

**ROYAL COMMISSION INTO THE
MANAGEMENT OF POLICE INFORMERS**

**SUBMISSIONS ON BEHALF OF
ANTONIOS SAJIH MOKBEL**

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	Reference: AMRC20

On behalf of Antonios Sajih Mokbel (**Mr Mokbel**), we respectfully invite the Commissioner to find as follows:

1. Between about 16 September 2005¹ and at least 13 December 2013,² Nicola Gobbo (**Gobbo**) was party to an unlawful agreement (**agreement**) with The Victoria Police Force or other members thereof (**Vicpol**) to conceal from Mr Mokbel and the courts of Australia that, at material times, Gobbo was or had been engaged in dual roles as confidential informer to and covert agent of Vicpol on the one hand and as Mr Mokbel's legal representative on the other.
2. The purpose of the agreement was for Gobbo to exploit her close professional relationship with Mr Mokbel, as legal representative and advisor since early 2002, to provide Vicpol with confidential or privileged information obtained from Mr Mokbel, his

¹ When Gobbo was registered formally by Vicpol as an informer.

² When the High Court heard and dismissed the application for special leave to appeal.

family and his associates and to task her as a covert agent to assist and enable Vicpol successfully to prosecute serious criminal charges against Mr Mokbel, family members and associates and to recover criminal assets from those persons, whilst concealing the fact or nature of the agreement.

3. To those ends, the agreement was executed against Mr Mokbel according to its terms between 16 September 2005 and at least 13 December 2013.
4. The execution of the plan was directed, *inter alia*, at inducing Mr Mokbel to plead guilty to one or more serious criminal charges by isolating him from his family and associates in custody, pressuring and manipulating his associates to testify against him, depriving him of his assets and effectively overwhelming him with the prospect of defending numerous prosecutions in which former associates were witnesses against him.
5. The agreement contemplated and its execution involved the commission of criminal offences including perversion of, or attempts to pervert, the course of justice, perjury and obtaining, or attempting to obtain legal fees by deception.
6. The agreement also necessarily involved Gobbo in a continuing breach of her duties of confidentiality, loyalty and good faith to Mr Mokbel of her duty as an Australian Lawyer to the courts and of her duty to maintain Mr Mokbel's legal professional privilege.
7. No controlled operation authority for the execution of the agreement was ever sought.³ Throughout the existence of the agreement, the parties treated the ends as justifying the means.
8. By 16 September 2005, Gobbo had been retained to act as junior counsel for Mr Mokbel in the **Operation 1** matter. She continued to so act in pre-trial and trial proceedings until about 20 March 2005, when Mr Mokbel failed to appear in answer to his bail. Throughout that period, Gobbo actively fulfilled both of her dual roles under the agreement.
9. Gobbo was able to fulfill that role more effectively by utilising knowledge obtained and the trust she had engendered throughout her professional relationship with Mr Mokbel and knowledge she obtained through interactions and relationships developed as a confidential informer with members, and former members, of Vicpol following her

³ Pursuant to Division 2 of the Crimes (Controlled Operations) Act 2004

previous registration as an informer in 1999. By the time of her registration as an informer in September 2005, Gobbo had created such a range of undeclared professional conflicts of interest as potentially to pollute the representation of each and all, or many, of her criminal clients.

10. In or about June 2007, Gobbo was retained by Mr Mokbel to provide legal advice and assistance in his attempts to resist extradition from the Hellenic Republic. At material times during the period between that engagement and the extradition of Mr Mokbel to Australia in May 2008, Gobbo actively fulfilled both of her dual roles under the agreement. In doing so, she provided confidential information obtained from Mr Mokbel to Vicpol concerning his instructions and tactics in opposing the extradition and actively assisted Vicpol in its support of the extradition process. For their part, Vicpol knowingly utilised Gobbo's information and assistance materially to enhance its capacity to support the extradition and to undermine Mr Mokbel's case in opposition.
11. At material times between 16 September 2005 and 13 December 2013 Gobbo actively fulfilled both of her dual roles under the agreement by manipulating or attempting to manipulate witnesses or potential witnesses to provide or adjust evidence against Mr Mokbel and by providing advice and assistance to Vicpol in pursuit of the objects of the agreement.
12. At material times throughout that same period, in fulfilling its role under the agreement, Vicpol aided, abetted, counselled or procured Gobbo actively to pursue her role and maintained, or attempted to maintain, the conspiracy of silence inherent in the agreement.
13. Pursuant to the agreement, the facts set out in [1] to [12] above were at all material times concealed from the Government and the courts of the Hellenic Republic.
14. From about 4 September 2012, the Director of Public Prosecutions for Victoria (**Victorian Director**) was provided with information suggesting the existence of the agreement and failed thereafter properly to investigate or disclose that information, or the actual or possible existence of the agreement, to Mr Mokbel or to the courts prior to the conclusion of the relevant criminal proceedings and appeals on 13 December 2013.

15. The matters referred to above have substantially called in question the validity of the convictions of Mr Mokbel on charges arising from the **Operation 1** Quills, Orbital and Magnum matters.

Further disadvantage:

16. The Royal Commission was established in December 2018 and has conducted its work since this date. Of concern to Mr Mokbel is the Victorian Government's funding of Gobbo, (at a significant level) the very person who was the architect of so many people's misfortunes and has been able to be substantially represented throughout the Commissions proceedings. In contrast, Mr Mokbel, a person adversely affected by Gobbo's actions, has received no funding, with his representatives continuing to act on a pro bono basis.

17. Whilst the Commission has been in operation, Mr Mokbel has only received a copy of Counsel Assisting submissions on 4 August 2020, which included:

- a) Volume 1: Legal Principles Submissions;
- b) Volume 2: Chapters 2, 8, 9, 10, 15, 18, 20; and
- c) Volume 3: Case study, the case study of Mr Bickley (a pseudonym), and relevant extracts of the case studies of Messrs **Elk**, Chafic Issa and David Tricarico, Messrs **Luxmore** and Joseph Parisi and Messrs Matthew and Wayne Finn.

18. We note that we were initially given until 7 August 2020 to put forward any information and/or make a submission in response to Mr Mokbel's case study and submissions. However, following a request by this office for an extension, this was granted until 14 August 2020.

19. Additionally, we also note that on 11 August 2020 further sections of Counsel Assisting's submissions relevant to Mr Mokbel's case study were made available to us, following resolved public interest immunity claims, these included as follows:

- a) Volume 2: Chapter 11 being Mr Cooper's case study; and
- b) Volume 3: Mr Cooper's relative's case study.

20. Further, we note that Chapters 5 and 7 referred to in the Solicitors Assisting the Royal Commission letter on 4 August 2020 still remain outstanding, as we understand they are likely to remain subject to public interest immunity claims by Victoria Police, which have not yet been determined.
21. Given the difficulties imposed by COVID-19 on the community at large and within the prison system during this period, our ability to provide the confidential and protected material to our client, then to obtain and receive full instructions on materials, which we have received in various parts has caused significant delays and challengers.
22. On 14 August 2020, our office was served via email with a letter from the Commonwealth Director of Public Prosecutions dated 13 August 2020. See attached in support of our response to the Submissions on behalf of Mr Mokbel.

Publication:

23. Mr Mokbel does not object to his Case Study, as prepared by Counsel Assisting, being published on the Commission's website on 31 August 2020.

Richard Maidment QC

Lee Ristivojevic

Amelia Beech

Samantha Seoud

Counsel for the Applicant

14 August 2020