

AUSTRALIA - YUGOSLAVIA INCIDENT OUTSIDE YUGOSLAV  
CONSULATE GENERAL, SYDNEY \*

M208

27 November 1988

**YUGOSLAV CONSULATE-GENERAL INCIDENT**

The Minister for Foreign Affairs and Trade, Senator Gareth Evans, said tonight that the Government viewed with grave concern the incident which involved the tragic shooting of a youth at the Yugoslav Consulate-General in Sydney this afternoon.

Senator Evans said the Ambassador of Yugoslavia, Dr Boris Cizelj, had been called in by the Department of Foreign Affairs and Trade to be told by Deputy Secretary Mike Lightowler that the Government viewed the incident as intolerable and totally unacceptable.

The Australian Embassy in Belgrade has also registered the Government's concern with the Yugoslavian Foreign Ministry.

The Ambassador was told that the Government required the person involved to be made available for interview by the NSW police authorities, and that the firearm which was used should also be made available to the NSW police authorities.

The Ambassador was also asked to provide an assurance that the person involved would not seek to leave Australia before the matter was dealt with.

Senator Evans said the Ambassador had been told that the Government expects complete co-operation from the Embassy and the Consulate-General in dealing with this matter.

On the evidence presently available, the person involved appears to be a security guard for whom no question of diplomatic immunity arises, and the Ambassador was informed that the Government considered that this was not a matter for which any reliance upon immunity in any form was appropriate.

The Ambassador indicated that he would consult urgently with his Government in Belgrade and make a response as soon as possible.

Senator Evans stated that the Government deeply regretted this display of violence, which was contrary to the Australian way of life.

Whatever the provocation involved in the intrusion on the Consulate grounds and the attempt to pull down the flag, the use of firearms in response was totally indefensible. Senator Evans said that he expected that the law in this case would follow the normal course.

He strongly urged all concerned to show restraint, and warned against any further acts of violence, including by way of retaliation, against which the Australian authorities would take the firmest possible action.

\*[These and the following documents were extracted from the Department of Foreign Affairs and Trade Backgrounder of 13 November and 7 December, 1988].

No. M211

1 December 1988

## AUSTRALIAN GOVERNMENT RESPONSE TO YUGOSLAVIAN CLAIMS OF POOR SECURITY AT SYDNEY CONSULATE-GENERAL DEMONSTRATION.

This morning the Government formally responded to allegations made by Yugoslavian Government representatives that the level of security provided during the demonstration at the Yugoslav Consulate-General in Sydney last Sunday was inadequate.

A diplomatic note detailing Australia's response was presented to the Yugoslavian Ambassador, Dr. Boris Cizelj and Consul-General, Mr. Stanojlo Glisic in Canberra by senior officers of the Department of Foreign Affairs and Trade.

The diplomatic note made the following points, among others:

- . Under the Vienna Convention on Diplomatic and Consular Relations, the Australian Government is obliged to protect diplomatic and consular staff and premises in Australia. The Australian Government fully accepts this responsibility and takes all appropriate steps to protect diplomatic and consular staff and premises.
- . Protection is currently provided by the Australian Federal Police, the Australian Protective Service and State Police, and coordination rests with the Protective Services Co-ordination Centre, with advice being provided by the Department of Foreign Affairs and Trade. Protective security arrangements also take into account the domestic problems in countries which are represented in Australia.

The form and level of protective security given to all diplomatic and consular missions is regularly reviewed by the Australian authorities and is designed inter alia to take into account occasions of heightened protest activity against missions and personnel by members of the Australian community or from overseas threat.

The judgement of the Australian Government, based on the experience of recent years, is that the level of protection provided to Yugoslav missions in Australia has been commensurate with the assessed level of threat.

During his call on the Department on 17 October 1988, Ambassador Cizelj suggested that the political situation in Yugoslavia might lead to an increased level of threat. The Department of Foreign Affairs and Trade advised him by letter on 19 October 1988 of measures initiated by the Department to upgrade the security of Yugoslav missions. The situation has been closely monitored since through regularly revised threat assessments, and further protective security measures will be taken if considered necessary.

With respect to the events of Sunday 27 November 1988 at the

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Consulate-General of Yugoslavia in Sydney, the Consulate-General was informed on 25 November by the Australian Protective Service that the assessed threat for Sunday's demonstration was relatively low. The Consulate-General did not make any response. In recent years, demonstrations in Sydney on Yugoslavia's National Day had been relatively peaceful events without any major incidents and had required minimal supervision. Comparable protection was arranged on this occasion to that provided at previous demonstrations for which there was a similar threat assessment.

After demonstrators had begun to gather outside the Consulate-General on Sunday 27 November, but while the demonstration was still peaceful, the Australian Protective Services presence was increased from one to three at 1345 hours. Five New South Wales Police Officers were also present. This would normally be regarded as an adequate presence for a peaceful demonstration. When the size of the demonstration increased, four additional Australian Protective Service officers were requested and these officers arrived within ten minutes, just before 1430 hours. At about this time, a number of demonstrators entered the Consulate-General grounds and further Police reinforcements were called for. At the height of the demonstration, shortly after 1430 hours, and at about the time shots were fired by Consulate staff, the Police presence had been increased to a total of over thirty officers.

Prior to this, the Department of Foreign Affairs and Trade is informed that the officer-in-charge of the Australian Protective Services present at the demonstration twice (at 1400 and 1420 hours) identified himself over the Consulate-General's intercom and requested permission for his officers to take up positions within the grounds of the Consulate-General. These requests were made before any acts of trespass had occurred. No response was given to either request. A third request was made by telephone by Duty Officer Woodley at the Regional Headquarters of the Australian Protective Service at 1428 hours after a number of demonstrators had entered the grounds of the Consulate-General. Notwithstanding the Consul-General's reply that he would "assist if possible" no action was taken nor permission given to allow entry of the officers.

The Department of Foreign Affairs and Trade considers that the failure of the staff of the Consulate-General to respond to these requests contributed to the subsequent course of events. Had permission been granted to Australian Protective Service officers to take up position within the grounds of the Consulate-General, those officers would have been in a position to deal with the acts of trespass by demonstrators.

With respect to legal action against the demonstrators who trespassed into the grounds of the Consulate-General on Sunday 27 November, it is noted that these persons departed the grounds once the Australian Protective Service and the New South Wales Police were able to request them to do so, without having caused

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visible or significant property damage and without, to the knowledge of the Police officers concerned, having personally assaulted or attempted to assault Consulate staff. The advice of the Australian Protective Service is that in the circumstances of the demonstration, taking into account the long delay in gaining access to the grounds and the prior actions of Consular staff, the priority from a security viewpoint was to clear the Consulate grounds of demonstrators, thus terminating any threat to the Consulate and its staff. The aim must be to avoid inflaming such a situation, in which the Police are inevitably outnumbered by the total number of demonstrators and, instead, to defuse it.

The Australian Protective Service has advised that the level of security provided is determined primarily by the threat assessment relating to the demonstration in question. As noted, the threat assessment in relation to the 27 November demonstration was of a low order. The Australian Protective Service is able to marshal additional resources and secure Police back-up promptly in response to changed circumstances during the course of a demonstration, as was evidenced in their response on this occasion.

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M212

1 December 1988.

Yugoslavian Consulate-General

The meeting between Yugoslavian representatives and senior officers of the Department of Foreign Affairs and Trade this morning (at which Australia responded with a Diplomatic Note to Yugoslav complaints about the handling of last Sunday's demonstration: see news release M211 earlier today), discussed the further cooperation promised to, and required by, the Australian Government. It was made clear that Australia expected that cooperation to take the form of making the person involved in the Consulate-General shooting incident available for further police interview without delay.

The Yugoslavian representatives were also aware, on the basis of my statement in the Senate yesterday, that Australia expected that person to be surrendered to the Australian authorities in the event that the investigating police determined that there was a basis for prosecution.

In response, the Yugoslavian representatives said they would need to refer the matter back to Belgrade, to be examined in the light of Australia's Diplomatic Note. It became clear that attempts were being made to attach conditions to the cooperation previously promised, and that further lengthy delays in the resolution of the matter were likely to occur.

Under those circumstances I requested the police to report to me on whether the evidence already collected on the day of the

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shooting and subsequently (including during the interview of the person on Tuesday this week) was sufficient in the opinion of the police to justify a prosecution proceeding without further interviewing.

I have now received an extensive oral briefing indicating that strong evidence is available to justify prosecution for, among other things, the offence of "Shoot with Intent to do Grievous Bodily Harm" under s.33 of the New South Wales Crimes Act. The evidence includes detailed eye-witness accounts, and a photograph

On that basis the Yugoslavian Ambassador was called in late this afternoon and told by Deputy Secretary Mike Lightowler of the Department of Foreign Affairs and Trade that:

- the Australian Government believed there is sufficient evidence to justify a serious criminal prosecution against a named employee of the Consulate-General; and
- the Government insists that the Embassy surrender that person into the custody of the New South Wales police authorities by or before 6 p.m. on Friday 2 December 1988; and
- if, after 6 p.m. on Friday 2 December that person has not be surrendered as requested, the Australian Government will immediately close the Consulate-General of the Socialist Federal Republic of Yugoslavia in Sydney, and the Consul-General and all of the members of the Consulate staff and their dependants will be required to leave Australia by 6 p.m. on Monday 5 December 1988.

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### INCIDENT AT YUGOSLAV CONSULATE

Mr KENT—My question is to the Prime Minister. Following the unfortunate incident at the Yugoslav Consulate in Sydney over the weekend where a teenage demonstrator was shot by a security guard, will the Government ensure that the matter will be investigated fully and that the person or persons responsible will be dealt with according to Australian law? Will the Government remind our ethnic communities that, as Australians, their responsibility is, first and foremost, to Australia and not to events which occur in other parts of the world?

Mr HAWKE—I thank the honourable member for Hotham for his question. I can say to him that the Government views the shooting of Joseph Tokic at the Yugoslav Consulate-General in Sydney on the weekend as intolerable and totally unacceptable. The Minister for Foreign Affairs and Trade has made it clear to the Yugoslav Ambassador, Dr Cizelj, and to the Yugoslav Foreign Ministry in Belgrade, that this Government expects complete cooperation from the Embassy and from the Consulate-General in dealing with this matter. We do not believe that this is a matter for which any reliance on immunity in any form is appropriate.

The Minister for Foreign Affairs and Trade has said, and I am sure that honourable members would agree, that he expects that the law in this case will follow the normal course. The Yugoslav authorities have confirmed today, in response to our representations, that they will cooperate by: firstly, making the person concerned available for interview by the New South Wales police; secondly, handing over the firearm; and, thirdly, ensuring that the person involved would not seek to leave Australia before the matter is dealt with. The Government accepts fully its responsibility to protect the personnel and premises of diplomatic and consular offices in Australia. I have noted the claim that security provided at the Consulate-General yesterday afternoon was inadequate. We are examining this aspect. I emphasise that whatever the provocation involved in the intrusion on the Consulate grounds and the attempt to pull down the Yugoslav flag, the use of firearms in response is totally indefensible.

Australia is a multicultural society and, in it, people have the right to remember with respect and honour their own traditions and cultures. We want them to do that. People in this country also have a right to demonstrate peacefully and to express their views, but any actions must be within the law. As I said on Friday, we do not want to see Australia become a battleground in terms of people trying to live out and act out ancient rivalries that may still, to some extent, bedevil their places of origin. Our policy of multiculturalism presumes an overriding and unifying commitment to Australia in which people see themselves first and foremost as Australians.

### YUGOSLAV CONSULATE-GENERAL: SHOOTING INCIDENT

Senator COLLINS—My question is directed to the Minister for Foreign Affairs and Trade. Has the Government received a response yet to the representations it made to the Yugoslav Government following the shooting yesterday of a youth outside the Yugoslav Consulate-General in Sydney? Can the Minister advise the Senate how the matter is being dealt with?

Senator GARETH EVANS—I have already expressed the Government's very grave concern about the events which took place yesterday at the Yugoslav Consulate-General in Sydney during which a teenager was shot by a member of the Consulate-General staff. Without repeating the whole of that widely reported statement of last night, I repeat that the Government regards this incident as both intolerable and totally unacceptable. Whether or not, as claimed by the Yugoslav authorities, protective security by New South Wales police and others was not adequate is essentially a side issue which cannot begin to justify the use of firearms. I am advised that the security protection provided at the Consulate-General was composed of four Australian Protective Service officers and seven members of the New South Wales police force. I have asked my Department to report to me on the arrangements made for police protection of the Consulate-General and I will certainly follow up this aspect.

As I announced last night, the Government has stressed, both in Canberra and in Belgrade, the urgent need for the Yugoslav authorities to meet three Australian requests. These are, firstly, that the security officer concerned be made available for interview by the New South Wales police; secondly, that the firearm which was used—a question arises as to whether it was licensed—be surrendered to the New South Wales police; and, thirdly, that the security guard remain for the present within the Consulate-General premises and certainly not endeavour to leave Australia. I am pleased to report that the Yugoslav Ambassador, following his consultations with Belgrade, has this morning given an assurance that these three requests will be met. We have advised the New South Wales police accordingly and further investigation of the matter is now in their hands. I add for the record that no question of diplomatic or consular immunity for the officer concerned has been raised by the Yugoslav authorities. The handling of the matter is, accordingly, proceeding on the Australian side on the basis that no such immunity exists or will be claimed. I wish to assure the Senate, finally, that I am advised that appropriate measures are being taken by the relevant police authorities to ensure that there are no further acts of violence of this nature in Sydney or elsewhere.