application process.

The parole process is unclear and the outcome is uncertain. Under Indonesian law, all prisoners have the right to apply for parole after serving two thirds of their prison sentence. However, foreigners face two additional hurdles. s 33(b) letter is required from their embassy guaranteeing that, once released from parole, they will not flee Indonesia. *Australia will now provide the requested letter – this will supplement the earlier letter signed by the Consul General and submitted with Ms Corby's parole application in October 2012. (The earlier letter expressed the Government's support for her application and the Government's commitment to issue Ms Corby a passport to be held by Indonesian authorities for the duration of her parole.)*

The second hurdle is the requirement of a letter from immigration authorities outlining their immigration status - there is no visa category for foreigners on parole.

s 22 1(a)(ii)

*Indonesian officials (MFA, Immigration, the Attorney General's Office and the Police) have agreed to hold informal consultations with Australian officials on parole issues on 22 February in Bali.*

#### Remissions

s 22 1(a)(ii)

s 22 1(a)(ii)

**Approval**

Author	s 22 1(a)(ii)
Cleared by:	Justin Brown FAS CPD ext 2379

ONCE CLEARED TPS SHOULD BE EMAILED TO RELEVANT MEDIA AND POLICY ADVISERS IN THE  
MINISTERS' OFFICES AND TO THE MEDIA LIAISON SECTION (-M-MLS-Talking\_Points)

s 22 1(a)(ii)

- 03:55 PM Monday, 25 February 2013

CE721318L

**Title:** CONSULAR: Cat 1: Prisoner: CORBY, Schapelle Leigh  
**MRN:** CE721318L 21/02/2013 09:34:25 AM ZE10  
**To:** Bali  
**Cc:** RR : Jakarta  
**From:** Canberra (CHCH/DFAT/CPD/CNB/CEC)  
**From File:**  
**References:** BL517606L, BL517687L  
The cable has the following attachment/s -  
130220 Corby draft letter of guarantee-letter.docx  
CORBY parole.PDF  
Letter of Guarantee - Prison Version - English.docx  
**Response:** Routine, Requires Action

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### Summary

The Minister has agreed that Bali post should sign the standard Indonesian 'guarantee letter' in support of Ms Corby's parole application. Grateful if HOP could sign and submit that paperwork through the appropriate channel.

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The Minister has agreed that Bali post should sign the standard Indonesian 'guarantee letter' in support of Ms Corby's parole application. Grateful if HOP could sign and submit that paperwork through the appropriate channel.

2. We ask that the Indonesian form be accompanied by a letter from HOP (text attached) reiterating points from HOP's earlier letter on this matter (7 August 2012).

s 22 1(a)(ii).

s 22 1(a)(ii)

**REDACTED**

Dear

I am writing to convey the attached completed form which is required by Indonesian authorities in order to progress the parole application of Ms Schapelle Corby.

If Ms Corby is released on parole the Australian Government will make every effort to assist Indonesian authorities in advising Ms Corby of her parole conditions.

As advised in my letter of 7 August 2012 and in fulfilment of our commitment to support Indonesian regulations in this matter, the Australian Government undertakes to assist, up to the limit of its authority, in ensuring Ms Corby does not depart Indonesia during her parole period.

The Government will issue Ms Corby with an Australian travel document, which we would expect Indonesian authorities would hold for the duration of her parole.

s 47 F(1)

Yours sincerely

Brett farmer

s 33(a)(iii)

REDACTED

s 22 1(a)(ii)

**From:** DFAT Website Management <dfatweb@gmail.com>  
**Sent:** Sunday, 10 March 2013 8:46 AM  
**To:** Ministerial Media  
**Cc:** s 22 1(a)(ii)  
**Subject:** Re: FOREIGN MINISTER BOB CARR: MEDIA RELEASE: SCHAPELLE CORBY [SEC=UNCLASSIFIED]

Hi,

The following media release has been published on Minister Carr's website.

[http://foreignminister.gov.au/releases/2013/bc\\_mr\\_130310.html](http://foreignminister.gov.au/releases/2013/bc_mr_130310.html)

A link has been placed on the DFAT homepage.

Regards,  
 s 22 1(a)(ii)

On 10 March 2013 08:05, s 22 1(a)(ii)

wrote:

Australia will offer an official guarantee to the Government of Indonesia that Ms Schapelle Corby will not breach parole conditions should she be released on parole from Kerobokan Gaol.

Australia would back this guarantee with a reporting regime imposed through the Australian Consulate in Bali.

The official guarantee for Ms Corby's conduct on parole was delivered by the Australian Consulate in Bali to the Governor's office at Kerobokan Gaol on March 8.

Foreign Minister Bob Carr said the letter of guarantee would not automatically lead to parole but was an important step forward.

"Ms Corby was convicted and sentenced in accordance with Indonesian law," Senator Carr said.

"Her 20-year sentence is a warning to anyone thinking of involving themselves in illegal activities overseas.

"However, most Australians would agree she has served a substantial term in gaol and deserves the chance to plead her case before parole authorities.

"We've advised Indonesian authorities the Australian Government supports the granting of parole to Ms Corby.

"This letter of guarantee – backed by strict reporting requirements – is necessary in order for the parole application to proceed.

"The parole process is independent of government. We cannot influence their final decision which will be made on its merits."

To meet the guarantee, Australia would impose requirements including:

- regular reporting by Ms Corby to Australian consular officers in Bali,
- retention by the Indonesian Government of any passports or travel documents; and
- assurances to the satisfaction of the Consul-General on matters such as Ms Corby's place of abode.

Under Indonesian law, prisoners have the right to apply for parole after serving two thirds of their sentence. While 16 foreigners have been paroled in Indonesia, none have successfully been granted parole in Bali.

Ms Corby was convicted in Indonesia on drugs charges and sentenced to 20 years imprisonment in 2005. This was reduced by 5 years in 2012 following a clemency appeal.

Indonesia's parole regulations also impose additional conditions for granting of parole to prisoners convicted on narcotics offences. As well as serving two thirds the sentence and demonstrating good behaviour, a prisoner must also demonstrate a 'willingness to cooperate with law enforcement officials' to 'expose' other individuals involved in the commission of their crime.

Australia continues to seek a prisoner transfer agreement with Indonesia. Indonesia does not currently have prisoner transfer agreements with any country, meaning gaol terms and parole must be served within Indonesia.

s 22 1(a)(ii)