



# CDPP

Australia's Federal Prosecution Service

Commonwealth Director  
of Public Prosecutions

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## MEDIA RELEASE

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**TWO MEN CONVICTED AND SENTENCED IN PERTH FOR PEOPLE  
SMUGGLING**

**Date:** 7 October 2014

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A judge in Western Australia has sentenced two men for people smuggling offences following prosecution by the Commonwealth Director of Public Prosecutions (CDPP).

Barkat Ali Wahide and Syed Shahid Ali were passengers on Suspected Illegal Entry Vessel (SIEV) 326 which was intercepted between Indonesia and the Territory of Christmas Island on 6 May 2012 by the Royal Australian Navy. Following investigations by the Australian Federal Police the men were later arrested for organising and facilitating people smuggling during their time in Indonesia before boarding SIEV 326.

Wahide was convicted by a jury of one count of organising or facilitating the bringing or coming to Australia of a person who is a non-citizen, contrary to section 233A of the *Migration Act 1958* (Cth). Wahide was sentenced to 3 years' and 6 months' imprisonment to be released after serving 2 years and 5 months upon entering into a recognizance in the amount of \$2,000 conditioned that he be of good behaviour for 12 months.

Wahide's co-accused, Ali, was convicted by a jury of one count of organising or facilitating the bringing or coming to Australia of a person who is a non-citizen, contrary to section 233A of the *Migration Act 1958* (Cth). Ali was also convicted of dealing with money or property being, or suspected of being, proceeds of crime contrary to section 400.9(1A) of the *Criminal Code* (Cth). Ali was sentenced to 3 years' and 6 months' imprisonment to be released after serving 2 years and 5 months upon entering into a recognizance in the amount of \$2,000 conditioned that he be of good behaviour for 12 months.

### **BACKGROUND**

Offences for smuggling people into Australia are contained in the *Migration Act 1958* and apply to both the organisers of these ventures and the crew of the vessels. There are also ancillary offences such as concealing a person who has illegally entered or intends to enter Australia and false documents in relation to a non-citizen. Some of these offences carry mandatory minimum penalties, such as an offence of aggravated people smuggling (section 233C of the *Migration Act 1958*) which is committed when a person organises or assists in bringing 5 or more non-citizens without valid visas to Australia.

**About the CDPP – Australia’s Federal Prosecution Service**

The Office of the Commonwealth Director of Public Prosecutions (CDPP) is an independent prosecution service established by Parliament to prosecute alleged offences against Commonwealth law. The CDPP aims to provide an effective, ethical, high quality and independent criminal prosecution service for Australia in accordance with the *Prosecution Policy of the Commonwealth*.

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