

Mokbel extradition may take years

Don Rothwell

The World Today - Thursday, 7 June, 2007 12:13:00

Reporter: Daniel Hoare

ELEANOR HALL: There are warnings today that the extradition of Victorian drug baron, Tony Mokbel could take years and rival the notorious Skase chase of the 1980s and 90s.

Legal analyst, Don Rothwell, says that even though Mokbel, who was on the run from authorities for 15 months, is now in police custody in Greece, there is no certainty he'll be back on Australian soil any time soon.

Authorities in Australia have six weeks to apply for his extradition to Victoria, but if Mokbel decides to fight that extradition order in court it could be a long process, as Daniel Hoare reports.

DANIEL HOARE: When news of Tony Mokbel's arrest by Greek police reached Australia, there was an assumption by many that most of the hard work had already been done.

It was assumed that it wouldn't be long before the convicted drug dealer was back in an Australian jail serving his nine-year sentence for importing cocaine.

The Victorian Premier, Steve Bracks, for one, was supremely confident yesterday, saying he had no doubt that Tony Mokbel would serve out his sentence in Victoria.

But bringing the man known as Fat Tony back to Australia isn't as simple as it might have seemed.

His extradition will take at least a month, but it could take years.

If Mokbel fights the extradition in court - a move that seems highly likely - his case could become a similar one to that of another Australian villain, Christopher Skase.

Don Rothwell is a Professor of International Law at the Australian National University.

DON ROTHWELL: I certainly think that the evidence would suggest that he has the resources to be able to fight this and to that end, it should be anticipated that there will be a challenge, unlike some recent cases, where some high profile Australians have been sought to be returned, especially in New South Wales in the last year or so.

But it all depends upon the way in which the Greek courts initially view the application, the strength of the evidence and whether there are any technicalities which can be exploited.

To that end, it's really essential that the Victorian police present their strongest possible case to ensure that the extradition runs smoothly because delay in these matters can sometimes be quite difficult.

And one of the issues of course that arose during the Skase case was that Mr Skase seemed to mysteriously develop an illness during the course of a trial. That's the sort of thing that needs to be avoided in these matters.

DANIEL HOARE: There seems little doubt that Mokbel, like Christopher Skase before him, will indeed have the resources to fight his extradition.

Greek police have painted a picture of a man living the good life in Athens. He's lived in a wealthy suburb and he doesn't seem to have surrendered any of the luxuries that his drug empire back home have long afforded him.

Victorian police have described Tony Mokbel's Melbourne drug dealing operation as one of the biggest in the state's history.

And as his network in Melbourne begins to unravel, it's becoming clear that his activities have dwarfed even the most successful of Melbourne's underworld criminals.

In short, Mokbel's operation makes many of his gangland friends and rivals look like pretenders.

If Mokbel chooses not to fight his extradition, the process will go through 15 stages and will probably take several weeks.

But that will, most likely, stretch out to years if he opposes the extradition.

And as legal expert Don Rothwell says, Mokbel could stage a health scare just like Christopher Skase.

And that isn't the only way Mokbel might challenge his extradition.

DON ROTHWELL: I guess there is the interesting element that we do know that he does have a child from his relationship with his girlfriend, which could raise potential for him to make an argument that if he was to be extradited, the child and the family that he has would face considerable hardship, oppressive circumstances.

That's speculative on my part, but no doubt it's a line of argument that could possibly be developed depending on how dependent the child and his girlfriend is upon him.

DANIEL HOARE: The extradition process will begin with an application by the Federal Attorney-General's Department in conjunction with the Victorian Director of Public Prosecutions and Victorian police.

The request needs to be approved by the Federal Justice Minister or the Attorney-General before being sent to Greece through diplomatic channels.

Athens Police Commander, General Drosos Bougoudis, concedes that the process could take some time.

He's speaking here to *The World Today* through a translator.

DROSOS BOUGOUDIS (translated): The investigation will take time, so extradition will be the first priority. The extradition process is priority number one, okay?

Because the investigation is still underway so it may take a while.

DANIEL HOARE: Victoria's Deputy Police Commissioner Simon Overland acknowledges that extraditing Tony Mokbel is likely to be a difficult process.

SIMON OVERLAND: The extradition really is handled through the AFP and the Commonwealth Attorney General's Department, the Commonwealth Attorney General's Department is the expert in this area, so we need to work with them.

Their advice to us, there is a treaty in place with Greece, so that's good. There's a recognised process that can be followed.

But that said, it's a complex legal process, there could be all sorts of hurdles. I don't think it's something that will necessarily happen quickly, but we're hoping that it will move ahead without too many glitches.

ELEANOR HALL: Victoria's Deputy Police Commissioner Simon Overland ending that report from Daniel Hoare in Melbourne.

This article can be downloaded from

<http://www.abc.net.au/worldtoday/content/2007/s1944920.htm>