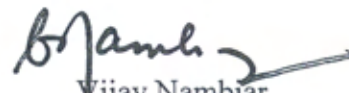


OLA
Flag Programme

Note to Mr. Michel

Request for Provision of Access to Independent Inquiry Committee (IIC) Documents

1. I refer to Mr. Johnson's note of 18 April 2007 transmitting a request from the Australian Federal Police for the access and use of certain IIC documents previously provided by the IIC to the "Inquiry into Certain Australian Companies in Relation to the UN Oil-for-Food-Programme" (the "Cole Inquiry"). We note that the IIC representative supports the request made by the Australian authorities.
2. The above recommendation has the Secretary-General's approval.


Vijay Nambiar
23 April 2007

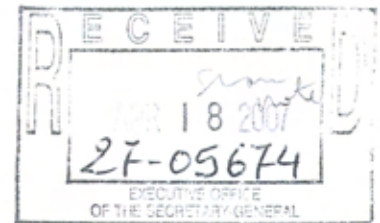
27-05674



2K

Note to the Secretary-General

Through Mr. Nambiar



Re: Request for Provision of Access to Independent Inquiry Committee (IIC) Documents

1. Attached please find a request dated 9 March 2007 from the Australian Federal Police (the "AFP") to the United Nations, requesting the Organization's approval for the access and use by the AFP of certain IIC documents previously provided by the IIC to the "Inquiry into Certain Australian Companies in Relation to the UN Oil-for-Food-Programme" (the "Cole Inquiry").
2. Pursuant to ST/SGB/2006/16 on the "Disposition of the Documents of the Independent Inquiry Committee into the United Nations Oil-for-Food Programme", documents from the IIC may be made available to Member States upon written request to the Secretary-General. Pursuant to Section 4.2, an IIC representative shall make recommendations to the Secretary-General on the disclosure of documents responsive to the requests of the Member States. The Office of the IIC has reviewed the request from the AFP and has made recommendations regarding the provision of access to the requested IIC documentation, attached hereto. As you will note, the IIC representative supports the request of the AFP and seeks from the Secretary-General authority to allow the AFP access to all the information supplied to the Cole Inquiry.
3. I would be grateful if you would inform me whether you concur with this recommendation so that I may notify the Government of Australia accordingly.


Larry D. Johnson

Assistant Secretary-General
in charge of the Office of Legal Affairs
18 April 2007

In accordance with the practice we have
been following, the access may be
provided and the Government of Australia
may be notified accordingly

by email 2
23/4



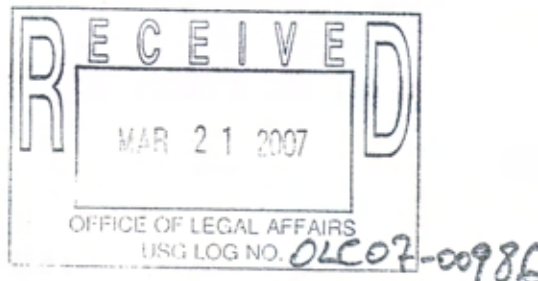
AFP

AUSTRALIAN FEDERAL POLICE

March 2007

COMMISSIONER

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ABN 17 854 931 143



Mr Nicolas Michel
Under-Secretary-General for Legal Affairs
The Legal Counsel
United Nations S-3427 A
New York New York 10017
USA

Dear Mr Michel

REQUEST FOR ASSISTANCE TO THE AUSTRALIAN FEDERAL POLICE

I am writing to you to seek the assistance of the Independent Inquiry Committee (IIC) for a matter of interest to the Australian Federal Police (AFP).

By way of background, on 10 November 2005 the Governor-General of Australia announced the *Inquiry Into Certain Australian Companies In Relation To The UN Oil-For-Food-Programme*. This inquiry was conducted by the Honourable Terrence Cole QC (the Cole Inquiry).

Commissioner Cole provided his Final Report to the Australian Government on 24 November 2006. Commissioner Cole found that AWB Limited, AWB (International) Limited and certain individuals were involved in activity which might have constituted breaches of one or more Australian laws.

Consistent with the Cole Inquiry recommendation, a Task Force of representatives of relevant agencies, led by the Australian Federal Police and including the Australian Securities and Investments Commission and the Victoria Police, has been established to consider possible prosecutions in consultation with the Commonwealth and Victorian Directors of Public Prosecutions.

The Terms of Reference require the Task Force to assess the Cole Inquiry findings and prepare, where appropriate, briefs of evidence and other relevant material to prosecuting or other authorities.

On 19 January 2007, as Commissioner of the Australian Federal Police, and under section 24 of the *Australian Federal Police Act 1979*, I appointed Mr Peter

Donaldson APM as an AFP employee and assigned him the duties of Manager, Oil for Food Taskforce. The engagement and declarations took effect from 22 January 2007.

I have been informed that all information provided to the Cole Inquiry was uploaded into a 'Summation' document management database. That database, together with all records received or generated by the Cole Inquiry, has been placed into the custody of the Department of Prime Minister and Cabinet. The Task Force are now taking steps to access the information stored on that 'Summation' database.

The Cole Inquiry Final Report outlines details of correspondence between the IIC and the Cole Inquiry that resulted in the IIC *"providing, on a voluntary basis, documents requested for the purpose of investigations and possible prosecutions"*. Although the Task Force has been given specific responsibility through its Terms of Reference, I am now seeking IIC approval for the Task Force to access all IIC information provided by the IIC to the Cole Inquiry that is now in the custody of the Department of Prime Minister and Cabinet.

In relation to 'official requirements for requesting agencies' posted on your IIC website I can confirm:

- the AFP is the national policing organisation of Australia and is therefore a recognised law enforcement body;
- my request is in furtherance of an official AFP action;
- the specific companies relevant to this official AFP action are: AWB Limited (formerly the Australian Wheat Board); AWB (International); Alia for Transport and General Trade; Cotecna Inspection S.A.; Iraqi Grain Board; Lloyd's Register Inspection Ltd; Iraq State Company for Water Transport; and the Ministry of Transportation and Communications, Iraq;
- I confirm that any, and all, information obtained by this request will be used only for the purposes of official action, and will not be made public without the express and written consent of the IIC; and
- contact details for my nominated AFP contact person appear in Contact Details below.

Following examination of the Cole Inquiry information, and other investigations the Task Force will pursue, it may be necessary for me to write to you again seeking further assistance.

I have provided below the contact details of the relevant AFP member for the purpose of any inquiries you may have, or for addressing return correspondence.

Contact Details:

Mr Peter Donaldson
Manager Oil for Food Task Force
Economic and Special Operations
GPO Box 485 G
Melbourne Vic 3001

Australia
Telephone: +61 3 9607 7344
Fax: + 61 3 9607 7600
E-mail: peter.donaldson@afp.gov.au

I thank you for your consideration of my request.

Yours sincerely



M J Keelty

----- Forwarded by Nicolas Michel/NY/UNO on 16/04/2007 02:14 PM -----



"rjgoldstone@iafrica.com"
<rjgoldstone@iafrica.com>
16/04/2007 09:35 AM

To micheln@un.org
cc

Subject Request for documents from the Australian Federal Police

Dear Mr. Michel,

With regard to this request, I attach the memorandum from Mary Eaton dated 12 April 2007. I agree with the suggested recommendation and terms attached to the consent of the United Nations. I advise the Secretary-General accordingly.

With kind regards,

Richard Goldstone [attachment "IIC - AFP Memo.doc" deleted by Jessica Elbaz/NY/UNO]

MEMORANDUM

Date: 12 April 2007

To: Honorable Richard J. Goldstone

From: Mary Eaton

Subject: Request from the Australian Federal Police to Access Information Previously Supplied by the IIC to the Cole Inquiry

This memo summarizes a recent request from the Australian Federal Police ("AFP") to have access to material that the IIC previously supplied to the *Inquiry into certain Australian companies in relation to the UN Oil-for-Food Programme* ("Cole Inquiry," or "Royal Commission") and possible responses to the request.

Request of 9 March 2007

Mr. MJ Keelty, Commissioner of the Australian Federal Police sent a letter on 9 March 2007 to Mr. Nicolas Michel of OLA requesting that the AFP's Oil for Food Taskforce be allowed access to all material that the IIC had given to the Cole Inquiry (request attached).

Response to the Request

Based on a similar previous request that the IIC has granted to other law enforcement agencies or governmental agencies to share information within the same Member State, I recommend that the UN grant permission for the AFP Oil for Food Taskforce to have access to the information the IIC gave to the Cole Inquiry, as outlined in the chart below. This set of productions should comprise all information given by the IIC to the Cole Inquiry.

Request ID	Request Date or Description	Production Date	Bates Range
1009	6-Dec-2005	20-Dec-2005	000001-005439
1037	20-Dec-2005	18-Jan-2006	005440-005719
1038	4-Jan-2006	18-Jan-2006	005720-005735
1037	10-Apr-2006	17-Apr-2006	005736-005761
1103	10-May-2006	11-May-2006	005762-005770
1088	Bank Records	6-Jan-2006	100001-100737

Attached to this memo is a compilation of the document indices that were included in these productions, giving file names and Bates number ranges for all the documents produced.

In granting permission for access to these documents, the UN does so with the understanding that the AFP will use the information only for the purposes of an official investigation, action or prosecution and that the information will not be made public in any form without express and written authorization.

Comment on the Scope of the AFP Request

A comparison of the AFP Request to the data previously supplied to the Cole Inquiry shows that some of the material produced to the Cole Inquiry is not listed in the AFP Taskforce request letter as being of specific interest. As a matter of practicality, I recommend that the UN allow access to all the information supplied to the Cole Inquiry as listed above, rather than restricting access to files related to companies specifically mentioned in the request.

Conversely, it appears from reading the request that the AFP is interested in some companies or entities for which the Cole Inquiry did not receive information from the IIC. I recommend that the UN inform the AFP Taskforce that, should they desire information about additional companies, to send a request specifically for this information.