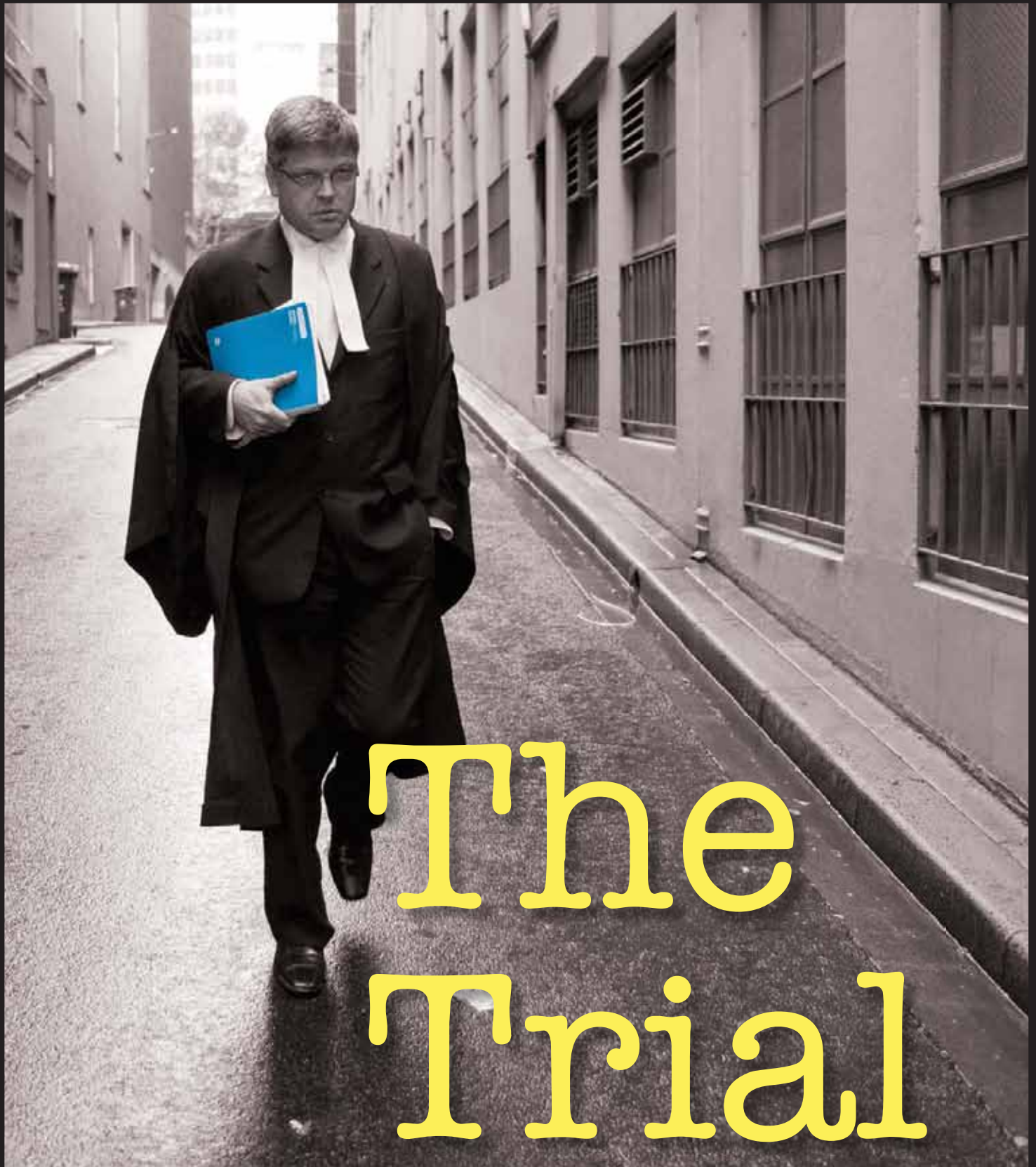


PRESS KIT

one hour documentary



The Trial

THE INSIDE STORY OF
AUSTRALIA'S BIGGEST
TERRORISM TRIAL



A 360 Degree Films Production for Screen Australia's National Documentary Program
Directed by Joan Robinson Produced by John Moore

WARNING: For legal reasons, THE TRIAL cannot be broadcast in Victoria. Writing about this program for Victorian publications and on the Internet is best done with expert legal advice.



THE TRIAL

In February 2008 twelve Muslim men went on trial in Melbourne for terrorism offences. The trial ran for nine months, heard hundreds of hours of secretly taped conversations and presented 66,000 pages of evidence. With unique access to Greg Barns, one of the key defence barristers, and Omar, the brother of the youngest accused **THE TRIAL** takes us inside one of the biggest court cases in Australia's history. A trial where there is more at stake than just the fate of the accused.



SALES

International Sales

SBS Content Sales
+61 2 9430 3975
contentsales@sbs.com.au

Educational Sales

Video Education Australasia
Www.vea.com.au
vea@vea.com.au
1800 034 282

DVD Sales

Www.360degreefilms.com.au
info@360degreefilms.com.au
61 3 99481922

NOT FOR SALE IN VICTORIA, AUSTRALIA

 **FILM VICTORIA**
AUSTRALIA

 **SBS**


Australian Government

SCREEN
AUSTRALIA

 **360** Degree Films

SYNOPSIS

THE TRIAL is the inside story of Australia's biggest terrorism trial which ran from February 2008 until the delivery of verdicts in September 2008. It takes the audience behind the scenes as barrister Greg Barns, solicitor Robert Stary and a large legal team battle to defend their clients. The trial ran for nine months, involved 25 lawyers, 12 accused and 482 secretly recorded conversations.

Two of the men were charged with being members of a terrorist organization and with providing it with resources. They faced possible sentences of up to 35 years in jail. One of them, the youngest, was also accused of planning to be Australia's first suicide bomber.

The film tells the two men's sides of the story through their lawyers and relatives. Omar, the older brother of the youngest accused, believes his brother is a man of peace, who was influenced by the group's spiritual leader initially, but rejected any ideas of violence well prior to his arrest.

The prosecution argue that the secretly recorded conversations prove the men were committed to violent jihad and that they planned to bomb a railway station or the Melbourne Cricket Ground. They played to the court recordings where some of the accused men discuss the terrorist bombings in London and Madrid, retaliation for the war in Iraq and killing John Howard. They show the court terrorist handbooks and beheading videos owned by some of the men.

The defence team argue the men were members of a religious group more concerned with knowledge of the Koran and not intending to mount terrorist attacks. Greg Barns argues his client only talked about the idea of terrorism. Greg calls it "thought crime" and rails against the new laws that have criminalized what individuals "say" rather than what they "do". The defence team argue that the threat of terrorism has been used by governments to extend the reach of the law into areas traditionally protected by the principles of freedom of speech and association. They believe the ambiguity of the laws could pose a bigger threat to our democratic values than the threat of terrorism.

After listening to the evidence for seven months and spending twenty-one days considering their verdict, the jury found both men guilty of being members of a terrorist organization. Omar's brother, however, was found not guilty of planning to be a suicide bomber.

This is an important film for everyone concerned about human rights and how Australia deals with the very real threat posed by Islamic terrorists.

FILMMAKER'S NOTES

Within months of September 11, 2001, many countries, including Australia, introduced new counter terrorism laws and policies. A common purpose of the anti-terror laws is to capture conduct at a much earlier preparatory stage than criminal law traditionally has done. Authorities are now empowered to act pre-emptively and arrest people before they have formed a plan to commit a specific criminal act.



The preventive purpose of the new laws carries with it serious implications. They expose to penalty people who would not previously have been treated as having committed an offence. Political leaders and policing agencies argue that such laws are necessary to prevent potential terrorist attacks. But many lawyers argue that these laws present a threat to free speech and threaten the underlying values of our democracy.

The recent Melbourne trial of twelve Muslim men for terrorism offences highlights the impact of these new laws and the issues surrounding them. Police forces (state and federal) had been monitoring the men's activities for eighteen months prior to their arrest. At the time of the men's arrests the police argued they had genuine reason to suspect an imminent terrorist attack and yet, after a trial lasting nearly nine months, no convincing case was mounted to substantiate this accusation.



Lawyers for the youngest of the accused argued that while the leader of Islamic classes appears to have had some serious intent, their client was only briefly involved with the group twelve months before he was arrested. The prosecution argued there was evidence that the man was faking it. He was eventually convicted of being a member of a terrorist organization.

Some legal experts say that some of the convicted men were essentially convicted on their "talk", what they'd read, what videos they viewed and what they believed in. Some legal experts refer to their convictions as "talk" or "thought" crime.



The Melbourne terrorism trial is a landmark in Australian legal history. It traversed uncharted legal territory and sets precedents for the trials and legal practice that follow. It also provides a clear cut example of how preemptive counter terrorism laws can be applied in practice and what human rights and freedoms are affected by them.

The outcome of the Melbourne trial will be tested on appeal and questions will be raised: Is it a just and appropriate outcome to convict otherwise innocent people in order to protect the wider community from possible terrorist attack? As some advocates of the anti-terror laws ask, is it reasonable to crush a few people in order to send a message to the real terrorists that their actions will not be tolerated? Or will such an outcome merely radicalise others?



We want this documentary about the Melbourne terrorism trial to generate public debate on these issues and the role of the law in preventing terrorism in Australia.

Joan Robinson & John Moore
October 2009

KEY CHARACTERS

GREG BARNES

Barrister



Greg is a barrister, writer and commentator. He practices in the area of human rights and criminal law from chambers in Hobart and Melbourne. Greg is a former senior political adviser to a number of Liberal Party premiers and federal government ministers and worked closely with Malcolm Turnbull on the 1999 Republic campaign. He left the Liberal Party in 2002 after he was dis-endorsed for his support of asylum seekers. He is a legal adviser to the Tasmanian lobby group Prison Action Reform and is a Director of the Australian Lawyers Alliance. Greg is the author of three books on Australian politics and writes regularly for the Hobart Mercury, Crikey, the South China Morning Post, The Age and Online Opinion.

ROB STARY

Solicitor



Rob Stary runs his own private law firm, Robert Stary and Associates, one of the largest criminal law practices in Victoria with offices based in Melbourne, Footscray, Sunshine, Ringwood and Geelong. Rob led the defence team in the Melbourne terrorism trial. He also represented Jack Thomas. He has been President of the Criminal Defence Lawyers Association since 2004 and is a passionate advocate for human rights. Recently he received the Law Institute Human Rights Award.

KEY CHARACTERS

OMAR'S BROTHER

The youngest accused and Rob's Client



Omar's brother is the youngest of the twelve accused. He was nineteen when he was arrested. He was born in Australia of Lebanese parents and worked as an apprentice electrician. He is married with one child who was born after he went to prison. He has a reputation for being a considerate and thoughtful person who thinks deeply about his religion. He is a member of a large family whose religious beliefs vary from extremely devout to atheist. Their family is a microcosm of Australian diversity.

OMAR

Brother of the youngest accused



Omar is a passionate advocate for understanding between Muslim and non-Muslim communities. He has participated in many media interviews since his brother's arrest, trial and subsequent conviction. Omar is Apprenticeship Officer for the Electrical Trade Union and a passionate Aussie rules footy coach who feels as Aussie as anyone else. Omar is married with 3 kids, and lives and works in the inner north of Melbourne.

DRAMATIC RECONSTRUCTIONS

THE TRIAL contains dramatic reconstructions based on excerpts from actual court transcripts and evidence presented in court. The evidence included audio recordings from listening devices made during police surveillance of the accused.

Key Cast



MATTHEW KING

Mark Taft QC

Best known in the film and television industry for his work as a voiceover artist, Matthew King has appeared in numerous television series including *Homicide, Division Four, Prisoner, The Sullivans, Rush, Blue Heelers* and *Stingers*. He recently featured in the doco-drama *Menzies and Churchill at War* where he played Robert Menzies.



ROGER OAKLEY

Prosecutor Richard Maidment SC

Award winning actor, Roger Oakley has performed in many Australian stage and screen productions. He recently performed the role of Uncle Charlie in the popular MTC play *August: Osage County*. He appeared in the feature film, *My Year Without Sex* and in many television series including *The Hollowmen, Something in the Air* and *Neighbours*.



RHYS McCONNOCHIE

Justice Bongiorno

A veteran stage and television performer who has appeared in many Australian productions including *Stingers*, MDA for television, feature roles such as the Headmaster in *Romulus, My Father* and in numerous Melbourne Theatre Company Productions, including *King Lear, Inheritance* and *The Seagull*.



MAJID SHOKOR

The accused's spiritual leader

Originally from Iraq, Majid Shokor is a stage and screen actor. Best known for his role of Saleh in the Australian feature film *Lucky Miles*, Majid also performed in the recent television series *City Homicide* and *Kick* as well as in productions for Belvoir St Theater, Theatre @Risk and La Mama.



MATT ROLSTON

Omar's Brother

Recently trained in acting, Matt Rolston has appeared in numerous student films and low budget features including a lead role in the feature *Bushranger Origins – Finnegan's Gang*.

CREATIVE TEAM

JOAN ROBINSON

Director and Writer



Following a successful career as a writer and communications consultant in the finance industry, Joan has been producing, writing and directing documentaries for ten years. Her first documentary *Froggie's Gone* was a popular inclusion and finalist in numerous film festivals throughout Australia, including the ATOM Awards, and was overall winner of a Sydney Fringe Film Festival.

Since then Joan has produced, written and directed another 6 documentaries, including a documentary shot in a remote East Timorese village and two documentaries commissioned by the Electrical Trades Union - *Standing Together*, which is a case study of an industrial dispute, and *Hold the Line*, which takes the viewer inside one of Australia's most powerful unions as it takes on the Australian Government's draconian industrial relations laws.

JOHN MOORE

Producer and Writer



John Moore has been producing award-winning documentaries for nearly twenty years. His programs have sold to ABC TV, SBS, Channel 4, ARTE, The Canadian History Channel and TV Ontario. His programs have won numerous awards in Australia and have been screened at several international festivals.

In 2001, John produced and directed *Thomson of Arnhem Land* for Film Australia and the ABC. *Thomson* won the \$15,000 NSW Premier's History Award, an AFI Award for Editing and was nominated for awards at Banff and Shanghai TV Festivals. His 2005 documentary about Bertram Wainer *Abortion, Corruption & Cops* was nominated at the 2005 Australian Film Institute (AFI) Awards and screened at the 2006 Sydney Film Festival.

In 2008 John produced two major docu-dramas for the ABC. *Menzies & Churchill at War* starring Bud Tingwell and Matthew King and *Monash & the Anzac Legend* starring somewhat ironically Menzies grandson, Robert Menzies.

CREATIVE TEAM

STEVEN ROBINSON ASE

Editor and Co-Writer

Steven Robinson is an award-winning editor who divides his time between documentary and drama. Steven won Best Editing at the Australian Screen Editors Awards in 2008 for his work on *Choir of Hard Knocks*. Some of the programs he has edited include *MDA* (Winner Best Drama AFI, 2003), *Menzies & Churchill at War*, *Bed of Roses*, *Monash the Forgotten Anzac*, *Kath & Kim*, *Eye of the Storm: Monsoon* (Winner Chicago International Television Festival) *Outback House*, *Something in the Air* (Winner Best Episode in a Drama Series), *Silver Sun*, *Bushfire Summer* and *The Art of Bill Henson*.

PETER ZAKHAROV

Director of Photography

Peter Zakharov began his working career as a news cameraman at Channel Seven Melbourne. Since going freelance in 1983, he has been involved in innumerable productions both documentary and drama, from low budget video to 35mm feature films. In 1987 Peter shared a Gold Award for Cinematography from the Australian Cinematographer's Society for his work on the feature *In Too Deep* directed by John Tatoulis. Other projects include cinematography on the feature *Takeaway* and the documentary series *Roads Less Travelled* for Lonely Planet Television.

IAN JONES

Director of Photography

Ian Jones ACS is an accomplished DOP with credits across all genres including Feature Film, TV Drama, & TVCs. Ian's features include *The Tracker*, *Ten Canoes*, *The Final Winter* and *Alexandra's Project*. Ian's work has been met with widespread critical acclaim and he has been recognised with numerous awards, including Best Cinematography for *Ten Canoes* by the judges of the AFI Awards, IF Awards and The Film Critic Circle of Australia Awards.

DAVID BRIDIE

Composer

David Bridie recently released his third solo album, *Succumb*. He is well known for his work with the bands *Not Drowning Waving* and *My Friend the Chocolate Cake* as well as his collaborations with other artists including PNG's *Telek*. He has also composed many soundtracks for the screen including *The Circuit*, *RAN*, *Weary* and *The Man Who Sued God*.

KEY CREDITS

Director
Producer
Writers

Joan Robinson
John Moore
Joan Robinson,
John Moore &
Steven Robinson ASE
John Godfrey
Steven Robinson
David Bridie
Peter Zakharov

Ian Jones ACS
Lisa Horler

SBS Executive Producer
Editor
Composer
Director of Photography
Director of Photography
Reconstructions
Production Manager

KEY CAST

The Spiritual Leader
Mark Taft
Omar's Brother
Prosecutor Maidment
Justice Bongiorno

Majid Shokor
Matthew King
Matt Rolston
Roger Oakley
Rhys McConnochie

Contractual Credits

Produced in association with SBS

By 360 Degree Films

Developed and Produced with the assistance of
Film Victoria

A National Documentary Program
Screen Australia

© 2009 Screen Australia, 360 Degree Films Pty Ltd
and Film Victoria



Reconstruction

ONLINE RESOURCES

Senator Scott Ludlam's speech to the Australian Senate about a review of the anti-terror laws after the SBS screening of THE TRIAL

<http://scott-ludlam.greensmps.org.au/content/speech/australias-anti-terrorism-laws-trial>

AUSTRALIA'S ANTI-TERROR LAWS

http://en.wikipedia.org/wiki/Australian_anti-terrorism_legislation,_2004

The Australian government introduced new laws in the Australian parliament in 2004. These anti-terrorism bills were enacted by a Coalition government with the Labour opposition's support.

SUPREME COURT SENTENCING

<http://www.austlii.edu.au/au/cases/vic/VSC/2009/21.html>

Justice Bongiorno's summing up of the evidence and his sentences.

