



New South Wales

**CORONER'S COURT  
OF NEW SOUTH WALES**

**Inquest:** Inquest into the death of Farhad Jabar Khalil Mohammad

**Hearing dates:** 20, 28 & 30 April 2026

**Date of Findings:** 5 June 2026

**Place of Findings:** Coroner's Court of New South Wales, Lidcombe

**Findings of:** Judge Derek Lee, Deputy State Coroner

**Catchwords:** CORONIAL LAW – death as a result of a New South Wales Police Force operation, critical incident, use of lethal force by Special Constable, Operation Peqin, violent extremism and antisocial behaviour, extremist ideology, deradicalisation, Firearms Prohibition Order, disengagement programs

**File number:** 2015/0289369

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Mr K Madden for Special Constable C

Mr P Melican for the Commissioner of the Australian Federal Police Commissioner

**Findings:**

Farhad Jabar Khalil Mohammad died on 2 October 2015 at Parramatta NSW 2150.

The cause of Farhad's death was gunshot wound to the neck.

Farhad approached Curtis Cheng from behind after he exited NSWPF Headquarters intending to travel home. When in close proximity to Mr Cheng, Farhad discharged a .38 calibre revolver in the back of Mr Cheng's head, fatally injuring him. Farhad discharged further rounds at the NSWPF Headquarters building, including at Special Constables on duty who had exited the building to investigate the gunshots. During a subsequent exchange of gunfire, a Special Constable, in the lawful execution of his duties, drew and discharged his firearm at Farhad, fatally wounding him. Persons of interest involved and associated with the actions taken by Farhad were known to, and investigated by, law enforcement authorities prior to 2 October 2015. However, there was no reasonable opportunity for law enforcement opportunities to either anticipate or prevent the actions of Farhad on that day.

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## 1. Introduction

- 1.1 At around 4:30pm on 2 October 2015, Farhad Jabar Khalil Moahammd (known, and referred to in these findings, as Farhad Jabar), a 15-year-old high school student made his way to the headquarters of the New South Wales Police Force (**NSWPF**) in Charles Street, Parramatta. Farhad was dressed in a long-sleeved black robe associated with Salafi Islam and carrying an unregistered .38 calibre revolver which was concealed.
- 1.2 At that time, Curtis Cheng, an accountant in civilian employment with the NSWPF, exited NSWPF Headquarters to make his way home. As Mr Cheng walked along Charles Street, Farhad approached Mr Cheng from behind until he was in very close proximity, produced the revolver and shot Mr Cheng in the back of the head. Mr Cheng immediately fell to the ground.
- 1.3 Farhad remained on the footpath facing the entrance to NSWPF Headquarters and fired the revolver at the building and in the air, yelling, “*Allahu-akbar*” [God is great]. Special Constables on duty inside the building heard the sounds of gunshots. As they exited the building to investigate, they were fired upon by Farhad. One of the Special Constables used his firearm to fire back at Farhad, fatally injuring him.
- 1.4 Emergency medical services were called to the scene but both Mr Cheng and Farhad were later pronounced deceased.
- 1.5 The discharge of a firearm in a public location is a matter of grave concern for all members of our community. The fact that on 2 October 2015, a firearm was discharged by a 15-year-old boy to fatally injure an unsuspecting and unarmed employee of the NSWPF in furtherance of extremist ideology and beliefs, and that the boy was subsequently fatally injured himself, makes the events of the day all the more terrible and shocking.
- 1.6 There cannot be any doubt that the events of 2 October 2015 raised serious disquiet and left an indelible impact upon the families and individuals directly affected, as well as the wider community, that is still felt to this day.

## 2. Why was an inquest held?

- 2.1 Pursuant to the *Coroners Act 2009* (**the Act**) a Coroner has the responsibility to investigate all reportable deaths. This investigation is conducted primarily so that a Coroner can answer questions that they are required to answer pursuant to the Act, namely: the identity of the person who died, when and where they died, and the cause and the manner of that person’s death.
- 2.2 Section 27(1) of the Act provides that an inquest is required to be held if it appears to the coroner that a person died as a result of homicide. There is no doubt that in Mr Cheng’s case he died as a result of homicide, that is as a result of the actions taken by Farhad in inflicting Mr Cheng’s death.
- 2.3 Further, section 23(1)(c) of the Act also makes it mandatory for an inquest to be held if it appears to the coroner that a person has died as a result of police operations. In Farhad’s case the use of lethal

force by a Special Constable in discharging a firearm at Farhad resulting in his death means that Farhad died as a result of police operations.

- 2.4 The mandatory requirement of section 23(1)(c) exists because a Special Constable is bestowed with unique powers not available to ordinary members of the community, in order to allow them to discharge their duties. The exercise of such powers, particularly in circumstances which result in the death of a member of the community, requires transparent and independent scrutiny. Doing so serves a number of purposes, including ensuring that such powers are exercised appropriately and responsibly, and to reassure the community that where lethal force is used, it is only used as a measure of last resort in appropriate circumstances.
- 2.5 In addition, the events of 2 October 2015 were preceded by a period of some three months during which members of the Joint Counter Terrorism Team NSW (JCTT) were conducting investigations pursuant to Operation Peqin. This investigation involved the NSWPF, Australian Federal Police (AFP) and other law enforcement agencies and was related to the activities of a radical Islamist terrorist group that was suspected to be planning an attack on Sydney-based locations. Individuals known to Farhad were identified as persons of interest to Operation Peqin and various surveillance and other methodologies were employed to investigate and monitor their actions in the months preceding 2 October 2015. Therefore, the events of that day also raised questions regarding the nature of the investigation and whether there was any opportunity for law enforcement agencies to intervene and prevent the eventual outcome.
- 2.6 In this context it should be recognised at the outset that the operation of the Act, and the coronial process in general, represents an intrusion by the coronial jurisdiction and inquest process into what is usually one of the most traumatic events in the lives of family members who have lost a loved one. At such times, it is reasonably expected that families will wish to attempt to cope with the consequences of such a traumatic event in private. The sense of loss experienced by family members does not diminish significantly over time. Therefore, it should be acknowledged that both the coronial process and an inquest by their very nature unfortunately compel a family to re-live distressing memories and to do so in a public forum.

### **3. Farhad's life**

- 3.1 Inquests and the coronial process are as much about life as they are about death. A coronial system exists because we, as a community, recognise the fragility of human life and value enormously the preciousness of it. Understanding the impact that the death of a person has had on those closest to that person only comes from knowing something of that person's life. It is hoped that what is set out briefly below acknowledges Farhad's life in a meaningful way.
- 3.2 Farhad's family are of Kurdish descent. His father was born in North Iraq. When Farhad's father was two years old his family fled to Iran due to conflict in the region.
- 3.3 In 1992, Farhad's mother and father married. In 2000, Farhad was born. He had an older brother, Farshad, and an older sister, Shadi. Also in 2000, Farhad's father was working in a factory in Iran when he was reportedly told that he had to leave the country as he was a refugee.

- 3.4 Farhad's father left Iran and travelled to Australia on a refugee boat while the rest of the family remained in Iran. After arriving in Australia, Farhad's father spent 10 months in immigration detention in South Australia before eventually being granted a visa in 2001.
- 3.5 Farhad's father first travelled to Melbourne and Adelaide before eventually moving to Sydney to seek work. He applied for visas for his family and eventually they travelled to Australia in 2007. Little is known about Farhad's upbringing in Australia.
- 3.6 Farhad's father describes Farhad as a quiet and shy boy. Farhad often went out with his brother and loved playing basketball.
- 3.7 Farhad attended Arthur Phillip High School in Parramatta. In 2015, he was in Year 10. Farhad played in the school basketball team and was described as a good player. He was reportedly friendly with everyone on the team and got along well with the coaches.
- 3.8 One of Farhad's teachers recalls that there was a quiet student who worked hard, had good manners and had no behavioural issues. A fellow student also describes Farhad as a quiet kid who often played basketball video games online.
- 3.9 Farhad's brother held hopes that Farhad would attend university and obtain a good education so that he could return to Kurdistan and seek employment.
- 3.10 Farhad's actions on 2 October 2015 may seem difficult to reconcile with the descriptions of him provided by family, teachers and fellow students. However, the loss of a young life, a son and a brother on that day is still a tragedy and painful for Farhad's family and loved ones.

#### **4. Summary of the background to the events of 2 October 2015**

- 4.1 Prior to the inquest an Agreed Statement of Facts was prepared between Counsel Assisting and the sufficiently interested parties. It is attached as an annexure to these findings and comprehensively sets out the factual matters regarding the months leading up to 2 October 2015 and the events of that day. Therefore, only a relatively brief factual summary<sup>1</sup> will be provided here.

##### ***Farhad's background***

- 4.2 Farhad was born in Iran and moved to Australia with his mother and siblings in 2007 after his father travelled to Australia on a refugee boat in 2000. Farhad became an Australian citizen in 2008. He lived with his parents, Shadi, Farshad, and his sister-in-law and niece in North Parramatta.
- 4.3 Farhad and Farshad regularly attended Parramatta Mosque. Farhad regularly used the prayer room at his school and was known to have considerable knowledge of the Quran.
- 4.4 In the period leading up to 2 October 2015, Shadi showed increasingly radicalised religious and political behaviour, particularly on social media platforms.

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<sup>1</sup> This summary has been drawn from the helpful opening and closing submissions of Counsel Assisting.

### ***Persons of interest***

- 4.5 From about 10 March 2015, Raban Alou, Milad Atai and Moustafa Dirani were part of a closed WhatsApp chat group called, “The bricks”. The profile picture of the group was the Islamic State flag. Within the group, they shared views and discussed ideas supportive of Salafi Islam and Islamic State.
- 4.6 On 30 June 2015, Operation Peqin was commenced by the JCTT. The Operation was concerned with the activities of a radical Islamist terrorist group that was suspected to be planning an attack on a location in Sydney. Mr Alou and Mr Atai were known to the JCTT before the commencement of Operation Peqin and were persons of interest in that operation. Mr Dirani was known by the JCTT to be an associate of Mr Alou and Mr Atai as well as other persons of interest to Operation Peqin.
- 4.7 Between about mid-May 2015 to mid-July 2015, participants of “The bricks” group posted material relating to the activities of Islamic State conflicts and related topics.
- 4.8 On 14 August 2015, Mr Alou called an associate seeking the number of a person who could provide an Islamic State flag. Later in August 2015, Mr Alou took further steps to obtain such a flag. On 1 September 2015, Mr Alou purchased black material and provided it to the associate. The flag was not completed although on 26 and 30 September 2015 Mr Alou made enquiries with the associate about the flag.
- 4.9 At around 1:30pm on 11 September 2015, Mr Alou, Mr Atai, Farhad, Farshad, Hozan Alou (Mr Alou’s younger brother) and two other associates met at Lake Parramatta Park (**Lake Parramatta Meeting**). Mr Alou, Mr Atai, Hozan and Farshad had met at the same location on other occasions in late August 2015 and early September 2015.

### ***Attempts to obtain a firearm***

- 4.10 Between 15 and 18 September 2015, Farhad left a black sports bag at Parramatta Mosque. It was collected by Mr Alou three days later.
- 4.11 From about 21 September 2015, Mr Alou met a person known as X3 for the purposes of obtaining a firearm. X3 advised Mr Alou to contact a person known as X2 for assistance.
- 4.12 On 24 September 2015, Mr Alou and Mr Atai met with X2 to ask for a favour, stating that they wanted a “*gun*”.
- 4.13 On 27 and 28 September 2015, Mr Alou called two different associates asking to borrow money. There were discussions regarding a possible source for the funds and the means of transfer.
- 4.14 On 29 September 2015, Farhad and Shadi went to Westfield shopping centre in Parramatta. Farhad was carrying a Nike sports bag. Shadi went to a travel agency whilst Farhad waited for her.
- 4.15 On 30 September 2015, Mr Dirani posted two photographs in “The bricks” group with the caption, “*Dawla Assassinations*”. One of the photographs appeared to be of a male person in civilian clothing

pointing a firearm at the head of a police officer. The other photograph was of a male person in civilian clothing pointing a firearm towards another male person wearing a military uniform.

- 4.16 Also on 30 September 2015, Mr Alou arranged to meet with X2. During the meeting, X2 informed Mr Alou that he could not source a firearm.
- 4.17 At 12:02pm on 1 October 2015, Farhad arrived at Parramatta Mosque carrying a black Nike backpack. Mr Alou arrived a short time later carrying a black sports bag. At 1:36pm, Mr Alou left the Mosque without the sports bag. At 2:31pm, Farhad left the Mosque carrying the sports bag. At 2:51pm, Farhad met Shadi and gave her the black sports bag. Shadi travelled to Sydney International Airport and arrived with the black sports bag. She boarded a flight bound for Turkey.
- 4.18 At 9:31pm on 1 October 2015, Mr Alou and Mr Atai attended the vicinity of the home of Talal Alameddine in Merrylands. Mr Alou made several calls to Mr Alameddine insisting upon a meeting that night.

## **5. The events of 2 October 2015**

- 5.1 On 2 October 2015, Mr Alou had a conversation with his wife during which he made the following comments: “*It’s dangerous stuff*”, “*It’s got to be done*”, and “*Whatever I do, [Allah] will accept*”. Mr Alou continued attempting to contact Mr Alameddine in order to obtain a firearm.
- 5.2 At 9:58am, Farhad entered Parramatta Mosque carrying a Nike backpack. After attending Mr Alameddine’s address Mr Alou went to the Mosque and spoke with Farhad and Hozan for about two hours.
- 5.3 Between about 1:35pm and 2:53pm, Mr Alou met with Mr Alameddine and obtained a firearm.
- 5.4 At 3:05pm, Mr Alou arrived at Parramatta Mosque and met Farhad. By 3:34pm, Hozan and Farshad had also arrived at the Mosque. The group prayed together.
- 5.5 At 3:46pm, Farshad and Hozan left the Mosque. At 3:48pm, Mr Alou went to his car where he appeared to retrieve something before returning to the Mosque.
- 5.6 At about 3:58pm, whilst inside the Mosque, Mr Alou handed a firearm loaded with ammunition to Farhad.
- 5.7 At 4:06pm, Farhad commenced praying in the main the prayer hall after having changed into an Islamic long-sleeved black robe known as a *dishdasha* which is commonly associated with Salafi Islam.
- 5.8 At around 4:12pm, Farhad left the Mosque. As he did so, he looked up at a CCTV camera located near the exit and held up his right hand with his index finger raised.
- 5.9 At 4:24pm, Farhad walked in a southerly direction along Charles Street, Parramatta.

- 5.10 At 4:30pm, Mr Cheng exited NSWPF Headquarters and began walking south along the Charles Street footpath. Farhad approached Mr Cheng from behind until he was in close proximity when he raised a Smith & Wesson .38 calibre revolver and discharged it into the back of Mr Cheng's head. The distance between the muzzle of the firearm and Mr Cheng's head appeared to be less than 40 centimetres. Mr Cheng immediately fell to the ground.
- 5.11 After discharging the firearm, Farhad began walking back and forth past the entrance to the NSWPF Headquarters. He stopped and faced the entrance and discharged the firearm at the building, striking a concrete pillar to the north of the main entrance, while yelling, "*Allah-akhbar*".
- 5.12 Farhad walked to the pedestrian ramp leading from the entrance to the Charles Street footpath, waving the firearm above his head.
- 5.13 Several Special Constables inside NSWPF Headquarters were alerted to the sound of the firearm discharging. At around 4:31pm, Special Constables A and C moved through the afterhours exit/entry door to the corner of the building. Special Constable B requested another Special Constable to use a radio to seek assistance.
- 5.14 As Special Constables A and C approached the corner of the building, the sound of the firearm discharging could be heard. Whilst standing at the corner at the top of the pedestrian ramp which leads to the footpath, Special Constable C saw Farhad point his firearm at him and discharge at least three rounds in the direction of Special Constables A and C. Three projectiles impacted the wall near the NSWPF Headquarters sign, the cylindrical housing above the southern revolving door entrance, and a concrete pillar to the north of the main entrance.
- 5.15 Special Constable C discharged five rounds from a Smith & Wesson .40 calibre Glock self-loading pistol. One of the projectiles impacted Farhad in the front right side of the neck causing him to fall to the ground. Of the remaining four projectiles, one impacted a garbage bin, two impacted a vehicle, and one impacted a second vehicle located nearby.
- 5.16 New South Wales Ambulance paramedics attended the scene a short time later. Farhad was found to be unresponsive, not breathing and with fixed and dilated pupils. Farhad was subsequently pronounced life extinct.
- 5.17 Mr Cheng was found to be unresponsive and in cardiac arrest. Resuscitation efforts were initiated but Mr Cheng could not be revived and was also pronounced life extinct.

## **6. The post-mortem examination**

- 6.1 On 3 October 2015, Dr Issabella Brouwer, forensic pathologist performed a post-mortem examination at Forensic Medicine Sydney. The significant findings from the examination can be summarised as follows:

- (a) a single entrance gunshot wound on the left front side of the neck with the wound track being slightly downward and from front to back through the structures of the neck;
- (b) extensive damage to the soft tissue and main arteries of the neck, completely tearing the oesophagus and trachea just below the thyroid cartilage, fracturing the lower margin of the thyroid cartilage;
- (c) hyperinflated lungs with evidence of blood aspiration; and
- (d) recovery of the projectile near the joint between the clavicle and the scapula on the left side.

6.2 In the post-mortem examination report dated 16 January 2017, Dr Brouwer opined that the cause of Farhad's death was gunshot wound to the neck.

## **7. What issues did the inquest consider?**

7.1 Prior to the commencement of the inquest a list of issues was circulated amongst the sufficiently interested parties, identifying the scope of the inquest and the issues to be considered. That list identified the following issues for consideration:

- (1) Was the use of lethal force by Special Constable C appropriate in the circumstances and consistent with NSW Police Force protocols and training relating to the discharge of firearms and the use of force when dealing with an "active shooter"?
- (2) What information was available to NSW and Commonwealth authorities regarding Farhad, his sister Shadi, and the persons in the related criminal proceedings (Raban Alou, Milad Atai, Talal Alameddine, and Moustafa Dirani) in the period leading up to and including the incident on 2 October 2015 that resulted in the deaths of Mr Cheng and Farhad?
- (3) Did intelligence and security agencies adequately assess the risk to public safety posed by Farhad and the related accused?
- (4) Could police or other authorities have intervened at any stage prior to 2 October 2015 to prevent the incident that resulted in the deaths of Mr Cheng and Farhad?
- (5) Could police or other authorities have intervened at any stage on 2 October 2015 to prevent Farhad from shooting Mr Cheng, including:
  - (a) before the transfer of the revolver from Mr Alameddine to Mr Alou? In particular, was there a basis for police to believe that Alameddine had supplied a firearm to Mr Alou?
  - (b) before the transfer of the revolver from Mr Alou to Farhad? In particular, was there any basis for Mr Alou – or any other of the accused – to be arrested at that point?
  - (c) otherwise before Farhad shot Mr Cheng?

- (6) What, if any, steps were taken by police or other authorities to monitor Mr Alameddine following the service of a Firearms Prohibition Order on him on 28 October 2014?
- (7) What, if any, indicia of becoming radicalised did Farhad display in the period leading up to 2 October 2015 and when did those indicia become apparent (individually and in combination)?
- (8) As at October 2015 and currently, what systems or tools existed/exist to identify individuals who, due to exhibiting behaviours consistent with an extremist ideology, pose a national security risk?
- (9) As at October 2015 and currently, what was/is the availability of de-radicalisation opportunities, particularly community-based disengagement programs?

7.2 Issues (8) and (9) have been considered in conjunction below.

**8. Was the use of lethal force by Special Constable C appropriate in the circumstances and consistent with NSWPF protocols and training?**

8.1 Special Constables provide high visibility frontline protective services to selected NSWPF and State Government complexes. They are employed under the *Police Act 1990* which provides that the NSWPF Commissioner may confer or impose on a Special Constable any of the functions of a NSWPF officer of the rank of Constable, including any powers conferred by the *Law Enforcement (Powers and Responsibilities) Act 2002*.

8.2 Prior to 2 October 2015, Special Constables undertook initial non-mandatory training incorporating weapons handling (including live fire) and defensive tactics identical to that completed by NSWPF officers. As at 2 October 2015, Special Constable C had most recently undertaken live fire and dry fire courses on 23 April 2015.

8.3 As at 2 October 2015, Special Constables performing duties at NSWPF Headquarters were operating under Standard Operating Procedures established in 2011. These Standard Operating Procedures did not specifically provide for a response to an active armed offender (AAO). By October 2015 the NSWPF had commenced rollout of AAO response training. However, Special Constable C had not undertaken this training.

8.4 On 2 October 2015, Special Constable C participated in an electronically recorded interview in which he described his involvement in the events of that day:

- (a) he drew his firearm “*when the [...] persons mentioned gun*”;
- (b) he saw Farhad move towards his direction, point a firearm and discharge it in his direction but could not recall whether Farhad discharged one or two rounds;
- (c) he believed that Farhad’s intention was to “*kill [him], do harm to [him]*”;
- (d) he discharged his firearm to “*protect [him]self and anyone else in the vicinity*”;

- (e) he understood that the relevant NSWPF policy in relation to the discharge of firearms stipulated that a firearm should only be discharged “*when you believe either yourself or [someone] else’s life is in danger*”, and that he believed that his “*life was in danger*” at the time of discharge;
- (f) in addition to his firearm, he was equipped with a baton, oleoresin capsicum (OC) spray, and handcuffs;
- (g) if he “*went to the option of OC spray [he didn’t] think [he’d] be here*”; and
- (h) if he had approached Farhad with a baton that “*would end up in [his] demise*”.

8.5 Also on 2 October 2015, Special Constable C underwent alcohol and drug testing which returned negative results.

8.6 Senior Sergeant William Watt, a Senior Operational Safety Instructor attached to NSWPF Operational Safety Training and Governance, reviewed the appropriateness of the actions of Special Constable C on 2 October 2015. In his statement, Senior Sergeant Watt expressed the following views:

- (a) Special Constable C’s decision to exit NSWPF Headquarters and investigate what was occurring was appropriate and the manner in which he did so was in accordance with training and policy;
- (b) given that the time between Farhad raising his firearm and discharging the first round was no more than a second, Special Constable C took the most appropriate action available in utilising the corner of the building as cover;
- (c) Special Constable C’s decision to move back around the corner with a view to engaging Farhad was in accordance with training;
- (d) once Special Constable C had moved to a position where he could see Farhad tactical disengagement was not possible given the environment and Special Constable C “*had little choice but to fire*”;
- (e) Special Constable C’s view that Farhad posed an immediate threat to his life because Farhad had pointed a firearm at him and discharge that was “*entirely consistent with training*”;
- (f) Special Constables are trained to fire as many shots as necessary to stop a threat confronting them and “*given the effects of stress, it can be extremely difficult to identify whether a fired round has impacted the intended target*”;
- (g) although the first two rounds discharged by Special Constable C resulted in a change in behaviour by Farhad, that “*appeared to be an attempt to avoid being shot rather than any intention to surrender or flee the area*”;

- (h) Special Constable C's decision to discharge an additional three rounds was in accordance with policy and training given that Farhad had raised his firearm in the direction of Special Constable C as he was moving away and therefore "*still presented a real and immediate threat*";
- (i) the situation confronting Special Constable C fit the criteria to be considered an AAO incident;
- (j) in an AAO incident "*immediate intervention is required to limit the number of people injured or killed*" and "*the more typical approach of containment and negotiation and/or the employment of specialist police to affect the arrest of the subject is not viable and only serves to increase the risk to members of the public*"; and
- (k) the actions of Special Constable C were consistent with the underlying principles of an AAO response and "*entirely appropriate and in accordance with NSWPF policy*".

8.7 On 8 February 2017, Special Constables A and C each received a COP Valour Award for "*conspicuous merit and exceptional bravery in actions in response to an armed offender at Parramatta in October 2015*". Special Constable B received a COP Commendation Award for "*outstanding courage and devotion to duty during a shooting incident at Parramatta in October 2015*".

8.8 **Conclusions:** Special Constables A, B and C were confronted with a sudden and unexpected active armed offender scenario on 2 October 2015. After hearing the sounds of what appeared to be gunshots from outside, the Special Constables took the appropriate step of exiting the building to investigate, placing themselves in danger in the process.

8.9 Special Constable C appropriately sought cover upon exiting. However, as Farhad moved towards him and discharged a firearm in his direction, Special Constable C took the only appropriate tactical option available in engaging with Farhad. The evidence given by Senior Sergeant Watt establishes that confronted with an active armed offender, other tactical options such as containment and negotiation are unavailable and only increase the risk of injury or death to others.

8.10 Special Constable C's discharge of his firearm at Farhad was appropriate in the circumstances given that there was an immediate need to stop the threat which Farhad represented both to Special Constable C and members of the public. At the time that Special Constable C discharged his firearm, he legitimately and reasonably recognised that Farhad posed a threat to his life and the lives of others. The number of rounds discharged by Special Constable C was consistent with NSWPF training to stop the threat that he was confronted with and reasonable in the circumstances given that Farhad showed no intention to surrender or flee.

8.11 Overall, the use of lethal force by Special Constable C on 2 October 2015 was reasonable, appropriate and consistent with NSWPF training and protocols. Indeed, the swift and courageous action taken by Special Constable C, and the other Special Constables on duty that day, likely prevented the further loss of life. It should be recognised that regardless of whether the lethal use of force is appropriately exercised by those empowered to wield it, the exercise of such a power has a profound and lasting effect on the individual or individuals involved.

9. **What information was available to NSW and Commonwealth authorities regarding Farhad and persons of interest?**

9.1 As at October 2015, Operation Peqin had been conducting investigations for about three months. The information available to law enforcement authorities at the time can be summarised as follows:

- (a) investigators had identified that persons of interest were suspected of planning a specific terrorist act at a specific location but the terrorist act did not involve any NSWPF premises;
- (b) Farhad and Shadi were not known to law enforcement authorities in any capacity prior to 2 October 2015 and authorities were unaware of their increasing radicalisation or of Shadi's plans to depart Australia for Syria;
- (c) Mr Alou and Mr Atai were known to the JCTT prior to the commencement of Operation Peqin and were persons of interest in that investigation, being subjected to direct and indirect law enforcement surveillance;
- (d) despite being known to the authorities, Mr Alameddine was not a person of interest in Operation Peqin and was not a person known to have any links to persons who adhered to extremist Islamic beliefs.

Mr Alou first contacted Mr Alameddine on the evening of 1 October 2015, less than 24 hours before the critical incident the following day. Former Detective Chief Inspector Mark Henney, the Senior Critical Incident Investigator, gave evidence that whilst surveillance was conducted in relation to the meeting, there was no information available to investigators which suggested that the meeting related to the supply of a firearm. Former Detective Chief Inspector Henney also gave evidence that this "*all came about as a result of piecing all the bits together later*". Finally, former Detective Chief Inspector Henney gave evidence that whilst investigators were aware that Mr Alameddine had an association with organised criminal elements, there was no information available to investigators prior to 2 October 2015 which suggested that these criminal elements were involved in the planning of a terrorist act; and

- (e) whilst Mr Dirani was known to be an associate and casual contact of Mr Alou and Mr Atai, and was occasionally identified indirectly during surveillance, he was not a person of interest in Operation Peqin and was not under investigation prior to 2 October 2015.

9.2 **Conclusions:** As at 2 October 2015, law enforcement authorities had identified Mr Alou and Mr Atai as persons of interest to Operation Peqin. Mr Dirani was noted to be an associate of these men and other persons of interest to Operation Peqin but was not a person of interest himself. Similarly, neither Farhad nor Mr Alameddine were persons of interest to the Operation.

9.3 Whilst Operation Peqin investigators had correctly identified that persons of interest were suspected of planning a specific terrorist act at a specific location, the intelligence gathered did not allow for the details and participants of this act to be identified. Critically, there was no intelligence available to investigators which indicated that either Farhad or Mr Alameddine held beliefs consistent with violent extremism or associated with persons who held such beliefs. It was only after the events of 2 October 2015, that investigators were able to synthesise the various investigative threads and intelligence to formulate an accurate picture of the steps taken by the persons of interest and their associates on that day.

**10. Did intelligence and security agencies adequately assess the risk to public safety posed by Farhad and persons of interest?**

10.1 Despite extensive physical and electronic surveillance conducted as part of Operation Peqin, much of the information regarding events leading up to, and on, 2 October 2015 was either not obtained, or not able to be obtained, until after the events of that day.

10.2 *First*, CCTV footage from Parramatta Mosque was only obtained pursuant to a search warrant after 2 October 2015. Prior to this date, investigating authorities had no surveillance capability inside the mosque and were unable to monitor the movements of persons within it. Although law enforcement authorities entered the mosque and spoke with Farhad on 15 September 2015, he was not in the company of any person of interest to Operation Peqin and the purpose of this interaction was unrelated to Operation Peqin. It was only when the CCTV footage was reviewed after 2 October 2015 that the direct interactions between Farhad and other persons of interest to Operation Peqin were identified.

10.3 *Second*, although a listening device had been placed in Mr Alou's vehicle, it was unable to be monitored by authorities in real time and the audio recording could only be obtained after the device had been removed from the vehicle. Once removed after 2 October 2015 and reviewed, investigators became aware of a conversation between Mr Alou and Mr Dirani on 2 October 2015 which was believed to relate to the incident at NSWPF Headquarters that day.

10.4 *Third*, as "The bricks" group chat was encrypted, law enforcement authorities were unable to access in real time communications and material posted to the group. It was only after Mr Dirani's mobile phone was seized by investigators after 2 October 2015 that the contents of "The bricks" group chat could be reviewed.

10.5 *Fourth*, Operation Peqin identified only two occasions of contact between Farhad and persons of interest prior to 2 October 2015:

(a) On 16 July 2015, Mr Alou's mobile phone was used to send a message to Farhad asking that Farhad "*sign in*" his name at school. This message was followed by several unanswered calls to Farhad and a further message which indicated that the sender was Mr Alou's younger brother.

(b) On 11 September 2015, Farhad and Farshad were seen at the Lake Parramatta Meeting which was the subject of surveillance although Farhad was not identified at the time.

10.6 As to the Lake Parramatta Meeting, former Detective Chief Inspector Henney gave evidence that:

- (a) Farhad was not the subject of any law enforcement surveillance;
- (b) whilst Farshad was seen during law enforcement surveillance he was not the subject of the surveillance; and
- (c) together with Farshad, some of other persons who were present were later determined to have had no knowledge or involvement in the events of 2 October 2015.

10.7 Similarly, NSWPF Detective Superintendent Jason Dickinson APM and AFP Detective Superintendent Matthew Byles jointly stated the following regarding the Lake Parramatta Meeting:

We acknowledge that [Farhad] was misidentified [...]. However, in our opinion, it is highly unlikely that a positive identification of [Farhad] at the gathering would have led to any different outcome in respect of the Critical Incident. In particular, there was no behaviour of concern which occurred at that gathering which warranted additional scrutiny or which would have elevated [Farhad] to a person of interest to JCTT NSW investigators. Operation Peqin persons of interest interacted with a range of persons in their day-to-day lives, many of whom were of no interest to JCTT NSW. Even if [Farhad] had been positively identified, JCTT NSW had no other information or intelligence at that time which suggested he held any extremist ideology or was involved in any planned attack.

10.8 Former Detective Chief Inspector Henney gave this evidence as to the assessment of the information available to investigators regarding Farhad:

[W]hen looking at Farhad's family; they were Kurdish, they were not typically people who would support ISIS. In fact the father in his statement indicated about Shadi wanting to go and travel overseas and train as a nurse and help people who had been persecuted by ISIS. So, that together with a few other factors of things that were going on behind the scenes were not the sort of things that one would immediately suspect, which meant that that together with the very limited contact through being friends or school, classmates, I don't think there was anything that could have been suspected in that area.

10.9 Relevantly, Former Detective Chief Inspector Henney stated that when Farhad's father was spoken to after 2 October 2015, he described Farhad as a quiet and shy boy who "*was not upset or angry with anyone*". Farhad's father told investigators that he did not notice any changes in Farhad's behaviour in the last weeks and months leading up to 2 October 2015.

10.10 **Conclusions:** Much of the critical evidence regarding the lead up to the events of 2 October 2015 was only gathered, or able to be gathered, after that day. In particular, CCTV footage showing the movement of persons inside Parramatta Mosque and the contents of "The bricks" group chat was only able to be analysed after 2 October 2015.

10.11 Although Farhad came under surveillance at the Lake Parramatta Meeting on 11 September 2015 he was not correctly identified at the time. Even if Farhad had been identified on this occasion, there is no evidence to suggest that his presence or behaviour at the Lake Parramatta Meeting could or should have raised any suspicion about his involvement in planning any terrorist act. Farhad was not the subject of any Operation Peqin surveillance, there was no intelligence available to investigators which suggested that he held any extremist ideologies, and some persons present at the Lake Parramatta Meeting were not of interest to Operation Peqin. The evidence establishes that persons of interest to Operation Peqin interacted with a range of persons daily who were of no interest to the Operation. Indeed, even if Farhad had been identified his presence may have been considered entirely innocuous given that he was a classmate of Mr Alou's younger brother who was also present.

10.12 Having regard to the information available *prior* to 2 October 2015, an adequate assessment was performed by law enforcement authorities regarding the risk to public safety posed by Farhad and persons of interest to Operation Peqin. It cannot be said that law enforcement authorities missed any reasonable opportunity to identify information or intelligence which should have prompted further investigation of Farhad, or which could have been used to predict and/or prevent the events of 2 October 2015.

**11. Could law enforcement authorities have intervened at any stage on 2 October 2015 to prevent the shooting of Mr Cheng?**

11.1 Much of this issue is concerned with the sourcing of the firearm from Mr Alameddine. As noted already, Mr Alou only began attempting to obtain a firearm from Mr Alameddine late on 1 October 2015. Prior to 2 October 2015, law enforcement authorities believed that Mr Alou's interactions with the Alameddine family were limited to him acting as a "nominee" for speeding infringements incurred by another member of the Alameddine family. In addition, although law enforcement authorities were aware that the Alameddine family was associated with organised criminal elements, they were not known to be associated with persons adhering to extremist ideologies.

11.2 It should be noted that on 5 July 2015, the NSWPF searched Mr Alameddine pursuant to a Firearm Prohibitions Order that was in place against him. At this time, Mr Alameddine was observed to have a long beard and wearing an Islamic-style dress. Mr Alameddine told NSWPF officers, "*My beard is for ISIS*". Whilst this interaction was recorded by a NSWPF officer in the NSWPF electronic database (known as COPS), the NSWPF officer was not attached to Operation Peqin.

11.3 Mr Alou and Mr Alameddine met on three occasions on 2 October 2015:

- (a) At around 1:30pm, Mr Dirani and Mr Alou travelled in separate vehicles to the public car park at Jones Park in Mays Hill. Mr Alou and Mr Dirani exited their vehicles and walked across a grassed area where they met Mr Alameddine. At the time, surveillance officers believed that Mr Alou and Mr Dirani were meeting with Rafat, and not Talal, Alameddine.

Former Detective Chief Inspector Henney described the meeting area as isolated and any person approaching the area would have been easily seen from some distance away. Mr Alou and Mr

Alameddine returned to Mr Alou's vehicle where Mr Alameddine was observed to retrieve a satchel bag and two shopping bags from the vehicle before walking away.

(b) At around 2:08pm, Mr Alameddine was seen to enter Merrylands Oval car park on a bicycle and approach Mr Alou. Surveillance officers still were of the view that it was Rafat Alameddine who entered the car park. Mr Alou and Mr Alameddine had a brief conversation before Mr Alameddine left on his bicycle.

(c) At around 2:55pm, Mr Alameddine returned to the car park on a bicycle holding a bag. He was observed to walk up to the driver's side of Mr Alou's vehicle, lean into the window and remove a white plastic bag. Mr Alameddine then rode away on his bicycle with a white plastic bag on the handlebars. It was unclear to surveillance officers at the time who was the recipient of this exchange.

11.4 At around 3:05pm, Mr Alou attended Parramatta Mosque where he met his younger brother, Farhad and Farshad. At 3:46pm, Farshad and Mr Alou's younger brother left the Mosque. Mr Alou was later seen to exit the Mosque, walked to his car, sit in his car for a short time, and then return to the Mosque.

11.5 Former Detective Chief Inspector Henney stated that a subsequent review of CCTV footage showed that as Mr Alou exited his car he appeared to be holding or adjusting something in his left hand. As Mr Alou was close to and facing his car, the object in his left hand was not visible from the CCTV footage. Former Detective Chief Inspector Henney explained that as Mr Alou returned to the Mosque, he held his left hand under his robe as if concealing something. Former Detective Chief Inspector Henney also stated that it is only in hindsight that investigators believe that the object which Mr Alou retrieved from his car and concealed upon his return to the Mosque was the firearm used to shoot Mr Cheng.

11.6 A subsequent review of CCTV footage showed that at 3:58pm, Mr Alou and Farhad entered the female-only prayer hall together, an area which is not covered by CCTV cameras. They remained together in the area for around seven minutes and it is believed that Mr Alou gave the firearm that he had retrieved from his car to Farhad.

11.7 At around 4:05pm, Mr Alou left the Mosque and returned to his car where he remained before driving away at around 4:12pm. Surveillance was conducted of Mr Alou as he drove towards NSWPF Headquarters.

11.8 Meanwhile, Farhad left the Mosque and began walking towards NSWPF Headquarters. He was not the subject of any surveillance and his movements were reconstructed from subsequent review of CCTV footage. As noted above, Farhad was not a person of interest there was no information or intelligence linking him to the meetings between Mr Alou and Mr Alameddine that had taken place earlier that afternoon.

11.9 **Conclusions:** The evidence establishes that Mr Alou only began attempting to obtain a firearm from Mr Alameddine late on 1 October 2015. Although the men met on three occasions on the afternoon of 2 October 2015, the nature of the meetings was unclear to those performing surveillance. As noted above, apart from one interaction on 5 July 2015 which was recorded in a COPS entry by a NSWPF officer not attached to Operation Peqin there was no information or intelligence to suggest that Mr Alameddine had any links to persons who held extremist Islamic beliefs.

11.10 It is also apparent that it was only from a review of CCTV footage after 2 October 2015 that Mr Alou was seen to remove an item from his car, conceal it under his robe and return to Parramatta Mosque where Farhad was waiting. Again, it is noted that Farhad's interactions with Mr Alou and other persons in the 10 days prior to 2 October 2015 occurred inside the Mosque which could not be the subject of surveillance or real-time CCTV monitoring. Critically, the handover of the firearm from Mr Alou to Farhad occurred within an area of the Mosque where there were no CCTV cameras.

11.11 The meetings between Mr Alou and Mr Alameddine, and Mr Alou's subsequent interaction with Farhad at Parramatta Mosque on the afternoon of 2 October 2015 indicate that the final steps of the planned act of violent extremism were only taken about three hours before the shooting of Mr Cheng. This limited timeframe and the absence of any information or intelligence to suggest that Farhad was a participant meant that there was no reasonable opportunity for law enforcement authorities to have intervened at any stage to prevent the shooting of Mr Cheng.

## 12. What, if any, steps were taken to monitor Mr Alameddine after he was served with a Firearm Prohibitions Order?

12.1 On 28 October 2014, a Firearm Prohibitions Order pursuant to the *Firearms Act 1996* was issued and served on Mr Alameddine. Detective Inspector Luke Scott, the officer in charge of Strikeforce Fellows, the critical incident investigation into the shooting of both Mr Cheng and Farhad, gave evidence that a Firearm Prohibitions Order is issued to ensure that a person who is deemed unfit to hold a firearm cannot be in possession of a firearm. In order to ensure compliance with a Firearm Prohibitions Order, NSWPF officers may, without notice, search the person the subject of the order and any premises or thing under that person's control.

12.2 Between 28 October 2014 and 2 October 2015, Mr Alameddine was searched on 13 occasions pursuant to the Firearm Prohibitions Order. In addition, Mr Alameddine was searched on six other occasions pursuant to other legislation. On the occasion of each of these searches, Mr Alameddine was given no advance notice and no firearms, firearm parts or ammunition were found.

12.3 Detective Inspector Luke Scott gave evidence that in relation to the firearm used by Farhad to shoot Mr Cheng:

(a) there are no records of the firearm having been legally imported into Australia;

(b) there are no records of the firearm ever having been licensed within New South Wales or elsewhere in Australia;

- (c) it has not been possible to determine when the firearm first entered Australia;
- (d) it has not been possible to determine the history of the movement or use of the firearm prior to the events of 2 October 2015; and
- (e) that despite the best efforts of law enforcement, illegal trafficking in firearms, like with other prohibited articles of commerce, still occurs.

12.4 **Conclusions:** After having been served with a Firearm Prohibitions Order, Mr Alameddine was searched without notice on 19 occasions over a period of about 11 months. None of these searches identified any firearm, firearm parts, ammunition or any evidence suggesting that Mr Alameddine was in breach of the Order. The searches also did not identify any evidence which gave rise to a suspicion or belief that Mr Alameddine was involved in any planned terrorist attack.

**13. What, if any, indicia of becoming radicalised did Farhad display in the period leading up to 2 October 2015?**

13.1 In the period leading up to 2 October 2015, Farhad was known to regularly use the prayer room at school and to have considerable knowledge of the Quran. According to a fellow student, Farhad never tried to “*push his beliefs*” and was never involved in “*any type of fight or conflict*”. A teacher described Farhad as being a quiet student who worked hard with no behavioural issues and with good manners. It was only later when the phone used by Farhad was seized and examined that it was found to contain Islamic State imagery including the Islamic State banner and a number of Islamic nasheeds with “*I am a Terrorist*”, “*ISIS Nasheed*” and “*The Sword is the Solution*”. Much of this material appears to have been accessed or obtained in September 2015.

13.2 The phone used by Shadi was also seized and examined. It too was found to contain Islamic State imagery and documents, images of firearms and banners, and readings with such titles as “*The Islamic State 2025*” and “*How to Survive in the West*”.

13.3 A note written by Farhad was found in a pocket of the dishdasha that he wore on 2 October 2015. The contents of the note made it clear that the shooting of Mr Cheng was a religiously inspired act of violence in support of Islamic State. During a subsequent search of Farhad’s home a torn-up note was found in Farhad’s room with wording almost identical to the note found in Farhad’s dishdasha. Handwriting analysis confirmed that that Shadi wrote the torn-up note.

13.4 **Conclusions:** The available evidence indicates that Farhad displayed no obvious signs of becoming radicalised, or that he held any extremist ideological beliefs, in the period leading up to 2 October 2015. Whilst he used in the prayer room regularly at school and was well-versed in the Quran, he was not known to impose his beliefs and ideology on other students. Farhad was also known as a quiet and hard-working student who did not involve himself in conflicts.

13.5 Much of the material later found in Farhad’s phone relating to Islamic State appears to have been obtained or accessed in September 2015. It is most likely that Farhad’s radicalisation occurred a short time prior to 2 October 2015. Given that Shadi authored the content of the note that Farhad was carrying on 2 October 2015, it is also most likely that Shadi played a role in Farhad’s radicalisation.

14. **As at October 2015 what systems or tools existed to identify individuals who, due to exhibiting behaviours consistent with an extremist ideology, pose a national security risk? What was the availability of de-radicalisation opportunities, particularly community-based disengagement programs?**

14.1 Since at least 2007, the Department of Education (**Department**), has had a structured Incident Reporting Policy and Procedure which sets out the obligations for all Department employees to respond to an incident, notify relevant managers and arrange appropriate support. Incidents were reported to the Incident Report and Support Hotline and recorded in the Department’s Safety and Injury Management System.

14.2 According to Martin Graham, the Deputy Secretary of Teaching, Learning and Student Wellbeing at the Department, an incident was defined as an injury to a person or having the potential to significantly affect the health, safety and well-being of individuals at school.

14.3 In 2014, the definition of incident was expanded to include, relevantly, disruption to the organisation and dangers and risks to individuals. Incidents involving violence, criminal behaviour and “*any out of hours incident of concern*” were reported to the Department’s Safety and Security Hotline (**SSH**) which was operated by the School Safety and Response Unit (**SSRU**) and recorded in the School Security Incident Management Module from January 2015. Mr Graham stated:

These revised procedures facilitated the reporting of incidents through the one channel enabled early intervention, effective management and support where required, and enabled legislative reporting requirements to be met.

14.4 Mr Graham gave evidence that the SSRU, which was staffed by NSWPF officers on secondment and Department staff, would triage incidents reported by a school to determine whether the incident required an immediate NSWPF response or support to be provided to the school.

14.5 In evidence, Mr Graham was asked about any accepted terminology used by the Department in relation to issues regarding radicalisation or violent extremism. Mr Graham gave evidence that according to the Department, extremist behaviour is understood to be when a person believes that fear, terror and violence is justified to achieve ideological, political or social change.

14.6 Mr Graham also gave evidence that prior to the expansion of the definition of “*incident*” if a child was identified as exhibiting antisocial or extremist behaviour, this may not have resulted in a report being made to the SSH. However, Mr Graham explained that this likely would have triggered reporting to the Child Wellbeing Unit in accordance with the Department’s child protection responsibilities. Relevantly, Mr Graham also explained that if a student was displaying signs of “*deep*

*religiosity*” this could have been identified as behaviour of concern leading to a report to the Child Wellbeing Unit.

14.7 **Conclusions:** As at October 2015, the Department of Education largely relied upon a reporting framework to identify and triage incidents of concern that posed a risk to the health, safety and well-being of individuals at school. Following a reporting process, an incident would be triaged to determine whether an immediate NSWPF response was required or whether support should be provided to a school. Case management and disengagement programs only became a feature of the overall notification and reporting process after 2015.

14.8 An incident involving a student exhibiting antisocial extremist behaviour may not have resulted in a report being made to the SSH. However, it is likely that such behaviour would have resulted in a report being made to the Child Wellbeing Unit.

15. **Currently, what systems or tools exist to identify individuals who, due to exhibiting behaviours consistent with an extremist ideology, pose a national security risk? What is the availability of de-radicalisation opportunities, particularly community-based disengagement programs?**

15.1 In response to the events of 2 October 2015, the NSW Government in November 2015 announced a \$47 million Countering Violent Extremism (CVE) Program. It is a whole of government program coordinated by the NSW Premier’s Department in partnership with numerous government agencies including, relevantly, the NSWPF, the Department and the NSW Department of Communities and Justice (DCJ). Features of the CVE Program relating to the Department and DCJ are discussed in detail below.

### ***School Communities Working Together Program***

15.2 Mr Graham explained that as part of the CVE Program the Department designed and established the School Communities Working Together (SCWT) Program which was a “*multifaceted program designed to address the risk of antisocial and extremist behaviour in NSW schools, balancing capacity building for schools and learning and well-being support within the school system for an individual student*”. Mr Graham also explained that the SCWT Program was not a rehabilitation program for students but rather a program to address potential risks to the safety of students and school communities.

15.3 The SCWT adopted a dual approach:

- (a) building the capacity of schools to identify and support vulnerable students exhibiting antisocial and extremist behaviour; and
- (b) working intensively with input from multiple agencies with these students once they had been identified to address the underlying issues driving the behaviour.

15.4 A Case Management and Specialist Support Unit assisted schools with expert advice and support in managing high risk student behaviour with three components:

- (a) a 24-hour telephone hotline, staffed by experienced NSWPF officers, which schools used to report incidents of antisocial and extremist behaviour as well as obtain advice and support;
- (b) a Case Management Service (**CMS**) which allowed for formal risk assessment of vulnerable students and case management assistance provided according to the level of risk and the needs of each student; and
- (c) five multidisciplinary Specialist Support Teams (**SST**) that work intensively with schools to identify gaps and strengthen their systems and processes to better equip them to respond to anti-social and extremist behaviour.

15.5 The SCWT Program identified vulnerable students through incident reporting and, in some instances, through direct advice from the NSWPF. A total of 50 schools participated in the SCWT Program between 2016 and 2019 with 599 incidents related to anti-social and extremist behaviour. According to Mr Graham, these incidents “*covered a broad spectrum of behaviour from comments in the playground to threats*”.

### ***Safeguarding Kids Together Program***

15.6 In December 2019, funding for the SCWT Program concluded. Mr Graham explained that the Department expanded the program and its investment in supporting young people at risk of antisocial and extremist behaviour by creating the Safeguarding Kids Together (**SKT**) Program which was aligned the NSW Countering Violent Extremism Strategy.

15.7 The SKT Program was a “*risk-management program aimed at building school capacity to mitigate and manage all types of high risk-taking behaviours in young people*”. It continued the existing Incident Reporting and Support Hotline under the SCWT Program to receive notifications of incidents reported by schools and other Department workplaces regarding antisocial and extremist behaviour.

15.8 The Complex Case Team within the Department’s Health, Safety and Staff Wellbeing Directorate received the majority of reported incidents, with other incidents received from the NSWPF and agencies such as Youth Justice or the DCJ Like the SCWT Program, the SKT Program also consisted of SST for school systems and utilised a CMS to provide individual support to students. During the time of the SKT Program there were approximately 414 incidents reported relating to antisocial extremist behaviour.

### ***Syllabus content***

15.9 Mr Graham explained that in addition to the above programs there is limited syllabus content developed by the NSW Education Standards Authority (**NESA**) to directly address violent extremism organisation. This content includes:

- (a) Respectful Relationship Education K-12 curriculum resources which address content such as safety, respect, discrimination, violence prevention and appropriate responses;

- (b) the mandatory *Life Ready* course implemented across Years 11 and/or 12 that “*focuses on building critical thinking and practical skills related to health, safety and independence to help students make informed decisions as a game or responsibility*”;
- (c) the mandatory K-10 Personal Development, Health and Physical Education curriculum area which “*helps the students develop critical thinking, resilience and physical competence to live healthy, active lives*” and which “*supports students to recognise and respond to situations where they may be vulnerable*”, including, relevantly, harassment, bullying, racism, discrimination and violence.

### ***Current support of vulnerable students***

15.10 Mr Graham also described several ways in which current support is provided to students.

15.11 *First*, within a school, teachers who notice changes in student behaviour, attendance or academic performance that may indicate a vulnerability may refer students to well-being staff, school counselling staff or a learning and support team and also contact the student’s family. In addition Student Support Officers are appointed in every high school to support the well-being and learning outcomes of students and help students to “*develop social and emotional skills that build resilience, coping skills and positive relationships*”. Finally, school staff who are aware that a student may have engaged in, or be vulnerable to, antisocial or extremist behaviour are expected to report concerns to the school principal without delay. The principal, in turn, is expected to notify the Incident Report and Support Hotline of any such behaviour.

15.12 *Second*, the NSW School Counselling Service is a comprehensive school-based psychology service that supports the mental health, learning and well-being of students with over 1500 full-time equivalent positions in 2026. Students may self-refer to the School Counselling Service. School staff and parents/carers may also refer students for a range of reasons. Similar reporting requirements exist so that if a student discloses antisocial or extremist views during a counselling session, School Counselling Service staff must inform the school principal.

15.13 *Third*, the Child Wellbeing Unit, which commenced operation in January 2011, assists departmental staff to identify reports of risk of significant harm and identify potential responses by the Department to assist a student or their family where a reported concern does not meet the threshold of risk of significant harm. Mr Graham explained that if a report of antisocial or extremist behaviour was made to the Child Wellbeing Unit they would notify the Incident Report and Support Hotline.

15.14 *Fourth*, in 2021, the Department introduced the *Team Around a School* model which provides multidisciplinary support for students with additional learning support needs. Relevantly, a behaviour specialist may be allocated to provide specialist support to staff supporting a vulnerable student.

15.15 *Fifth*, the Specialist Risk Response (**SRR**) unit within the Health, Safety and Staff Wellbeing Directorate supports schools by providing risk management advice and support, assisting schools to identify foreseeable risks to students and staff based on exhibited behaviour, and proposing possible mitigation strategies. If a student is suspected to be engaging in antisocial extremist

behaviour then again a report is made to the Incident Report and Support Hotline. The SSR will also triage the incident and provide support around risk management as well as assessing whether external services such as Police and Community Youth Centres should be engaged.

### ***Engagement and Support Program***

15.16 It is convenient to now turn to relevant programs and initiatives provided for by the DCJ.

15.17 The CVE Engagement and Support Unit (**CESU**) is a specialised multidisciplinary team within the DCJ. The Engagement and Support Program (**ESP**) and Step Together are the two public facing programs of the CESU that focus on the prevention of violent extremist behaviour and early intervention.

15.18 The ESP was implemented in 2015 when originally delivered by the NSWPF but is currently supported by a multi-government agency approach including specialists in the areas of Child Protection, Corrective Services, Community Corrections, Youth Justice, the NSWPF, the Department and NSW Health. This Multi-Agency Panel (**MAP**) oversees the ESP.

15.19 Heather Jackson is the Director - Interventions and Innovation, Women Family and Community Safety, Strategy, and oversees the CESU. She described the following features of the ESP:

- (a) it is a “*voluntary, consent-based program that aims to assist individuals make positive behavioural changes to limit their risk of participating in violent extremism*”;
- (b) its purpose is to “*reduce the risk of violent extremism in NSW by assisting individuals to disengage from behaviours and negative influences that may lead to violent offending*”;
- (c) it includes a “*detailed risk assessment which informs an assessment of a participant’s eligibility and develop a case plan tailored to the individual’s needs*”;
- (d) it is “*not a deradicalisation program and does not directly attempt to alter the political, ideological or religious beliefs of an individual*” but rather, it is a “*case management program which focuses on providing a range of tailored support services that address client vulnerabilities, build resilience and strengthen an individual’s protective factors to reduce the drivers of violent extremism*”.

15.20 Ms Jackson explained that the main feature of the ESP is to “*empower alternative options of expressing beliefs and critical thinking*” and that it does not “*adhere to telling people what they can and cannot believe in*”.

15.21 Individuals can be referred to the ESP via government and non-government organisations and the National Security Hotline, with the majority of referrals received via law enforcement agencies, the Department, and Corrective Services NSW. Individuals within the community (such as family members, teachers and a treating practitioner) can also make a referral. A referrer is required to address a number of factors including vulnerabilities for violent and non-violent extremism and protective factors.

15.22 Ms Jackson described the steps taken by the ESP following a referral:

- (a) a triage process is performed to ensure that individuals are suitable for the ESP and no conflict of interest arises. For example, a conflict of interest may arise if an individual is charged with terrorism related offences given that law enforcement authorities may be actively investigating the individual and are on the panel for the ESP. Further, it may be deemed unsafe for the ESP to provide services until any criminal proceedings are finally determined;
- (b) the triage process is followed by an initial engagement with prospective clients to better understand their individual situation and discuss possible supports;
- (c) if an individual chooses to sign up to the ESP, relevant intervention strategies are formulated into a case plan which details certain goals. Each client is assigned a case manager who works closely with a senior psychologist to “*set goals with the aim of limiting [the client’s] risk of participating in violent extremism*”, with regular meetings occurring between the client and case manager and between the case manager and psychologist. Regular case reviews are conducted by the MAP.

Each case plan details the services and activities in place to help a client achieve their goals and the design to provide support in various areas including arranging tailored mental health and social support. The type of support can vary and is based on a client’s specific vulnerabilities and existing support services. It can range from arranging healthcare appointments to arranging tattoo removal of particular signs or symbols. The average duration of a client’s involvement in the ESP is approximately almost 2½ years.

15.23 Prior to December 2023, the DCJ engaged ACIL Allen, an independent economics, policy and strategy advisory firm, to conduct an independent evaluation of the ESP. This evaluation concluded in December 2024 with the key findings summarised as follows:

- (a) there is continued need for the ESP as part of the NSW Government’s ongoing core functions in responding to violent extremism, and the ESP “*is becoming a business-as-usual function in managing risk for government and community*”;
- (b) the ESP plays a key role in focusing on disengagement by addressing the core needs and risks of individuals who are vulnerable to violent extremism;
- (c) the “*design of the ESP is robust and closely aligned with the evidence base on effective practice*” and the ESP model embeds “*a holistic, client-centred approach*” with the key strengths of its design being “*the multidisciplinary team, placement outside of law enforcement, and sufficient resourcing to enable long-term and comprehensive client support*”;
- (d) the MAP operates as an integral part of the ESP and is “*an essential operational structure that supports a shared risk management and provide an opportunity for collective problem-solving*”;

- (e) the ESP referral process is efficient but the time from referral to consent can be time-consuming due to the time required to engage complex clients;
- (f) operational processes and structures “*are in place to support effective intervention, but there is opportunity to improve quality and rigour*”; and
- (g) engagement practices are working effectively and the relationship and trust built between case managers, clients and families “*enables continued engagement with the ESP through other disruptions or changes in our life circumstances*” which is “*essential given the client complexity and the need to prevent clients from regressing or increasing their risk profile*”.

15.24 Ms Jackson was asked about measures to improve the timeframe for referral to consent which was identified in the ACIL Allen evaluation. She gave this evidence:

We've worked closely with our agencies to support better information sharing and timeliness. We have improved our – instead of the KPIs timing and working with agencies in getting material back or going through the deconfliction process has been negotiated and there is a dedicated governance officer on ESU that works directly with processing information requests and referrals.

### ***Step Together***

15.25 Step Together was developed in 2017 and managed by an external third party at the time. In April 2021, Step Together was placed under the CESU to provide specialised CVE advice and pathways of support.

15.26 Ms Jackson described the following features of Step Together:

- (a) it is a “*helpline and digital support service for people seeking advice on how to support family and friends and protect them from involvement in violent extremism*”;
- (b) its focus is on early intervention and awareness in the CVE space and “*allows support workers to provide guidance and connect people with appropriate support services in the community*”; and
- (c) its purpose is “*to provide a safe and confidential space with qualified support workers who can assist individuals who notice their family or friends becoming more aligned with extremist behaviour to have the tools and support to be able to intervene early and effectively*”.

15.27 All calls to the Step Together Helpline are triaged by caseworkers who are trained in assessing calls for violent extremist risk. The triage process uses screening tools and threat assessments to ensure that calls are categorised appropriately. If a call is within scope for violent extremism, it is managed internally by Step Together staff and if it meets the eligibility requirements it may be referred to the ESP.

15.28 An independent evaluation of Step Together was conducted in 2019 when it was managed by the external third party. Several key recommendations arose as a result of that evaluation. Ms Jackson gave evidence that the matters which have been specifically addressed arising from the evaluation

are focusing on expertise in violent extremism and understanding the links to services available in NSW and improving community engagement to raise awareness about Step Together. Ms Jackson gave evidence that although no subsequent evaluation of Step Together has been conducted since 2019, a current procurement process is underway for the Step Together framework to be independently evaluated.

15.29 The independent evaluation conducted by ACIL Allen found that the ESU has “*leveraged Step Together to connect with key agencies, organisations and stakeholders, including digital media providers to deliver awareness campaigns and developing resources for key service providers*”.

15.30 **Conclusions:** Since 2 October 2015, a comprehensive government-wide approach has been taken to countering violent extremism. Beginning with the SCWT Program and then the SKT Program, the Department has developed a framework which has increased the capacity of schools to identify and support vulnerable students exhibiting antisocial and extremist behaviour, formally assess the risk posed to such students, and provide case management assistance with input from multiple agencies to address underlying issues driving such behaviour. These programs have been supported by learning and support teams, student support officers, school counselling services and the SSR unit to support the well-being of students, assist students with building resilience and positive relationships, and assisting schools to identify foreseeable risks to students and develop mitigation strategies.

15.31 The DCJ, through the ESP and Step Together, has similarly taken a holistic approach to countering violent extremism that is not focused on deradicalisation or telling people what they can or cannot believe in. Rather, the ESP is a program which aims to help individuals to disengage from behaviours and negative influences that may lead to violent extremism and instead make positive behavioural changes to limit their risk of participating in violent extremism. The ESP is centred around a case management program focusing on providing support services that address an individual’s specific vulnerabilities, build resilience and strengthen an individual’s protective factors. Step Together provides a specialised CVE referral and support pathway to the ESP.

15.32 Independent evaluation of the ESP has demonstrated that there is continued need for it to be part of the NSW Government’s ongoing core function in responding to violent extremism, and that it plays a key role in focusing on disengagement from behaviours and influences that may lead to violent extremism by adopting a holistic, individual-centred approach.

## 16. Findings pursuant to section 81(1) of the Act

16.1 I acknowledge the exceptional assistance provided by Mr Rob Ranken SC and Ms Anna Payten, Counsel Assisting and their instructing solicitors, Mr Tom Holcombe and Ms Eloise Ridley, with much gratitude and appreciation. I also acknowledge the contribution from Mr James Prindiville, the previous solicitor with carriage of the matter. The entire Assisting Team has worked tirelessly to ensure that the coronial proceedings have been conducted in a thorough, fair, transparent and empathetic manner.

16.2 I also thank former Detective Chief Inspector Henney and Detective Inspector Scott, and their Critical Incident Investigation team, for their professionalism and comprehensive investigation, and the sensitivity shown to Farhad's family.

16.3 The findings that I make under section 81(1) of the Act are:

**Identity**

The person who died was Farhad Jabar Khalil Mohammad.

**Date of death**

Farhad died on 2 October 2015.

**Place of death**

Farhad died at Parramatta NSW 2150.

**Cause of death**

The cause of Farhad's death was gunshot wound to the neck.

**Manner of death**

Farhad approached Curtis Cheng from behind after he exited NSWPF Headquarters intending to travel home. When in close proximity to Mr Cheng, Farhad discharged a .38 calibre revolver in the back of Mr Cheng's head, fatally injuring him. Farhad discharged further rounds at the NSWPF Headquarters building, including at Special Constables on duty who had exited the building to investigate the gunshots. During a subsequent exchange of gunfire, a Special Constable, in the lawful execution of his duties, drew and discharged his firearm at Farhad, fatally wounding him. Persons of interest involved and associated with the actions taken by Farhad were known to, and investigated by, law enforcement authorities prior to 2 October 2015. However, there was no reasonable opportunity for law enforcement opportunities to either anticipate or prevent the actions of Farhad on that day.

**17. Epilogue**

17.1 On behalf of the Coroners Court of New South Wales and the Assisting Team, I offer my deepest sympathies, and most sincere and respectful condolences, to Farhad's parents, brother, wider family and loved ones for their very sad loss.

17.2 I close this inquest.

Judge Derek Lee  
Deputy State Coroner  
5 June 2026  
Coroners Court of New South Wales

# **Inquests into the deaths of Shu Kei Curtis Cheng and Farhad Jabar Khalil Mohammad**

**(Case Nos. 2015/289355 & 2015/289369)**

## **Agreed Statement of Facts**

### **Introduction**

1. Mr Curtis Cheng (**Mr Cheng**) and Farhad Jabar (**Farhad**) died outside the New South Wales Police Force (**NSW Police**) headquarters in Parramatta, NSW around or shortly after 4:30 pm on 2 October 2015. Mr Cheng was then 58 years of age. Farhad was 15 years old.
2. Mr Cheng died from the consequences of a gunshot wound to the back of the head with associated upper cervical spinal cord injuries.<sup>1</sup> The gunshot wound to Mr Cheng was inflicted by Farhad.
3. Farhad's death was caused by a gunshot wound to the neck.<sup>2</sup> The gunshot wound to Farhad was inflicted during a subsequent confrontation with NSW Police Special Constables.
4. The shooting of Mr Cheng occurred during the period of an investigation by the Joint Counter Terrorism Team NSW (**JCTT**), which commenced on 30 June 2015 and related to the activities of a radical Islamist terrorist group that was suspected to be planning an attack on Sydney-based locations. That investigation was known as **Operation Peqin**.<sup>3</sup>
5. The subsequent homicide investigation and critical incident investigation into the circumstances of the deaths of Mr Cheng and Farhad was code-named **Strike Force Fellows**.

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<sup>1</sup> V1/4 – Autopsy Report of Dr Issabella Brouwer for Mr Cheng dated 16 January 2017 (**Autopsy Report (Cheng) 16.01.2017**), p. 2 of 11.

<sup>2</sup> V1/10 – Autopsy Report of Dr Issabella Brouwer for Farhad dated 16 January 2017 (**Autopsy Report (Farhad) 16.01.2017**), p. 2 of 11.

<sup>3</sup> EXH #1, V1/1 – Statement of DCI Mark Henney dated 27 July 2023 (**DCI Henney 27.07.2023**), [48]-[50]; EXH #1, V1/2 – Joint Statement of NSWPF Detective Superintendent Jason Dickinson and AFP Detective Superintendent Matthew Byles dated 29 November 2024 (**Dickinson and Byles First Joint Statement 29.11.2024**), [7], [24].

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6. As the shooting of Mr Cheng occurred during the period of the Operation Peqin investigation, the police investigation came to be known as **Operation Peqin-Fellows**.
7. The firearm Farhad used to shoot Mr Cheng was given to Farhad by Raban Alou (**Alou**) at the Parramatta Mosque less than one hour before the shooting.<sup>4</sup> The firearm was a Smith & Wesson .38 calibre revolver, serial number 995507 (**the weapon**).<sup>5</sup> There are no records of the weapon having been legally imported into Australia or having been licensed within New South Wales or nationally.<sup>6</sup>
8. Alou sourced the weapon with the assistance of Milad Atai (**Atai**) and Moustafa Dirani (**Dirani**) from Talal Alameddine (**Alameddine**).<sup>7</sup>
9. At the time he supplied the weapon to Alou, Alameddine was subject to a Firearms Prohibition Order (**FPO**) pursuant to s 73(1) of the *Firearms Act 1996* (NSW) (**Firearms Act**).<sup>8</sup> The FPO was issued on 28 October 2014 and served on Alameddine on the same date.<sup>9</sup> Between that date and 2 October 2015, Alameddine was subjected to firearms searches by virtue of the FPO on 13 occasions,<sup>10</sup> including on 28 February 2015,<sup>11</sup> 5 July 2015 (detailed below at [32]) and 27 September 2015 (detailed below at [73]).
10. Each of Alou, Atai, Alameddine, and Dirani held extremist views.<sup>12</sup> Alou, Atai, and Alameddine wished to see a terrorist act carried out in the name of Islamic State of Iraq and Syria (**ISIS**) in Sydney.<sup>13</sup> Dirani was committed to extremist views and discussed those views with others but did not advocate the specific act which Farhad committed.<sup>14</sup>

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<sup>4</sup> EXH #1, V2/53 – Audiovisual Compilation Video from 29 September, 1 October, and 2 October 2015 at 04:01:26; *R v Alou (No 4)* [2018] NSWSC 221, [1], [119]-[120]; *Alou v R* [2019] NSWCCA 231, [2] and [37] (Bathurst CJ); *R v Alameddine (No 3)* [2018] NSWSC 681, [23].

<sup>5</sup> V2/65 – Statement of Timothy Berry (ballistics expert) dated 14 October 2015, [4](e).

<sup>6</sup> V2/66A – Expert Statement of Crime Scene Officer Daniel Paine dated 8 July 2016 at 9(f).

<sup>7</sup> *R v Atai (No 2)* [2018] NSWSC 1797, [220(d)-(g), (i)], [227], [233]; *Atai v R* [2020] NSWCCA 302, [37(d)-(g), (i)]; *R v Alameddine (No 3)* [2018] NSWSC 681, [2].

<sup>8</sup> V4/147A – Firearm Prohibition Order for Talal Alameddine dated 28 October 2014 (**Alameddine FPO**); Affidavit of service of SC Paul Little dated 29 October 2014; *R v Alameddine (No 3)* [2018] NSWSC 681, [26]-[27].

<sup>9</sup> V4/147A – Alameddine FPO; Affidavit of service of SC Paul Little dated 29 October 2014.

<sup>10</sup> EXH #1, V1/1 – DCI Henney 27.07.2023, [93].

<sup>11</sup> V4/147 – Statement of Chantelle Hannah, [11].

<sup>12</sup> *R v Alou (No 4)* [2018] NSWSC 221, [3]; [39]; *R v Atai (No 2)* [2018] NSWSC 1797, [1]; *R v Alameddine (No 3)* [2018] NSWSC 681, [174]-[178]; *R v Dirani (Sentence)* [2023] NSWSC, [37].

<sup>13</sup> *R v Alou (No 4)* [2018] NSWSC 221, [173]; *R v Atai (No 2)* [2018] NSWSC 1797, [224]; *R v Alameddine (No 3)* [2018] NSWSC 681, [178].

<sup>14</sup> *R v Dirani (Sentence)* [2023] NSWSC, [37].

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11. Alou was known to the JCTT prior to the commencement of Operation Peqin.<sup>15</sup> Alou had been supervised by the Department of Juvenile Justice since 14 March 2014. The Department noted that Alou was “getting more involved in his religion” by early 2015.<sup>16</sup> Alou was the subject of extensive direct and indirect police surveillance throughout Operation Peqin.<sup>17</sup> This included physical surveillance, telecommunications and data interception of Alou’s mobile services and devices, live call associated data checks, geofencing alerts, and use of tracking, listening, and optical devices.<sup>18</sup>
12. Atai was also a person of interest in Operation Peqin from its commencement. Atai was known to the JCTT prior to the commencement of Operation Peqin. JCTT were aware that Atai held extremist views. Atai was also the subject of extensive direct and indirect police surveillance throughout Operation Peqin.<sup>19</sup> This included physical surveillance, telecommunications and data interception of Atai’s mobile services and devices, live call associated data checks, geofencing alerts, and use of tracking, listening, and optical devices.<sup>20</sup>
13. Alameddine was not identified by the JCTT as a person of interest in Operation Peqin and was not part of the group under investigation by police.<sup>21</sup> Prior to 2 October 2015, nothing observed during the surveillance of Operation Peqin persons of interest identified Alameddine as involved in or connected to the incident leading to Mr Cheng’s death.<sup>22</sup> Following Mr Cheng’s death, JCTT identified instances where it had incorrectly identified Rafat Alameddine as interacting with Alou and/or Atai, when in fact it was Talal Alameddine. Each of these instances occurred on 2 October 2015.<sup>23</sup>
14. Dirani was known by the JCTT to be an associate and casual contact of some Operation Peqin persons of interest, in particular Alou and Atai. He was occasionally picked up indirectly in surveillance conducted of Alou and Atai.<sup>24</sup> Dirani was not a person of

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<sup>15</sup> EXH #1, V1/2 – Dickinson and Byles First Joint Statement 29.11.2024, [42].

<sup>16</sup> *R v Alou (No 4)* [2018] NSWSC 221, [200]–[203].

<sup>17</sup> EXH #1, V1/2 – Dickinson and Byles First Joint Statement 29.11.2024, [43].

<sup>18</sup> EXH #1, V1/2 – Dickinson and Byles First Joint Statement 29.11.2024, [47].

<sup>19</sup> EXH #1, V1/2 – Dickinson and Byles First Joint Statement 29.11.2024, [51]-[53].

<sup>20</sup> EXH #1, V1/2 – Dickinson and Byles First Joint Statement 29.11.2024, [56].

<sup>21</sup> EXH #1, V1/2 – Dickinson and Byles First Joint Statement 29.11.2024, [65].

<sup>22</sup> EXH #1, V1/2 – Dickinson and Byles First Joint Statement 29.11.2024, [72].

<sup>23</sup> EXH #1, V1/2 – Dickinson and Byles First Joint Statement 29.11.2024, [66].

<sup>24</sup> EXH #1, V1/2 – Dickinson and Byles First Joint Statement 29.11.2024, [59]-[60].

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interest in Operation Peqin. Investigators did not become aware of Dirani's involvement in the events leading to Mr Cheng's death until after the shooting.<sup>25</sup>

15. Alou, Atai and Dirani were part of a closed online WhatsApp chat group where they shared views and discussed ideas supportive of Salafi Islam and Islamic State. The chat group was called "The bricks" and commenced on about 10 March 2015 (**The bricks WhatsApp group**). The profile picture of this group was an Islamic State flag.<sup>26</sup> Other members of The bricks WhatsApp group included Alou's brother Hozan Alou (**Hozan**), Ahmed Bakhtiari (**Bakhtiari**), Emir Biber, Emir Catovic (**Catovic**), Ahmad Kareem Mahmood, Mohammad Ibrahim Salihy (**Salihy**), Jalaal Suleman (**Suleman**) and Ali Younes (**Younes**).<sup>27</sup> A review of The bricks WhatsApp Group chat retrieved from Dirani's iPhone 6 after the shooting identified several images related to Islamic State and graphic images and videos of torture, executions, violence, and war.

### Mr Cheng's background

16. Mr Cheng was born in Hong Kong and became an Australian citizen on 9 March 1998.<sup>28</sup> Mr Cheng lived in an apartment in Sydney with his wife Selina Cheng.<sup>29</sup> He had been employed as an accountant with NSW Police for 18 years.<sup>30</sup> Mr Cheng has two adult children, Alpha and Zilvia.

### Farhad's background

17. At the time of his death, Farhad was a Year 10 student at Arthur Phillip High School in Parramatta.<sup>31</sup> He lived at an address in North Parramatta with his parents Farhad Mohammad and Ghabeliat Omarzadeh, his sister **Shadi** (then aged 20), his brother Farshad Farhad Khalil Mohammad (**Farshad**, then aged 22), as well as Farshad's wife Parween and their daughter Sumayyah.<sup>32</sup>

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<sup>25</sup> EXH #1, V1/1 - DCI Henney 27.07.2023, [61].

<sup>26</sup> EXH #1, V1/1 – DCI Henney 27.07.2023, [106].

<sup>27</sup> V6/221 – Statement of DSC Eljarrar dated 9 June 2017 (**DSC Eljarrar 09.06.2017**) and associated Final Review of Dirani's iPhone 6, particularly at 15.

<sup>28</sup> EXH #1, V1/1 - DCI Henney 27.07.2023, [23].

<sup>29</sup> V1/1 – P79A Report of death to the Coroner.

<sup>30</sup> *R v Alou (No 4)* [2018] NSWSC 221, [1].

<sup>31</sup> V3/106 – Statement of Maxine Mitsopoulos dated 16 October 2015, [5].

<sup>32</sup> V2/104 – Statement of Jabar Mohammad dated 8 October 2015, [6].

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18. Farhad's father, Farhad Mohammad was born in Northern Iraq in 1973. The family moved to Iran in 1975 due to fears they would be killed on account of their Kurdish background.<sup>33</sup> All three of Farhad Mohammad's children (Farshad, Shadi, and Farhad) were born in Iran. On 31 December 2000, Farhad Mohammad travelled to Australia on a refugee boat and spent 10 months in Woomera Detention Centre. He was granted a visa in October 2001 and in 2007 the family moved to Australia to join him.<sup>34</sup> Farhad was granted Australian citizenship on 13 August 2008.<sup>35</sup>
19. Farhad's family identify as Muslim. Farhad was close with his brother Farshad and his sister Shadi.<sup>36</sup>
20. Farhad and Farshad were the only members of the immediate family who regularly attended Parramatta Mosque at 150 Marsden Street, Parramatta.<sup>37</sup> Farhad was known to have considerable knowledge of the Quran and to regularly use the prayer room at school.<sup>38</sup> Farhad was described by friends and teachers as quiet, hardworking, and friendly.<sup>39</sup>
21. In the months leading up to 2 October 2015, neither Farhad's brother Farshad, nor his father Farhad Mohammed appear to have had any knowledge or suspicion that Farhad might commit a terrorist act and neither had observed any changes in his behaviour.<sup>40</sup>
22. Farhad was known to the JCTT prior to 2 October 2015 as the brother of Farshad and a close friend of Hozan Alou (younger brother of Alou).<sup>41</sup> However, he was not a person of interest in Operation Peqin and was not the subject of any direct surveillance as part of Operation Peqin. As outlined below at [50], it was only established after 2 October

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<sup>33</sup> V2/104 – Statement of Jabar Mohammad dated 8 October 2015, [3].

<sup>34</sup> V2/104 – Statement of Jabar Mohammad dated 8 October 2015, [4]-[6].

<sup>35</sup> V3/116 – Australian citizenship certificate of Farhad Jabar Khalil Mohammad dated 13 August 2008.

<sup>36</sup> V2/104 – Statement of Jabar Mohammad 08.10.2015, [9]; V4/127 – Statement of Robia Rezaee dated 15 October 2015, [12].

<sup>37</sup> V2/104 – Statement of Jabar Mohammad dated 8 October 2015, [8].

<sup>38</sup> V2/103 – Statement of Farshad Jabar Khalil Mohammad dated 8 October 2015, [15]; V3/110 – Statement of Masen El Masri dated 4 November 2015, [6].

<sup>39</sup> V3/110 – Statement of Masen El Masri dated 4 November 2015, [8]; V3/107 – Statement of Sau Ha Lee dated 9 October 2015, [12]; V2/104 – Statement of Jabar Mohammad dated 8 October 2015, [9].

<sup>40</sup> V2/103 – Statement of Farshad Jabar dated 8 October 2015, [31]; V2/104 – Statement of Mohammad Jabar dated 8 October 2015, [9] and [12].

<sup>41</sup> EXH #1, V1/3 - Joint Statement of NSWPF Detective Superintendent Jason Dickinson and AFP Detective Superintendent Matthew Byles dated 3 October 2025 (**Dickinson and Byles Second Joint Statement 03.10.2025**), [11].

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2015 that Farhad was present with other persons of interest at Lake Parramatta Reserve on 11 September 2015. This was the only occasion police have identified that Farhad was observed by police surveillance in respect of Operation Peqin.<sup>42</sup>

23. During the same period, Farhad’s sister Shadi showed increasingly radicalised religious and political behaviour, particularly on Facebook and Instagram.<sup>43</sup> JCTT had no awareness of Shadi until after 2 October 2015. She was not observed or identified indirectly through police surveillance. Police were not aware until after 2 October 2015 that Shadi had made arrangements to leave Australia and travel to Turkey (with the intention of onward travel to Syria).<sup>44</sup> It is believed that Shadi linked up with ISIS in Syria where it is further believed she died in an air strike in 2016.<sup>45</sup>
24. None of Farhad, Farshad, or Shadi were members of The bricks WhatsApp group.<sup>46</sup> A review of messages exchanged on The bricks WhatsApp group chat did not identify any occasion when Farhad, Farshad, or Shadi were referred to by name prior to the shooting.<sup>47</sup>

### **Chronology of events leading up to and including 2 October 2015**

#### 21 May 2015

25. On 21 May 2015, a video clip was uploaded to YouTube entitled “*Who do you love? Global Messenger Day Sydney Australia*”. The video clip was about Muslims in Sydney attending lectures and sermons for Global Messenger Day. In the video, Alou and Dirani are seen sitting next to each other in a lecture.<sup>48</sup>

#### 26 June 2015

26. On the morning of 26 June 2015, Alou posted the following messages on The bricks WhatsApp group:<sup>49</sup>

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<sup>42</sup> EXH #1, V1/2 – Dickinson and Byles First Joint Statement 29.11.2024, [74]-[76].

<sup>43</sup> V4/127 – Statement of Robia Rezaee dated 15 October 2015, [10]-[12].

<sup>44</sup> EXH #1, V1/2 – Dickinson and Byles First Joint Statement 29.11.2024, [77]-[79].

<sup>45</sup> *R v Alou (No 4)* [2018] NSWSC 221, [38].

<sup>46</sup> V6/221 – DSC Eljarrar 09.06.2017 and associated Final Review of Dirani’s iPhone 6, particularly at 15.

<sup>47</sup> V6/221 – DSC Eljarrar 09.06.2017 and associated Final Review of Dirani’s iPhone 6, particularly at 16-

<sup>48</sup> V4/148 – Statement of DSC Michael Hunter dated 23 August 2016 producing YouTube clip – Global Messenger Day (approximately 00:00:26).

<sup>49</sup> V6/221 – DSC Eljarrar 09.06.2017 - extracts of WhatsApp conversation, p 24.

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*“Beheading in France, 25 dead in suicide bomb by IS in shia Kuwait mosque and 37 dead at Tunisia beach.”*

*“Its going off”*

*“Lol”*

27. Dirani responded to these comments with a posted audio file in which he said, *“Yeah bro I don’t know what’s wrong with these bloody terrorists, they’re crazy jihadi moefa’s [motherfuckers]”* to which Alou responded with a posted audio file in which he said, *“I know, I feel you... they’re just too radical mate”*. The demeanour of each of Dirani and Alou in the posted audio files appeared to be comical and mocking as if treating the subject matter as a joke.<sup>50</sup>

### 27 June 2015

28. At about 12:01 pm on 27 June 2015, Alou posted to The bricks WhatsApp group an audio file of a nasheed – a form of vocal, musical chant popular in the Muslim world. The nasheed promoted jihad for the sake of Allah, with the sound of gunfire in the background. At 12:36 pm, in response to a query from Dirani as to where he might find the nasheed, Alou posted a link to a YouTube video with the title *“Nasheed – Make me a Martyr”*.<sup>51</sup>

29. At 12:46 pm, Atai posted pictures of Australian Defence Force personnel disembarking from a bus. In response to the pictures, Alou posted:<sup>52</sup>

*“Omg. May Allah curse them all and destroy them to pieces”*.

### 30 June 2015

30. At around 4:32 pm on 30 June 2016, Younes posted to The bricks WhatsApp group a copy of an Australian Federal Police Eid dinner invitation and commented, *“Look at these dogs... After all they done to us... They wanna invite us to dinner”*.<sup>53</sup> Members of The bricks WhatsApp group posted comments such as, *“What pigs”* and *“May Allah*

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<sup>50</sup> V6/221 – DSC Eljarrar 09.06.2017 - extracts of WhatsApp conversation, p 24.

<sup>51</sup> V6/221 – DSC Eljarrar 09.06.2017 - extracts of WhatsApp conversation, pp 24-25.

<sup>52</sup> V6/221 – DSC Eljarrar 09.06.2017 - extracts of WhatsApp conversation, p 26-27.

<sup>53</sup> V6/221 – DSC Eljarrar 09.06.2017 - extracts of WhatsApp conversation, p 29.

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*curse every afp and there [sic] snitches out there*".<sup>54</sup> Dirani commented, "That night We will see the apostates" and "Taking the enemies of Allah as allies".<sup>55</sup>

### 3 July 2015

31. At about 4:30 pm on 3 July 2015, police conducting patrols in the vicinity of Maroubra Junction observed Alameddine in a White Toyota Hilux merge into traffic without indicating and drive through a red light. Police stopped the vehicle and conducted a breath test on Alameddine, which returned a negative result. Subsequent checks identified Alameddine as subject to an FPO and police searched both Alameddine and the vehicle, however, no items of interest were located.<sup>56</sup>

### 5 July 2015

32. On 5 July 2015, Alameddine was searched by police due to the FPO that was in place against him. During his interactions with police, officers observed a significant change in his appearance, including his Islamic-style dress and a long beard. Alameddine said, "my beard is for ISIS" whilst stroking his beard and smirking.<sup>57</sup>

### 13 July 2015

33. On 13 July 2015, Dirani posted the contact details of Sheikh Ahmad Musa Jibril to The bricks WhatsApp group.<sup>58</sup> Sheikh Ahmad Musa Jibril is a US-born Palestinian-American cleric known for his online lectures promoting a radical, militant interpretation of Salafism that justifies armed jihad and martyrdom.

### 31 July 2015

34. On 31 July 2015, Alameddine was observed by police at the Stockland Mall, Merrylands with an unknown male. Police again noted Alameddine's significantly changed

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<sup>54</sup> V6/221 – DSC Eljarrar 09.06.2017 - extracts of WhatsApp conversation, p 24-32.

<sup>55</sup> V6/221 – DSC Eljarrar 09.06.2017 - extracts of WhatsApp conversation, p 35.

<sup>56</sup> V4/147B – Report of firearms searches of Talal Alameddine, p 6.

<sup>57</sup> V4/147 – Statement of Chantelle Hannah, [20]-[26]; V4/147B – Report of firearms searches of Talal Alameddine, p 5.

<sup>58</sup> V6/221 – DSC Eljarrar 09.06.2017 - extracts of WhatsApp conversation, p 44.

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appearance. Police were unable to speak with Alameddine as they were off duty at the time.<sup>59</sup>

### 3 August 2015

35. At about 9:50 am on 3 August 2015, while conducting stationary AMPR patrols on Alfords Road, Alfords Point, police stopped a white Toyota Hilux being driven by Alameddine. Police breath tested Alameddine, who became argumentative with police and questioned their powers. Police checks on Alameddine identified recent information for terrorist activity, firearm possession, and organised crime gangs. The checks also identified Alameddine as subject to an FPO. Checks conducted of the other occupant of the vehicle identified information that they were a regular drug user. When questioned by police as to why they were in the Sutherland Shire area, Alameddine and his associate said they were in the area to chop down a tree but could not state where or when this job was taking place. Alameddine and his associate again became agitated and argumentative with police. Police then searched both Alameddine and his associate and the vehicle but did not locate anything of interest.<sup>60</sup>

### 7 August 2015

36. On 7 August 2015, Atai sought from Dirani the contact details of Sheikh Ahmad Musa Jibril. Dirani replied at 10:21 pm with an SMS address book contact for Sheikh Ahmad Musa Jibril.<sup>61</sup>

### 14 August 2015

37. At 2:19 pm on 14 August 2015, Alou called another member of The bricks WhatsApp group, Jacob Elzamtar, and asked him for the number of a person referred to as X4.<sup>62</sup> [REDACTED]

38. At 2:29 pm, Elzamtar sent Alou the telephone number for X4.<sup>63</sup>

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<sup>59</sup> V4/147D – Intelligence Report 31.07.15.

<sup>60</sup> V4/147B – Report of firearms searches of Talal Alameddine, p 4.

<sup>61</sup> V6/221– DSC Eljarrar 09.06.2017 - extracts of WhatsApp conversation, p 132.

<sup>62</sup> EXH #1, V1/5 – Telecommunications Alou and Elzamtar.

<sup>63</sup> EXH #1, V1/5 – Telecommunications Alou and Elzamtar.

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19 August 2015

39. At about 11:00 pm on 19 August 2015, due to the FPO, police searched Alameddine and his vehicle at Slapp Street, Merrylands but did not locate any items of interest.<sup>64</sup>
40. At 11:30 pm, other police from the Parramatta Proactive Crime Team attended the location and conducted a further search of the vehicle and found a black bag containing a Victorian drivers licence and Medicare card in Alameddine's name as well as a flip knife. Police also located in the vehicle a black balaclava that still had store tags attached. Alameddine said the black bag was not his and declined to comment on any of the items located. He was charged with possessing the flip knife.<sup>65</sup>

21 August 2015

41. At 6:58 pm on 21 August 2015, Alou called X4 and asked whether he could see him that day and went on to say "...what's the prices I can get, like, I'm in Auburn [REDACTED] [REDACTED] because you've got me some, like, religious jumpers and that etcetera? If I can just have a chat with you".<sup>66</sup>
42. At 9:55 pm, police observed Alameddine in a vehicle parked across two parking spots at the 7/11 on Merrylands Road. Police were aware Alameddine was the subject of an FPO and searched him and the vehicle but did not locate any items of interest.<sup>67</sup>

26 August 2015

43. On 26 August 2015, Alou and Atai went to X4's home [REDACTED] and had a meeting in the garage attached to X4's house.<sup>68</sup> At this meeting, Alou asked him to make a *dawlah* flag. Dawla is the Islamic word for State. The "dawlah flag" or "IS flag" as it is also known has the first part of the shahada "*There is no God but God*" at the top, and below in a white circle the words "*Muhammad Messenger of God*". X4

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<sup>64</sup> V4/147B – Report of firearms searches of Talal Alameddine, p 3.

<sup>65</sup> V4/147B – Report of firearms searches of Talal Alameddine, p 4. See also V4/147C – Talal Alameddine Bail Report, p 4 (H58708547).

<sup>66</sup> EXH #1, V1/6 – Telecommunications Alou and Elzamtar.

<sup>67</sup> V4/147B – Report of firearms searches of Talal Alameddine, p 3.

<sup>68</sup> V5/150 – Surveillance Running Sheet, 26 August 2015 (from 16:00-21:59).

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did not want to make the flag for Alou but did not want to be rude, so he asked Alou to bring material back. X4 did not believe that Alou would return with the material.<sup>69</sup>

### 28 August 2015

44. On 28 August 2015 Alou, Atai, Hozan, and Farhad's brother Farshad attended Lake Parramatta Park and ate a meal together.<sup>70</sup> After eating, the group walked to the lake. Once at the side of the lake, they placed a cable tie around Hozan's hands and then Atai led Hozan up the hill effectively handcuffed.<sup>71</sup> Alou and Farshad appeared to film this activity on their mobile phones.<sup>72</sup> When they returned to their parked cars, they cut the cable tie off Hozan's wrists and departed the area.<sup>73</sup>

### 1 September 2015

45. At around 12:23 pm on 1 September 2015, Alou purchased black material from Sana Gift Store in Lakemba.<sup>74</sup>
46. At around 5:23 pm, Alou called X4 and said to him, "*I swear praise be to God. Um brother I'm gonna come past and bring my jumper, bro, so that you can fix it up for me. Is that all right? Tonight?*". X4 responded, "*okay. No worries. What time are you gunna come?*". Alou told X4 that he would call when he was outside.<sup>75</sup>
47. Before arriving at X4's house, Alou conducted counter-surveillance.<sup>76</sup>

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<sup>69</sup> V7/223 – Second Statement of X4 dated 5 April 2016; see also V7/222– Statement of X4 dated 9 March 2016.

<sup>70</sup> V5/154 – Statement of Detective Senior Constable Anita Watson dated 15 May 2016; V5/155– Statement of FA Chris Jessup dated 13 May 2016; V5/155– AFP Property Item Log (Cable Tie) 3420896/001 dated 12 May 2016.

<sup>71</sup> V5/153– Statement of Detective Senior Constable Anita Watson dated 10 February 2016; V5/152– Statement of FA Nathan Robertson dated 15 May 2016.

<sup>72</sup> V5/151 – AFP Surveillance Log dated 28 August 2015.

<sup>73</sup> V5/151– AFP Surveillance Log dated 28 August 2015; V5/152 –Statement of FA Nathan Robertson dated 15 May 2016.

<sup>74</sup> V5/156 – AFP Surveillance Running Sheet, 1 September 2015; V5/157– Statement of FA Mathew Davoren dated 29 April 2016; V5/162– Picture of Alou holding white bag, 1 September 2015 at 12:20.

<sup>75</sup> EXH #1, V1/7 – Telecommunications between Alou and X4 on 1 September 2015 at 17:23, p 1.

<sup>76</sup> V5/156 – AFP Surveillance Log dated 1 September 2015; V5/157– Statement of FA Mathew Davoren dated 29 April 2016; V5/158– Statement of Federal Agent Raewyn Mclean dated 29 April 2016; V5/159– Statement of FA Peter MacDonald dated 12 May 2016; V5/160 – Statement of FA Mark Wright dated 29 April 2016; V5/161– Statement of FA Luke Thompson dated 29 April 2016; V5/162– Statement of FA Mikal Preston dated 21 October 2016; V5/163– Statement of FA Donovan Souza-Bingham dated 29 April 2016.

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48. At 7:54 pm, Alou sent X4 a text message telling him that he was outside.<sup>77</sup> X4 described the material as “*black and square*” and said he just “*chucked it aside in the garage*” as he “*never intended on using it*”.<sup>78</sup>

#### 4 September 2015

49. At around 2:20 pm on 4 September 2015, Alou, Atai, Hozan, Farshad, and another male associate, Mustafa Elkholy (**Elkholy**), attended Parramatta Park. The group sat around a picnic table before Atai and Farshad walked to Farshad’s vehicle parked nearby. Once at the vehicle, Farshad placed an unknown item in the front seat of the vehicle. Atai and Farshad then returned to the group. The group then walked along a trail within the park and out of sight.<sup>79</sup>

#### 11 September 2015

50. At around 1:30 pm on 11 September 2015, Alou, Atai, Hozan, Farshad, Farhad, Elkholy, and Suleman met at Lake Parramatta Park.<sup>80</sup> This is the only known in-person contact between Alou, Atai, Farshad, and Farhad outside of attendances at the Parramatta Mosque. At the time of the gathering, police incorrectly identified Farhad as Miralem Nuhbegovic (**Nuhbegovic**), an associate of Atai.<sup>81</sup> Police became aware of this misidentification on 5 October 2015.<sup>82</sup> This was the only occasion Farhad was observed by police surveillance during Operation Peqin.<sup>83</sup>

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<sup>77</sup> EXH #1, V1/7 – Telecommunications between Alou and X4 on 1 September 2015 at 19:54, p 2.

<sup>78</sup> V7/223 – Second Statement of Witness Person X4 dated 5 April 2016, paragraphs 11 and 12.

<sup>79</sup> V5/167 – AFP Surveillance Running sheet, 4 September 2015; V5/166 – Statement of Tim Toohey dated 23 June 2016.

<sup>80</sup> V5/170 – Statement of Federal Agent Scott Daniel Veltmeyer dated 6 June 2016 (Annexing still images from Parramatta Park); See V5/169– Surveillance Video 253/2015 MTR 64/09; AFPV1/702 – Surveillance Video 254/2015 MTR 64/08; AFPV1/703 – Surveillance Video 255/2015 MTR 64/07. Note that the AFP surveillance running sheet relating to 11 September 2015 which records Farhad as being present is not a contemporaneous record; it was prepared in January 2016 for the purposes of criminal proceedings and after AFP had established that Farhad was in attendance on 11 September 2015.

<sup>81</sup> EXH #1, V1/2 – Dickinson and Byles First Joint Statement 29.11.2024, [76].

<sup>82</sup> EXH #1, V1/3 – Dickinson and Byles Second Joint Statement 03.10.2025, [9].

<sup>83</sup> EXH #1, V1/2 – Dickinson and Byles First Joint Statement 29.11.2024, [76].

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### 15 September 2015

51. At 7:37 am on 15 September 2015, Farhad arrived at the Parramatta Mosque carrying a black sports bag and a Nike backpack. Once at the Mosque, Farhad put the bag into the top left alcove of the prayer hall.<sup>84</sup>
52. At about 8:11 am, two police officers entered the Mosque and spoke briefly to Farhad.<sup>85</sup>
53. At about 8:27 am, Farhad left the Mosque carrying his Nike backpack (leaving behind the black sports bag).<sup>86</sup>

### 18 September 2015

54. At 3:28 pm on 18 September 2015, Alou entered the Parramatta Mosque without carrying any bags.<sup>87</sup> After praying, Alou talked to Farshad and Wahaj Siddiqi (**Siddiqi**).
55. At about 3:45 pm, Alou left the Mosque carrying the black sports bag that had been left behind by Farhad on 15 September 2015.<sup>88</sup>

### 20 September 2015

56. At about 3:05 pm on 20 September 2015, Alou removed the black sports bag from the boot of his vehicle and placed it on the ground. About one minute later, Alou placed the black sports bag back into the boot.<sup>89</sup>

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<sup>84</sup> V5/172 – Statement of Detective Senior Constable Watson dated 15 July 2016 (Attaching still images showing movements of black sports bag, Farhad Mohammad and Raban Alou); V5/171 – CCTV Timeline Parramatta Mosque 15 September 2015.

<sup>85</sup> V5/171– CCTV Timeline Parramatta Mosque 15 September 2015.

<sup>86</sup> V5/171– CCTV Timeline Parramatta Mosque 15 September 2015.

<sup>87</sup> V5/171– CCTV Timeline Parramatta Mosque 15 September 2015.

<sup>88</sup> V5/171 – CCTV Timeline Parramatta Mosque 15 September 2015; V5/174 – Image of Alou with Black Sports Bag, 18 September 2015.

<sup>89</sup> V5/175 – AFP Surveillance Running Sheet 20 September 2015; V5/176– Surveillance Image Alou with black sports bag.

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21 September 2015*Contact with X2 and X3 and early steps to obtain a gun*

57. Between 1:27 pm and 1:37 pm on 21 September 2015, Alou, Atai, and Farhad met at Parramatta Mosque in the off-camera area of the mosque, between the female and male sections of the prayer hall.
58. At 1:37 pm, they dispersed: Alou via the female entry out the door to the right of camera view; Atai via the female entry down the hallway to the left of camera view; and Farhad back into the male prayer hall.<sup>90</sup>
59. At 1:42 pm, Alou telephoned an associate, Bakhtiari, and asked for the phone number of a person referred to as X3.<sup>91</sup>
60. At 1:52 pm, Alou telephoned X3 and arranged to meet him in Greenacre that evening.<sup>92</sup>
61. At 7:36 pm, Alou telephoned X3 to ask for his address. During the conversation, X3 asked Alou “*who is he coming with?*” Alou responded that he was coming with “*one of the other brothers...Milad [Atai]*”.<sup>93</sup>
62. After this telephone exchange, X3 sent his address in a text message to Alou at 7:38 pm.<sup>94</sup> X3 then sent a message to Alou asking how long he was going to be.<sup>95</sup>
63. At 8:01 pm, X3 sent a text message that stated “*please be quick needa leave the area*”.<sup>96</sup> At around 8:03 pm, Alou telephoned X3 and informed him that he was “*on the street*” and he would walk to X3.<sup>97</sup>
64. At about 8.03 pm, Alou and Atai met with X3 in Greenacre. During the conversation Alou asked X3, “*Can you get anything?*” As he said this, Alou turned his hands into the

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<sup>90</sup> V7/228, Annexure D – Statement of DSC Watson – Timelines Parramatta Mosque, p 51.

<sup>91</sup> EXH #1, V1/8 – Telecommunications between Alou and Bakhtiari on 21 September 2015 at 13:42.

<sup>92</sup> EXH #1, V1/9 – Telecommunications between Alou and X3 on 21 September 2015 at 13:52, p 1.

<sup>93</sup> EXH #1, V1/9 – Telecommunications between Alou and X3 on 21 September 2015 at 19:36, p 3.

<sup>94</sup> EXH #1, V1/9 – Telecommunications between Alou and X3 on 21 September 2015 at 19:38, p 5.

<sup>95</sup> EXH #1, V1/9 – Telecommunications between Alou and X3 on 21 September 2015 at 19:54, p 6; Alou responds and says he will be about “*10 15 mins*”: EXH #1, V1/9 – Telecommunications between Alou and X3 on 21 September 2015 at 19:54, p 7.

<sup>96</sup> EXH #1, V1/9 – Telecommunications between Alou and X3 on 21 September 2015 at 20:01, p 9.

<sup>97</sup> EXH #1, V1/9 – Telecommunications between Alou and X3 on 21 September 2015 at 20:03, p 10.

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shape of a pistol. During this conversation, X3 told Alou to contact a person referred to as X2 for assistance. Alou did not use the word “gun”, did not disclose the reason why he wanted a firearm and “blocked off” the question when asked for the reason.<sup>98</sup>

### 23 September 2015

65. Between 1:51 pm and 3:41 pm on 23 September 2015, Atai and Farhad were seen working together removing rubbish and construction waste from inside Parramatta Mosque.<sup>99</sup>

### 24 September 2015

66. At 2:09 pm on 24 September 2015, Alou telephoned X3 and asked him to send X2’s number to him.<sup>100</sup>

67. At 2:11 pm, Alou and Atai both contacted X2 and arranged to meet later that night.<sup>101</sup> Alou made most of the arrangements using his own mobile telephone; however, just prior to meeting X2, Alou sent a text message to X2 informing him that the battery on Alou’s phone was about to “die” and to contact Alou on Atai’s mobile number 0423 882 654.<sup>102</sup> Atai made it clear to X2 that they had to meet him that evening as it was “urgent”.<sup>103</sup>

68. At 8.30 pm, Alou and Atai met X2 at a chicken shop in Granville for approximately 25 minutes. During the meeting, Alou asked X2 for a “favour”, stating he wanted a “gun”.<sup>104</sup> X2 asked Alou who he had dramas with and Alou replied, “we don’t have dramas with anyone. We can’t tell no-one”.<sup>105</sup> X2 told Alou he would “ask around...”<sup>106</sup> to see if they could source a firearm for Alou. After finalising code words to be used, a follow-up meeting was arranged.<sup>107</sup>

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<sup>98</sup> V7/225 – Transcript of NSWCC Hearing with Witness X3 dated 10 March 2016.

<sup>99</sup> V7/228, Annexure E – Statement of DSC Watson – Timelines Parramatta Mosque pp 62-71.

<sup>100</sup> EXH #1, V1/10 – Telecommunications between Alou and X3 on 24 September 2015 at 14:09, p 1.

<sup>101</sup> EXH #1, V1/11 – Telecommunications between Alou, X3 and X2 on 24 September 2015 at 14:11.

<sup>102</sup> EXH #1, V1/11 – Telecommunications between Alou and X3 on 24 September 2015 at 19:50.

<sup>103</sup> EXH #1, V1/11 – Telecommunications between Alou and X3 on 24 September 2015 at 19:56, p 8.

<sup>104</sup> V7/224 – Transcript of NSWCC Hearing with Witness X2 dated 10 March 2016, p 23.

<sup>105</sup> V7/227 – Statement of DSC Darius Halim dated 12 December 2017; V7/226 – Statement of DSC Mehmet Sagkol dated 9 November 2017.

<sup>106</sup> V7/224 – Transcript of NSWCC Hearing with Witness X2 dated 10 March 2016, p 24.

<sup>107</sup> V7/224 – Transcript of NSWCC Hearing with Witness X2 dated 10 March 2016.

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25 September 2015

69. At 10:13 pm on 25 September 2015, Alou had a telephone conversation with his wife, Zeinab (Sharna) Perger (**Perger**) in which he told her that he would go past Atai's home to talk to him about something.<sup>108</sup> When Perger asked why he wanted to see Atai, Alou said, "Do you want me to tell you everything on the phone, you want me to tell you who I want to kill tomorrow?" Alou then went on to say:<sup>109</sup>

*"I...(indistinct)... say stupid shit like that, oh, I wanna go kill this guy. That's what...(indistinct)... says but. I was, like, don't (indistinct) like, you know, we're tapped. Like, fuck, I'm gunna say something dumb, like, just gunna go speak to the brother, and that's it, bro. See what the hell is going on. I need to – I need to - - -"*

70. Alou then said he needed Atai's advice on something and that "it is nothing to do with this".<sup>110</sup>

26 September 2015

71. At about 2:00 pm on 26 September 2015, Alou messaged X4 using WhatsApp and asked if his jumper was ready. X4 replied, "Wallah sorry brother I fully forgot about it.. we're doing eid festival at the moment I'll make it as soon as I can and let you know".<sup>111</sup>

27 September 2015

72. At about 12:10 am on 27 September 2015, police conducting patrols through Merrylands sighted a well-known Middle Eastern organised crime identity, Mahmood Zarika (**Zarika**) in the carpark of a 7/11 on Merrylands Road. At the time, Zarika was talking to a male they believed to be another well-known Middle Eastern organised crime identity, Rafat Alameddine. About two minutes later, Talal Alameddine arrived in a white Toyota Camry and got out of the car. After a short conversation between the three of them, Zarika handed an object to Talal Alameddine, however, police could not identify the item. Talal Alameddine returned to the white Camry and left. Police followed the white Camry and stopped it in Clarence Street, Merrylands where they conducted a breath test of Talal

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<sup>108</sup> EXH #1, V1/12 – Telecommunications between Alou and Perger on 25 September 2015 at 22:13.

<sup>109</sup> EXH #1, V1/12 – Telecommunications between Alou and Perger on 25 September 2015 at 22:13, p 4.

<sup>110</sup> EXH #1, V1/12 – Telecommunications between Alou and Perger on 25 September 2015 at 22:13, p 4.

<sup>111</sup> EXH #1, V1/13 – Extraction Report – WhatsApp chat on 26 September 2015 at 4:29.

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Alameddine. Due to the FPO, police search Alameddine and the vehicle, however, no items of interest were located.<sup>112</sup>

73. At 12:38 pm, Alou telephoned Bakhtiari and asked to borrow \$200.<sup>113</sup> During this conversation, Bakhtiari told Alou that he could lend him a maximum of \$100. At 12:50 pm, Bakhtiari agreed to meet Alou.<sup>114</sup>
74. At 12:54 pm, Alou was observed with a male fitting Bakhtiari's description in the vicinity of Bakhtiari's home near Pemulwuy Marketplace.<sup>115</sup>
75. At 7:29 pm, Atai posted a link to a video involving Abu Bakr Al Baqhadhi (the founder and first leader of the Islamic State). In response, Alou said:<sup>116</sup>

*“Bro straight out this isn't smart at all speaking bout this stuff we should be more wise instead of fools coz clearly these filthy munafiqs dogs see this stuff. We should be smarter and just coz we have heat doesn't mean dats we give ourselves even more to these pigs and allahu alam (God knows best).”*

76. Dirani responded:

*“We don't even support anyone we have nothing to hide what are you saying? We study this stuff for educational purposes, it's a part of Islam.*

*Where [we are] not giving up ourselves*

*We not doing anything illegal”<sup>117</sup>*

### 28 September 2015

77. At 8:53 am on 28 September 2015, Alou telephoned Elkholy and asked for a loan of \$100.<sup>118</sup> Elkholy asked if Alou had a Commonwealth Bank account but then indicated that he would rather not do it electronically and said that *“dodgy records will show up”*.<sup>119</sup>

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<sup>112</sup> V4/147B – Report of firearms searches of Talal Alameddine, p 3.

<sup>113</sup> EXH #1, V1/14 – Telecommunications between Alou and Bakhtiari on 27 September 2015 at 12:38.

<sup>114</sup> EXH #1, V1/14 – Telecommunications between Alou and Bakhtiari on 27 September 2015 at 12:50, p 3.

<sup>115</sup> V6/177 – Surveillance Running Sheet, 27 September 2015 p 3 of 4; V6/178 – Statement of FA Brad McMeeking dated 14 April 2016; V6/178 – Statement of FA George Eliopoulos dated 14 April 2016; V6/180 – Statement of FA Mark Romanowski.

<sup>116</sup> V6/221 – DSC Eljarrar 09.06.2017 - extracts of WhatsApp conversation, p 64.

<sup>117</sup> V6/221 – DSC Eljarrar 09.06.2017 - extracts of WhatsApp conversation, pp 65-66.

<sup>118</sup> EXH #1, V1/15 – Telecommunications between Alou and Elkholy on 28 September 2015 at 8:53, p 1.

<sup>119</sup> EXH #1, V1/15 – Telecommunications between Alou and Elkholy on 28 September 2015 at 8:53, p 2.

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Alou confirmed he had a Commonwealth Bank account. Elkholy replied that he will send it as “*cardless cash*”. Alou confirmed that he was in Chester Hill and would go to an ATM and wait for Elkholy to call with a code.<sup>120</sup>

78. At 9:09 am, Elkholy telephoned Alou and gave him a code and PIN number.<sup>121</sup>
79. At 9:10 am, a withdrawal was made from ATM ID214103 at 130-134 Waldron Road, Chester Hill from Elkholy’s account using the cardless cash option.<sup>122</sup>
80. Between 10:28 am and 11:41 am, Alou and Dirani engaged in an exchange on WhatsApp. During this exchange, Dirani said to Alou, “*You didn’t come past. Pick up the millions.*”<sup>123</sup> Alou replied, “*Yeah im gonna come past*”. During the exchange, they also arranged to meet for prayers at Macquarie University.<sup>124</sup>
81. At 2:59 pm (after meeting at Macquarie University for prayer), Dirani sent Alou the following text message:<sup>125</sup>

*“If you need anything let me know.*

*Patience*

*Allah is the best of planners*

*Do you think you will believe and not get tested?”*

82. At 3:11 pm, Alou replied “*Subhanallah jazakallah khair*” (translation: Glory to God may God reward you with good).<sup>126</sup>

### 29 September 2015

83. At 10:41 am on 29 September 2015, Atai used Alou’s car to drive to Alameddine’s house at 11 Lockwood Street, Merrylands. Atai then talked to a number of unidentified males out the front of Alameddine’s house.

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<sup>120</sup> EXH #1, V1/15 – Telecommunications between Alou and Elkholy on 28 September 2015 at 8:53, p 2.

<sup>121</sup> EXH #1, V1/15 – Telecommunications between Alou and Elkholy on 28 September 2015 at 9:09, p 5.

<sup>122</sup> V6/181 – Affidavit of Rajani Helaluddin, compliance officer at the Commonwealth Bank.

<sup>123</sup> V6/221 – DSC Eljarrar 09.06.2017 - extracts of WhatsApp conversation, p 99.

<sup>124</sup> EXH #1, V1/16 – Telecommunications between Alou and Dirani on 28 September 2015.

<sup>125</sup> EXH #1, V1/16 – Telecommunications between Alou and Dirani on 28 September 2015 at 14:59, p 6.

<sup>126</sup> EXH #1, V1/16 – Telecommunications between Alou and Dirani on 28 September 2015 at 14:59, p 7.

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84. At 10:58 am, Perger telephoned Alou and told him that they were at the Mosque and that:<sup>127</sup>

*“...Milad said to call your brother and tell him to come - send me your brother’s number so that he can call your brother to tell him to come outside when he gets there ’cause he has to give him money or something.”*

85. Atai’s wife could be heard in the background saying, “Don’t say it over the phone.”<sup>128</sup>

86. At about 11:00 am, Alou called his brother Hozan and told him that Atai would come past to give him the money that he (Alou) owed him.<sup>129</sup>

87. At 12:07 pm, Atai entered Parramatta Mosque and went into the top left alcove of the male prayer hall. Farhad, who was in the bottom right area, followed Atai.

88. At 12:08 pm, Atai was seen glancing into the female bathroom area before again going out of camera view.

89. Between 12:08 pm and 12:09 pm, Atai and Farhad remained in the same area out of camera view.<sup>130</sup>

90. At about 12:45 pm, Shadi and Farhad entered Westfield Shopping Centre in Parramatta.<sup>131</sup> Farhad carried a Nike branded sports bag.

91. At about 12:50 pm, Shadi entered STA Travel Centre.<sup>132</sup> Farhad was seen seated on a bench, waiting for Shadi whilst she was in the STA Travel Centre.<sup>133</sup>

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<sup>127</sup> EXH #1, V1/20 – Telecommunications between Alou and Perger on 29 September 2015 at 10:58, p 4; Alou sends to Perger his brother’s number as requested: EXH #1, V1/20 – Telecommunications between Alou and Perger on 28 September 2015 at 11:03, p 5.

<sup>128</sup> EXH #1, V1/20 – Telecommunications between Alou and Perger on 29 September 2015 at 10:58 am, p 4. It is noted that the transcript does not include these words. The audio is presently being reviewed to determine the accuracy of this statement. Note that the Atai ROS includes these words – see Atai ROS, [99].

<sup>129</sup> EXH #1, V1/21 – Telecommunications between Alou and H Alou on 29 September 2015 at 11:00, p 1.

<sup>130</sup> V7/228, Annexure H – Statement of DSC Watson – Timelines Parramatta Mosque p 119.

<sup>131</sup> See V4/120 – CCTV footage from Westfield Shopping Centre in Parramatta (counter time 00:20); V6/183 – Statement of Brian Peters, Risk and Security Supervisor for Westfield Parramatta Shopping Centre dated 15 September 2016.

<sup>132</sup> V4/124 – CCTV Still Image, Westfield Shopping Centre in Parramatta, p 3.

<sup>133</sup> V4/123 – CCTV Still Image, Westfield Shopping Centre in Parramatta, p 2.

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92. At about 2:27 pm, Farhad and Shadi left the Westfield Shopping Centre in Parramatta.<sup>134</sup>
93. At 9:20 pm, Alou sent a text message to Dirani: “*Yeah of course I believe I’m just paranoid akhi (brother) this stuff is doing my head in wallah (I swear to God) gonna lose it*”.<sup>135</sup> Dirani replied, “*Khair (For the good of the faith) Insha’ Allah (God willing) where are you*”.<sup>136</sup> Alou then responded, “*I’m parked on the side of the road waiting for you to answer em, me*”<sup>137</sup>. Dirani replied, “*I’m in Guildford at that house I told u about come*”.<sup>138</sup>
94. At 9:29 pm, Dirani telephoned Alou and asked for the “*address*”. Alou provided the address as 82 Bursill Street, Guildford to Dirani.<sup>139</sup>
95. Between 10:28 pm and 10:40 pm, Dirani’s mobile telephone was identified as being in the Granville, Parramatta and Harris Park areas.<sup>140</sup> At approximately 10:35 pm, Atai was observed walking along Bursill Street, Guildford to Marian Street, Guildford (which is the street in which Atai resided).<sup>141</sup>

### 30 September 2015

96. At 7:22 am on 30 September 2015, Alou sent X4 a message over WhatsApp asking, “*How did it go? Finished yet akhi?*”<sup>142</sup>
97. At 1:57 pm, Alou arrived at Parramatta Mosque. Between 1:57 pm and 2:27 pm, Alou and Farhad were off camera view in the mosque.<sup>143</sup>
98. At 2:22 pm, Dirani posted two photographs onto The bricks WhatsApp group. One of the photographs appeared to be of a male in civilian clothing pointing a gun at the head

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<sup>134</sup> V4/124 – CCTV Still Image, Westfield Shopping Centre in Parramatta. p 6. Police investigations subsequently confirmed that Shadi booked a flight to Istanbul, Turkey, for departure on 1 October 2015. Prior to that day she had been arranging with the travel agent to travel to Greece and altered the destination to Istanbul.

<sup>135</sup> EXH #1, V1/22– Telecommunications between Alou and Dirani on 29 September 2015 at 21:20, p 1.

<sup>136</sup> EXH #1, V1/22 – Telecommunications between Alou and Dirani on 29 September 2015 at 21:20, p 2.

<sup>137</sup> EXH #1, V1/22 – Telecommunications between Alou and Dirani on 29 September 2015 at 21:22, pp 3-4.

<sup>138</sup> EXH #1, V1/22 – Telecommunications between Alou and Dirani on 29 September 2015 at 21:24, p 5.

<sup>139</sup> EXH #1, V1/22– Telecommunications between Alou and Dirani on 29 September 2015 at 21:29, p 7.

<sup>140</sup> EXH #1, V1/19 – Statement of Terry Simmonds dated 12 April 2017 attaching Information report dated 10 January 2017.

<sup>141</sup> V5/184 – AFP Surveillance Log dated 29 September 2015.

<sup>142</sup> EXH #1, V1/24 – Telecommunications between Alou and X4 on 30 September 2015 at 7:22, p 1.

<sup>143</sup> V7/228, Annexure I – Statement of DSC Watson – Timelines Parramatta Mosque pp 132-133.

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of a policeman and the other photograph was a man in civilian clothing pointing a gun towards a man in a military uniform. Those photographs were posted with the caption “*Dawla Assassinations*”.<sup>144</sup>

99. At 2:27 pm, Alou and Farhad returned into camera view together and Alou left the mosque. Within two minutes of Alou’s departure, Farhad collected his backpack and left the mosque.<sup>145</sup>
100. At 2:46 pm, Alou sent a coded SMS to X2 providing an alternative number (0414 358 692) for X2 to contact him on.<sup>146</sup>
101. At 7:50 pm, Alou sent an SMS to X2 with the word “*mad*”.<sup>147</sup>
102. At 8:00 pm, Alou met with X1 and X2 at a chicken shop in Granville. X2 told Alou that he could not source a firearm for him.<sup>148</sup>
103. At 8:43 pm, Alou received an SMS from X2 with the text “?”.<sup>149</sup>
104. At 9:22 pm, Alou received an SMS from X2 stating “0481159498”, being the phone number for Zakaria, an associate of Alameddine.<sup>150</sup>
105. At 9:28 pm, Alou called 0481 159 498 and spoke to Zakaria’s brother, Dawood. Alou said he was desperate and that he wanted “*Samim’s number ...[as he] ... really needs it*”.<sup>151</sup>

### 1 October 2015

106. Between 11:06 am and 12:08 pm on 1 October 2015, Alou, Dirani, and Catovic engaged in an exchange on The bricks WhatsApp group about Palestinians and Israel and the

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<sup>144</sup> V6/221 – DSC Eljarrar 09.06.2017 – Extracts of WhatsApp conversation, p 72.

<sup>145</sup> V7/228, Annexure I – Statement of DSC Watson – Timelines Parramatta Mosque pp 134-136.

<sup>146</sup> EXH #1, V1/23– Telecommunications between Alou and X2 on 30 September 2015 at 14:46, p 1.

<sup>147</sup> EXH #1, V1/23– Telecommunications between Alou and X4 on 30 September 2015 at 19:50, p 6.

<sup>148</sup> V7/224 – Transcript of NSWCC Hearing with Witness X2 dated 10 March 2016, p 32; V5/185 - AFP Surveillance Log dated 30 September 2015; V5/186– Statement of Federal Agent Barry Sutherland dated 14 April 2016.

<sup>149</sup> EXH #1, V1/23 – Telecommunications between Alou and X2 on 30 September 2015 at 20:43, p 7.

<sup>150</sup> EXH #1, V1/23 – Telecommunications between Alou and X2 on 30 September 2015 at 21:22, p 8.

<sup>151</sup> EXH #1, V1/25 – Telecommunications between Alou and D. Zakaria on 30 September 2015 at 21:28.

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former's failure to act. At the end of the exchange, the person using a number connected to Alou stated, "*Until they drop that filthy flag and lift up the flag of tawheed allah will give them victory inshallah*".<sup>152</sup>

107. At 12:02 pm, Farhad arrived at Parramatta Mosque carrying a black Nike backpack.<sup>153</sup>
108. At 12:23 pm, Atai arrived at Parramatta Mosque. Whilst at the Mosque, Atai assisted Nuhbegovic to move a hot water heater and also engaged in conversation with Alou in the male prayer area.<sup>154</sup>
109. At 12:42 pm, Alou sent a text message to Atai saying, "*Asalamu alaykum (peace be upon you) can u ask ur boss wen im getting my \$\$\$*".<sup>155</sup>
110. At 1:00 pm, Alou arrived at Parramatta Mosque carrying a black sports bag, followed by Perger.<sup>156</sup> Alou entered the female entry of the Mosque and left the black sports bag in a location not covered by CCTV.<sup>157</sup>
111. At about this time, Atai and Nuhbegovic stood in the female entrance and Atai appeared to speak to someone off camera in the area in which Alou and Farhad were last seen.
112. At about 1:15 pm, Alou, Atai, and Farhad stood together with a large group for prayer.<sup>158</sup> At 1:36 pm, Alou hugged Farhad goodbye then left the Mosque without the black sports bag he had with him when he entered the Mosque.<sup>159</sup>

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<sup>152</sup> EXH #1, V1/26 – WhatsApp conversation – Alou – p 2.

<sup>153</sup> V7/228, Annexure J – CCTV Parramatta Mosque (Image of Farhad entering the Mosque p 137); V5/192 – Statement of Federal Agent Hamish Morrison dated 10 November 2015. See also V5/188 – Statement of FA Ashley Agland; V5/189 – Statement of FA Brad McMeeking dated 6 November 2015; V5/190 – Statement of FA Rebecca Welsh dated 6 November 2015; V5/191 – Statement of FA Angus Hill dated 6 November 2015; and EXH #1, V2/53 – CCTV Compilation video.

<sup>154</sup> V5/193 – CCTV Parramatta Mosque (Image of Atai entering the Mosque p 37) (Image of Atai moving gas water heater p 37); V7/228, Annexure J – Statement of DSC Watson – Timelines Parramatta Mosque p 139.

<sup>155</sup> EXH #1, V1/28 – Telecommunications between Alou and Atai on 1 October 2015 at 12:42.

<sup>156</sup> V5/193 – CCTV Parramatta Mosque (Image of Alou and Perger entering Mosque p 39); EXH #1, V2/53 – CCTV Compilation video.

<sup>157</sup> V5/193 – CCTV Parramatta Mosque (Image of Alou and Perger entering Mosque p 40); EXH #1, V2/53 – CCTV Compilation video.

<sup>158</sup> V5/193 – CCTV Parramatta Mosque (Image of Alou Atai and Farhad praying together p 45); EXH #1, V2/53 – CCTV Compilation video.

<sup>159</sup> V5/193 – CCTV Parramatta Mosque (Image of Alou leaving the Mosque without the black bag p 50); EXH #1, V2/53 – CCTV Compilation video.

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113. At 2:31 pm, Farhad collected the black sports bag that was left behind by Alou and left the Mosque carrying the black sports bag. At 2:57 pm, Farhad returned to the Mosque without the black sports bag.<sup>160</sup>
114. At 2:38 pm, Alou contacted Atai. During the conversation, Atai said to Alou he was “*at the house*” and Alou replied that he was “*coming*”. Atai then told Alou, “*Raban can you bring me something, bro? Actually, I’ll give you the money, cuz*”.<sup>161</sup>

#### *Departure of Shadi Mohammad*

115. At 2:51 pm, Farhad met with Shadi near the old Parramatta library and gave her the black sports bag.<sup>162</sup> Shadi then got into a taxi out the front of Civic Place and was driven to Sydney International Airport.<sup>163</sup> When Shadi arrived at the International Airport, she was carrying the black sports bag and a bag with black polka dots.<sup>164</sup>
116. At 2:56 pm, Farhad returned to the Parramatta Mosque.<sup>165</sup>
117. At 7:44 pm, Alou telephoned an associate, Ubidallah Azari, and confirmed a meeting time of 7:45 pm. Alou then drove to Atai’s home in Guildford and picked up Atai and both men travelled to the Bukhari House Musallah in Auburn.<sup>166</sup>

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<sup>160</sup> V5/193 – CCTV Parramatta Mosque (Images of Farhad leaving the Mosque with the black sports bag and returning without it a few minutes later p 20); EXH #1, V2/53 – CCTV Compilation video.

<sup>161</sup> EXH #1, V1/28 – Telecommunications between Alou and Atai on 1 October 2015 at 14:38, p 2.

<sup>162</sup> V5/193 – CCTV Old Parramatta Library (Image of Farhad walking with black sports bag p 82); EXH #1, V2/53 – CCTV Compilation video.

<sup>163</sup> V5/193 – CCTV Old Parramatta Library (Images of Shadi getting into Taxi with the black sports bag p 100); EXH #1, V2/53 – CCTV Compilation video.

<sup>164</sup> V5/193 – CCTV Kingsford Smith International Airport (Images of Shadi carrying the black sports bag through the terminal p 129); V5/194 – CCTV Bag Comparison Chart. Police investigations subsequently confirmed that Shadi left Australia on 1 October 2015. Media reports indicate that Shadi travelled to Syria to join the Islamic State as a recruiter and that she was subsequently killed in a United States air strike in 2016.

<sup>165</sup> EXH #1, V2/53 – CCTV Compilation video.

<sup>166</sup> V5/198 – AFP Running Sheet, 1 October 2015, 281/2015; V5/199 – Statement of FA Brett Smith dated 11 November 2015; V5/200 – Statement of FA Rajeev Choy dated 12 November 2015; V5/201 – Statement of Federal Agent Andrew Dunn dated 6 November 2015; V5/202 – Statement of FA Sarah Cliffe dated 12 November 2015; V5/203 – Statement of FA Joshua Taumoeofolau dated 6 November 2015; V5/204 – Statement of FA Matthew Clegg dated 11 November 2015.

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118. Between 7:44 pm and 7:47 pm, Dirani made three unsuccessful attempts to contact Atai by telephone.<sup>167</sup> At 7:46 pm, Dirani also made an unsuccessful attempt to telephone Alou.<sup>168</sup>
119. At 9:31 pm, Alou and Atai attended the vicinity of Alameddine’s home in Lockwood Street, Merrylands.<sup>169</sup>
120. Between 9:00 pm and 10:30 pm, Alou made five attempts to telephone Alameddine using his wife’s mobile phone.<sup>170</sup> During this period, Perger’s phone travelled between North Merrylands, South Granville, and Granville West.
121. At 10:38 pm, Alou telephoned Alameddine and told him he had attended his house earlier that evening and had seen Alameddine’s brother (Rafat). Alameddine confirmed that he was not home and would call Alou the following day. Alou insisted that Alameddine see him that night.<sup>171</sup>
122. Between 11:16 pm and 11:38 pm, Alou and Salihy conducted an exchange of text messages during which Alou indicated that he was stressed. Salihy asked Alou, “*What happened with the Gucci bag man...did he disappear*”.<sup>172</sup> Alou replied, “*Yeah no good bro got to wait until next week then we can go fishing inshallah (God willing) but I told him nah too long u no we haven’t went fishing for ages so might as well go asap so I sacked him bro.*”<sup>173</sup>
123. After a further exchange of text messages, Alou and Salihy had the following exchange:<sup>174</sup>

Alou: *Idk (I don’t know) what to do akhi (brother). That’s why allah (God) says to verify .*

Salihy: *I reckon sleep and then start fresh tomorrow inshallah (God willing).*

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<sup>167</sup> EXH #1, V1/1 - DCI Henney 27.07.2023, [255].

<sup>168</sup> EXH #1, V1/1 - DCI Henney 27.07.2023, [255].

<sup>169</sup> V5/198 - AFP Running Sheet, 1 October 2015, 281/2015.

<sup>170</sup> V6/205 – Sharna Perger Optus Call Charge Records.

<sup>171</sup> EXH #1, V1/31 – Telecommunications between Alou and Alameddine on 1 October 2015 at 10:38.

<sup>172</sup> EXH #1, V1/32 – Telecommunications between Alou and Salihy on 1 October 2015 at 23:16, pp 1-2.

<sup>173</sup> EXH #1, V1/32 – Telecommunications between Alou and Salihy on 1 October 2015 at 23:16, p 3.

<sup>174</sup> EXH #1, V1/32 – Telecommunications between Alou and Salihy on 1 October 2015 at 23:16, p 16-25.

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Saliyh: *Cause its jummah (Friday) and maybe we can go fishing tomorrow early in the morning.*

Alou: *Yeah after fajr (dawn prayers) im not gonna go sleep im gonna kick back but idk who to kick back with u no*

Saliyh: *Mmm have you spoke to the Persian*

Alou: *Which 1 akhi(brother)*

Saliyh: *Better to speak in person cause this messaging no good, tomorrow morning I'll call you...Just sleep and tomorrow we will talk...And delete these messages.*

### The events of 2 October 2015

124. At 6:51 am on 2 October 2015, Alou sent two text messages to X3 asking “U there”.<sup>175</sup> X3 did not respond.
125. At 8:04 am, Alou tried to call X3, however, he could not get through.<sup>176</sup>
126. At 9:21 am, Alou and Perger had a conversation in Alou’s car in which the following was said:<sup>177</sup>

Alou: *Listen*

Perger: *What*

Alou: *(indistinct). Look at me*

Perger: *I'm listening - (silence) – What*

Alou: *(indistinct) it's dangerous stuff. Forget about it*

Perger: *I feel like Raban I don't know what the hell you're up to but*

Alou: *Shut up “yalla” bye*

Perger: *If you do something stupid “inshallah” you get caught*

Alou: *Astaghfirullah”(Forgive me God) bro don't you say that you fuck.*

Alou: *(indistinct) What's stupid hows that stupid?– Alright lets do it - I'm only doing this because – whatever I do Subhanallah (Allah) he'll accept it*

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<sup>175</sup> EXH #1, V2/33 – Telecommunications between Alou and X3 on 2 October 2015 at 6:51, p 2.

<sup>176</sup> EXH #1, V1/1 - DCI Henney 27.07.2023, [269].

<sup>177</sup> EXH #1, V2/49 – AYR23W Surveillance, 2 October 2015 V3 LD Audio (counter reference 00:00:20).

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Perger      *Alright (indistinct)*

Alou:        *It's gotta be done but. Suck me off...*

127. At 9:58 am, Farhad entered Parramatta Mosque carrying the Nike backpack on his back.<sup>178</sup>
128. At 10:17 am, Alameddine sent a message to Alou saying, “*Salam alakum (peace be unto you) bro what's happening come around*”.<sup>179</sup>
129. At 10:18 am, Alou sent a message to Alameddine, “*Wa alaykum salam (and unto you be peace) akhi (brother) im in Guildford ill msg wen im outside just wanna come give salams (greetings) to ya*”.<sup>180</sup>
130. At 10:29 am, Alou sent a message to Alameddine, “*Asalamu alaykum (peace be upon you) im outside*”.<sup>181</sup> Alameddine replied to Alou saying, “*Wa alukum salam (peace be upon you too) Yallah (I'm waiting/Let's go) cuz*”.<sup>182</sup>

#### Alou travels to the vicinity of Alameddine's house

131. At 10:31 am, Alou parked his car out the front of 13 Lockwood Street, Merrylands. Alou then exited his vehicle and walked to the vicinity of 9 Lockwood Street.<sup>183</sup>
132. At 10:41 am, Alou returned to his vehicle parked outside 13 Lockwood Street and then drove home.<sup>184</sup>
133. At 10:56 am, Alou received a call from Perger and they discussed “*WhatsApp*” and getting in contact with an associate using Perger's phone. Alou then told Perger, “*That's*

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<sup>178</sup> V7/228, Annexure K – CCTV inside Parramatta Mosque (Image 6 p 168); EXH #1, V2/53 – CCTV Compilation video (video timer 01:02:22).

<sup>179</sup> EXH #1, V2/34 – Telecommunications between Alameddine and Alou on 2 October 2015 at 10:17, p 1.

<sup>180</sup> EXH #1, V2/34 – Telecommunications between Alameddine and Alou on 2 October 2015 at 10:18, p 2.

<sup>181</sup> EXH #1, V2/34 – Telecommunications between Alameddine and Alou on 2 October 2015 at 10:29, p 3.

<sup>182</sup> EXH #1, V2/34 – Telecommunications between Alameddine and Alou on 2 October 2015 at 10:29, p 4.

<sup>183</sup> V6/206 – AFP Surveillance Running Sheet dated 2 October 2015 (08:00-15:00); V6/207 – Statement of FA Philip Baird dated 6 November 2015; V6/208 – Statement of FA Raewyn Mclean dated 13 November 2015; V6/210 – Statement of FA Mikal Preston dated 5 November 2015; V6/211 – Statement of FA Donovan Se Souza-Bingham, dated 16 November 2015; V6/212 – Statement of FA Scott Veltmeyer dated 8 March 2016; V6/213 – Statement of DSC Ian Condon dated 28 January 2016.

<sup>184</sup> V6/206 – AFP Surveillance Running Sheet dated 2 October 2015 (08:00 – 15:00).

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*why I want to call him to tell him that I can't go after Jummah (Friday prayers) cause I've got something to do... that's why I want to speak with him".*<sup>185</sup>

134. At 11:05 am, Perger and Alou had a telephone conversation during which Alou said he has "...something to do after praying".<sup>186</sup>

#### Alou speaks to Farhad at Parramatta Mosque and meets with Dirani

135. At 11:31 am, Alou entered the Parramatta Mosque and sat with Farhad.<sup>187</sup> Alou, his brother Hozan, and Farhad spent the next two hours in each other's company and appeared during this time to be engaged in conversation.<sup>188</sup>

136. At 12:21 pm, Dirani arrived at Parramatta Mosque in a silver Toyota Corolla hatchback. Dirani parked his vehicle next to Alou's vehicle at the front of the building and entered the Mosque.<sup>189</sup>

#### Further contact with Alameddine

137. Between 12:58 pm and 1:01 pm, Alameddine attempted to make four calls to one of Alou's services (0415 652 616) from the Rees Street public telephone.<sup>190</sup>

138. At 1:04 pm, Alou and Dirani talked in the prayer hall while Farhad was present nearby.<sup>191</sup>

139. Between 1:10 pm and 1:19 pm, Alou had telephone communications with Alameddine that resulted in an arrangement to meet at Jones Park, off Burnett Street.<sup>192</sup> After the last

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<sup>185</sup> EXH #1, V2/35– Telecommunications between Alou and Perger on 2 October 2015 at 10:56, p 2.

<sup>186</sup> EXH #1, V2/35 – Telecommunications between Alou and Perger on 2 October 2015 at 10:56, p 3.

<sup>187</sup> V2/53 – CCTV Compilation video (video timer 01:12:34); V7/228, Annexure K – CCTV Parramatta Mosque (Images 19 – 22, pp 175 – 176).

<sup>188</sup> EXH #1, V2/53 – CCTV Compilation video (from around video timer 01:13:15).

<sup>189</sup> V7/228, Annexure K – CCTV Parramatta Mosque (Images 23 – 24, p 177); EXH #1, V2/53 – CCTV Compilation video (video timer 01:13:56).

<sup>190</sup> V6/218 – Annexure Statement Tim Miller CCR Analysis of Rees Street public phone box; V6/217 – UBD Map of Mays Hill and Merrylands; V6/215– Aerial photographs of Mays Hill; V6/216 – Aerial photograph of Merrylands.

<sup>191</sup> V7/228, Annexure K – CCTV Parramatta Mosque (Image 25, p 178); EXH #1, V2/53 – CCTV Compilation video (video timer 01:55:58).

<sup>192</sup> V7/228, Annexure K – CCTV Marsden Eye Specialist (Images 27 – 28, p 179); EXH #1, V2/36 – Telecommunication between Alameddine and Alou on 2 October 2015 at 13:10, 13:17 and 13:19; V6/218 – Statement of Tim Miller Telstra with annexures showing call times from Rees Street Telstra Phone Box.

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of those communications, Alou walked to where Dirani was standing with two other unknown males.<sup>193</sup>

140. At approximately 1:23 pm, Alou walked to where Dirani was standing with others, and leaned in and whispered in his ear. Dirani and Alou then stood with the males for about four minutes before they walked to their respective vehicles.<sup>194</sup>

#### Alou and Dirani travel to meet with Alameddine

141. At 1:26 pm, Dirani walked from his car back towards Alou's vehicle before he returned to his own. Dirani then got into the Silver Toyota Corolla and left the mosque, turning right onto Marsden Street in a southerly direction towards Merrylands.<sup>195</sup>
142. Dirani was followed by Alou, who was driving a white Toyota Camry Sedan.<sup>196</sup>
143. At approximately 1:35 pm, Dirani and Alou arrived at the public car park at Jones Park.<sup>197</sup> Alou then walked across a grassed area where he met Alameddine who was carrying a black satchel bag across his body and a Foot Locker plastic shopping bag.<sup>198</sup>
144. At about 1:40 pm, Alameddine and Alou returned to Alou's vehicle. Alou drove with Alameddine who sat in the front seat next to him.<sup>199</sup> During the journey, a conversation was partially recorded as follows:<sup>200</sup>

Alameddine: *Yeah yeah yeah*

Alou: *What did you bring? (indistinct)*

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<sup>193</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 02:23:55); AFPV2/1849 – AFP Surveillance Running Sheet dated 2 October 2015 (08:00 – 15:00).

<sup>194</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 02:24:42 – 02:29:46).

<sup>195</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 02:30:13).

<sup>196</sup> V7/228, Annexure K – Police surveillance camera, Jones Park, Parramatta (Image 31, p 181); EXH #1, V2/53 – CCTV Compilation video (video timer 02:30:52).

<sup>197</sup> V7/228, Annexure K – Police surveillance camera, Jones Park, Parramatta (Image 32, p 181); V2/53 – CCTV Compilation video (video timer 02:38:28).

<sup>198</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 02:39:35); V7/228, Annexure K – Police surveillance camera, Jones Park, Parramatta (Image 33, p 182).

<sup>199</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 02:39:45); V7/228, Annexure K – Police surveillance camera, Jones Park, Parramatta (Images 34 – 35, pp 182 – 183).

<sup>200</sup> EXH #1, V2/49 – AYR23W Surveillance, 2 October 2015 V3 LD Audio at 13:36; EXH #1, V2/47 – Statement of Wesley Clough dated 17 March 2016; EXH #1, V2/50 – Statement of Wesley Clough dated 17 November 2017.

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Alameddine: *Well I brang the 30 cal bro. You (indistinct) wanted to get the big one?*

Alou: *Nah nah nah (indistinct) Parramatta (indistinct) shit bro "wallah"-*

Alameddine: *- This is bad man*

Alou *I can't help it cuz cuz. I gotta go to Merrylands (indistinct)*

...

Alou: *Yeah yeah.*

Alameddine: *Absolutely*

145. Dirani followed Alou and Alameddine in a convoy to Merrylands.<sup>201</sup>

146. At about 1:42 pm, Alou and Dirani parked their vehicles on Warwick Road, Merrylands, parallel to Lockwood Street.<sup>202</sup> Alameddine and Alou got out of Alou's car and walked to the front of the vehicle where they appeared to be engaged in conversation.<sup>203</sup>

147. At 1:49 pm, Alou and Alameddine returned to Alou's vehicle. Alou opened the driver's side door of his vehicle while Alameddine collected a black satchel bag, a Foot Locker brand plastic shopping bag and a black plastic shopping bag from the front passenger side of the vehicle.<sup>204</sup> Alou closed the driver's door and walked to the driver's side front door of Dirani's vehicle and leaned in the window towards Dirani and appeared to have a conversation with him.<sup>205</sup>

148. At around the same time, Alameddine was seen carrying bags (which were removed from Alou's vehicle) and then crossing Warwick Road; turning right into Merrylands Road and then turning right into Lockwood Street, Merrylands.<sup>206</sup>

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<sup>201</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 02:39:45).

<sup>202</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 02:40:48).

<sup>203</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 02:40:56).

<sup>204</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 02:47:54).

<sup>205</sup> V7/228, Annexure K – Police surveillance camera, Jones Park, Parramatta (Images 37 – 39, pp 184 – 185); EXH #1, V2/53 – CCTV Compilation video (video timer 02:47:56 – 02:48:10); V6/206 – AFP Surveillance Running Sheet dated 2 October 2015 (08:00 – 15:00).

<sup>206</sup> V7/228, Annexure K – Police surveillance camera, Jones Park, Parramatta (Image 40 ,p 185); EXH #1, V2/53 – CCTV Compilation video (video timer 02:48:03 – 02:48:54).

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149. At 1:50 pm, Alou and Dirani departed Warwick Road, Merrylands and travelled to Merrylands Park in Burnett Street, Merrylands.<sup>207</sup> On arrival, they parked parallel to each other and remained seated in their respective vehicles.<sup>208</sup>
150. At 1:53 pm, Alou (whilst sitting in his car) said to Dirani:<sup>209</sup>
- “I need some help. You know I told you when he’s going to thing, did I tell you where (indistinct). But it will affect, the brother, Parra, affect the masjid (mosque), mine, it will affect me, do you know anything because Allah (indistinct) I asked the brother I told him because I gotta (indistinct)... leave it to me inshallah (God willing) because, so it doesn’t come back, cause the brother’s got heat and everything he’s got a lot of heat”.*
151. Dirani commented in response, *“Can’t get involved but”*. Alou then said, *“I know he said, ombah Allah, I don’t know that’s why I’m like leave it to me. I’ll do something. I’ll figure it out, inshallah. The thing is it’s hard.”*<sup>210</sup>
152. This recorded material could not be monitored by investigators live or accessed by investigators remotely. It was not available to investigators until recovered from the vehicle on 7 October 2015.<sup>211</sup>
153. At 1:56 pm, Alou and Dirani got out of their vehicles and walked into the park where they appeared to talk for approximately five minutes.<sup>212</sup>
154. Between 2:04 pm and 2:07 pm, Alou and Dirani returned to their vehicles and both men stood together at the rear of Dirani’s vehicle and appeared to continue their conversation.<sup>213</sup>

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<sup>207</sup> V7/228, Annexure K – Police surveillance camera, Jones Park, Parramatta (Images 41 – 43, pp 186 – 187); EXH #1, V2/53 – CCTV Compilation video (video timer 02:48:55 – 02:49:20).

<sup>208</sup> V7/228, Annexure K – Police surveillance camera, Jones Park, Parramatta (Image 44, p 187); V2/53 – CCTV Compilation video (video timer 02:50:20).

<sup>209</sup> EXH #1, V2/49 – AYR23W Surveillance, 2 October 2015 V3 LD Audio.

<sup>210</sup> EXH #1, V2/49 – AYR23W Surveillance, 2 October 2015 V3 LD Audio.

<sup>211</sup> Dickinson and Byles First Joint Statement 29.11.2024, [47(d)(ii)].

<sup>212</sup> V7/228, Annexure K – Police surveillance camera, Jones Park, Parramatta (Images 45 – 46, p 188); EXH #1, V2/53 – CCTV Compilation video (video timer 02:52:37 – 02:59:50).

<sup>213</sup> V7/228, Annexure K – Police surveillance camera, Jones Park, Parramatta (Image 48, p 189); EXH #1, V2/53 – CCTV Compilation video (video timer 02:59:51 – 03:00:48); V6/206 – AFP Surveillance Running Sheet dated 2 October 2015 (08:00 – 15:00).

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155. At 2:08 pm, Alameddine entered Merrylands Oval car park on a bicycle and met with Alou.<sup>214</sup> Alameddine was wearing the same sports clothes and had a black satchel bag over his shoulder and across his body. Alameddine and Alou engaged in a short conversation in the car park. Dirani remained near the rear of his vehicle within close proximity to Alameddine and Alou.<sup>215</sup>
156. At 2:12 pm, Alameddine left the car park on his bicycle. Alou and Dirani drove from Merrylands towards Wentworthville in a convoy (Dirani following Alou).<sup>216</sup>
157. At 2:12 pm, Alou received a phone call from Perger, who asked him, “*Did you do what you had to do?*” Alou denied doing anything other than attending the Mosque and being with “*Mousti*” (Dirani). Alou said:<sup>217</sup>
- “No, I just-ah, no, I was just – I didn’t do nothing. I had nothing to do. I was muckin’ around with you, bro...I had nothing to do in the first place. I just-I was just at Parra Mosque, ah, just, you know, just read a few verses read some Koran and that’s it...”*
158. At 2:14 pm, Alou called Salihy and told him he was with Dirani.<sup>218</sup>
159. At 2:15 pm, Dirani and Alou parked their vehicles in the vicinity of the Alou family home in Lane Street, Wentworthville. Alou drove his vehicle into the driveway of 75 Lane Street, Wentworthville whilst Dirani parked on the street out the front of the neighbouring unit block.<sup>219</sup>
160. At 2:24 pm, Alou walked to Dirani’s vehicle and stood near the passenger side of Dirani’s vehicle.<sup>220</sup> Alou and Dirani then walked towards the vicinity of the neighbouring unit complex at 65-73 Lane Street where they engaged in conversation between 2:27 pm and 2:29 pm, however, cannot be detected on camera for 2 – 3 minutes.<sup>221</sup>

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<sup>214</sup> V7/228, Annexure K – Police surveillance camera, Jones Park, Parramatta (Image 48, p 189); EXH #1, V2/53 – CCTV Compilation video (video timer 03:01:04).

<sup>215</sup> V7/228, Annexure K – Police surveillance camera, Jones Park, Parramatta (Images, 49 – 50, p 190); EXH #1, V2/53 – CCTV Compilation video (video timer 03:01:45).

<sup>216</sup> V7/228, Annexure K – Police surveillance camera, Jones Park, Parramatta (Images 51 – 52, p 191); EXH #1, V2/53 – CCTV Compilation video (video timer 03:06:41).

<sup>217</sup> EXH #1, V2/37 – Telecommunication between Alou and Perger on 2 October 2015 at 14:12.

<sup>218</sup> EXH #1, V1/1 - DCI Henney 27.07.2023, [329].

<sup>219</sup> V7/228, Annexure K – Police surveillance camera, 75-77 Land Street, Wentworthville, (Image 52, p 191); EXH #1, V2/53 – CCTV Compilation video (video timer 03:13:30).

<sup>220</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 03:21:26).

<sup>221</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 03:23:20).

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161. At 2:37 pm, Alou and Dirani walked back towards Dirani's vehicle and Dirani entered his vehicle. Alou walked away then turned and walked back towards Dirani's vehicle and retrieved a white object from the front passenger side of the vehicle.<sup>222</sup>
162. At 2:38 pm, Alou walked back toward the unit complex with the white object. Dirani drove away from Lane Street Wentworthville.<sup>223</sup>

#### Alou meets again with Alameddine

163. At 2:45 pm, Alou drove his vehicle from Lane Street to the car park at Merrylands Oval, arriving at 2:53 pm.<sup>224</sup>
164. At 2:53 pm, Alameddine returned to Merrylands Oval car park on a bicycle carrying a white plastic bag which was hanging from the handlebars. He rode up to the driver's door of Alou's vehicle and leant into the window.<sup>225</sup> At this time a white plastic bag was seen being passed between Mr Alou and Mr Alameddine through the driver's side window of Mr Alou's vehicle, but it was not clear who provide the item and who received it.<sup>226</sup> Both men left the car park shortly after. As Mr Alameddine rode the bicycle away, a white plastic bag was hanging from the handlebars.<sup>227</sup>
165. At some point between the first meeting with Alou and Alameddine at about 1:35 pm and the final meeting at 2:53 pm, the weapon was provided by Alameddine to Alou.

#### Alou meets with Farhad at Parramatta Mosque and supplies the weapon

166. At 3:05 pm, Alou arrived at Parramatta Mosque where he met with Farhad.<sup>228</sup>
167. At 3:34 pm, Hozan and Farshad arrived at the mosque and met with Alou and Farhad.<sup>229</sup>

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<sup>222</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 03:34:38).

<sup>223</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 03:34:57).

<sup>224</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 03:35:16 – 03:36:08).

<sup>225</sup> V7/228, Annexure K – Police surveillance camera, Merrylands Park (Images 53 – 54, p 192); EXH #1, V2/53 – CCTV Compilation video (video timer 03:36:20).

<sup>226</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 03:38:00); Dickinson and Byles First Joint Statement 29.11.2024, [66(d)].

<sup>227</sup> V7/228, Annexure K – Police surveillance camera, Merrylands Park (Image 55 p 193); EXH #1, V2/53 – CCTV Compilation video (video timer 03:38:15).

<sup>228</sup> V7/228, Annexure K – CCTV Marsden Eye Specialist (Images 56 – 60, pp 193-195); EXH #1, V2/53 – CCTV Compilation video (video timer 03:38:58).

<sup>229</sup> V7/228, Annexure K – CCTV Parramatta Mosque (Image 62, p 196).

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168. At 3:40 pm, Alou, Farhad, Farshad, Hozan, Siddiqi, and a male named Saladin Hallak prayed together. After praying, the men sat together and talked.<sup>230</sup>
169. At 3:46 pm, Farshad and Hozan left the mosque, leaving Farhad and Alou together.<sup>231</sup>
170. At 3:48 pm, Alou walked out of the Mosque to his vehicle, which he had parked alongside the Mosque entrance.<sup>232</sup> Alou got into the front driver's seat and remained there for a short time.<sup>233</sup> Alou then got out of his vehicle and appeared to be holding or adjusting something in his left hand. Alou then walked towards the entrance of the Mosque, holding his left hand under his robe.<sup>234</sup>
171. At 3:54 pm, Alou called Perger and told her that he was about to leave the Mosque.<sup>235</sup>
172. At 3:58 pm, Alou and Farhad were recorded entering the female-only prayer hall together.<sup>236</sup> This area is not covered by CCTV.<sup>237</sup> Farhad was carrying a black Nike brand backpack. As they entered the female prayer room, Alou removed his mobile phone from his right pocket and placed it on a shelf immediately outside the female prayer hall.<sup>238</sup> The two men remained alone together in the female prayer room for about seven minutes. By this time, Alou had handed the firearm to Farhad.<sup>239</sup> It was loaded with ammunition when Alou passed it to Farhad.<sup>240</sup>

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<sup>230</sup> V7/228, Annexure K – CCTV Parramatta Mosque (Images 63 – 64, p 197).

<sup>231</sup> V7/228, Annexure K – Police surveillance camera, Marsden Street Parramatta (Image 65, p 198); EXH #1, V2/53 – CCTV Compilation video (video timer 03:53:02).

<sup>232</sup> V7/228, Annexure K – CCTV Parramatta Mosque (Images 68 – 70, p 199 – 200); EXH #1, V2/53 – CCTV Compilation video (video timer 03:58:05).

<sup>233</sup> Surveillance cannot see inside the vehicle.

<sup>234</sup> V7/228, Annexure K – CCTV Marsden Eye Specialist (Images 71 – 73, pp 201 – 202); EXH #1, V2/53 – CCTV Compilation video (video timer 03:59:39).

<sup>235</sup> EXH #1, V2/38 – Telecommunication between Alou and Perger on 2 October 2015 at 15:54.

<sup>236</sup> V7/228, Annexure K – CCTV Parramatta Mosque (Images 74 – 76, pp 202 – 203); EXH #1, V2/53 – CCTV Compilation video (video timer 04:01:22).

<sup>237</sup> EXH #1, V1/1 – DCI Henney 27.07.2023, [361].

<sup>238</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 04:01:22).

<sup>239</sup> *R v Alou (No 4)* [2018] NSWSC 221, [119]-[120].

<sup>240</sup> *R v Alameddine (No 3)* [2018] NSWSC 681, [106].

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173. At 4:04 pm, Alou left the female prayer room by himself and, after collecting his mobile telephone, he left the mosque and returned to his vehicle whilst using his mobile phone.<sup>241</sup>

#### Farhad kills Mr Cheng

174. At 4:06 pm, Farhad entered the main prayer hall and commenced praying.<sup>242</sup> Before praying, Farhad entered another section of the mosque and changed into a black “*dishdasha*” (an Islamic the long-sleeved black robe,<sup>243</sup> which is commonly associated with Salafi Islam).<sup>244</sup>

175. At 4:10 pm, Alou got into his vehicle (parked near the entrance to the mosque), turned his vehicle around and reverse-parked into the same car space. The car was then facing Marsden Street.<sup>245</sup>

176. At 4:11 pm, Alou called Bakhtiari and told him that he wanted to come past and pay him the \$100 he owed him.<sup>246</sup> Bakhtiari said to Alou that if he needed to keep it, he could. Alou responded and said, “*No, I–I got –I got paid, you know that’s fine...So I might as well pay you.*”<sup>247</sup>

177. At 4:12 pm, Alou drove away from Parramatta Mosque travelling along Marsden Street and into George Street and then into Charles Street.<sup>248</sup>

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<sup>241</sup> V7/228, Annexure K – Police surveillance camera, Marsden Street Parramatta (Image 79, p 205); CCTV Marsden Eye Specialist (Images 82 – 84, pp 206 – 207); EXH #1, V2/53 – CCTV Compilation video (video timer 04:02:04).

<sup>242</sup> V7/228, Annexure K – CCTV Parramatta Mosque (Image 85, p 208); EXH #1, V2/53 – CCTV Compilation video (video timer 04:11:38).

<sup>243</sup> V2/70 – Statement of Senior Sergeant Debbie Veness dated 29 May 2016 (signed 30 May 2016), [18.1]-[18.3] and images of robes.

<sup>244</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 04:11:10 – 04:11:34).

<sup>245</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 04:05:59).

<sup>246</sup> EXH #1, V2/40 – Telecommunication between Alou and Bakhtiari on 2 October 2015 at 16:11.

<sup>247</sup> EXH #1, V2/40 – Telecommunication between Alou and Perger on 2 October 2015 at 16:11.

<sup>248</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 04:06:50).

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178. At around this time, Farhad left the Mosque and, as he exited, looked up at the CCTV camera (which was located near the entry/exit) and held up his right hand with his index finger raised.<sup>249</sup>
179. At 4:13 pm, Farshad called Alou and asked if he knew where Farhad was. Alou replied that he had left Farhad in the Mosque half an hour prior and that he did not know where he was. Alou said he was on his way to meet his wife.<sup>250</sup>
180. At 4:14 pm, Alou drove past NSW Police Headquarters in Charles Street.<sup>251</sup> Alou had never been observed previously travelling this route after leaving Parramatta Mosque.<sup>252</sup>
181. At 4:24 pm, Farhad walked in a southerly direction along Charles Street. Farhad then paced back and forth along the footpath parallel to the main entry doors of the NSW Police Headquarters. Farhad walked up behind several people who had exited the headquarters building before turning away and walking back to the main doors to police headquarters.<sup>253</sup>
182. At 4:30 pm, Mr Cheng walked out of the NSW Police Headquarters and began walking south along the Charles Street footpath.<sup>254</sup> Farhad fell in behind him and walked until he was very close and then shot Mr Cheng to the back of the head. The distance between the muzzle of the firearm to the back of Mr Cheng's head appeared to be less than 40 cm.<sup>255</sup> Mr Cheng immediately fell to the ground.<sup>256</sup>

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<sup>249</sup> V7/228, Annexure K – CCTV Parramatta Mosque (Image 86, p 208). This one finger salute has become associated with Islamic State and is a reference to the “tawheed” (the is no God but Allah). EXH #1, V2/53 – CCTV Compilation video (video timer 04:13:46).

<sup>250</sup> EXH #1, V2/41 – Telecommunication between Alou and Farshad on 2 October 2015 at 16:13.

<sup>251</sup> V7/228, Annexure K – CCTV Elma serviced apartments, Charles Street, Parramatta (Images 89 – 90, p 210); EXH #1, V2/53 – CCTV Compilation video (video timer 04:10:51).

<sup>252</sup> EXH #1, V2/51 – Statement of DSC David Hooper dated 14 July 2016; EXH #1, V2/52 – Statement of Detective Constable Lee Gorman dated 21 March 2016; EXH #1, V2/52 – Annexure C – Motor Vehicle Tracker Log AYR23W (1 October 2015 – 3 October 2015), pp 37-39.

<sup>253</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 04:21:55). Note that footage of this is not included in the compilation.

<sup>254</sup> EXH #1, V2/53 – CCTV Compilation video (video timer 04:22:09). Note that footage of this is not included in the compilation. See also V2/65 – Statement of Timothy Berry (ballistics expert) dated 14 October 2015, p 13; V1/24 – Statement of Maurice Hakarai dated 6 October 2015, [7].

<sup>255</sup> V2/65 – Statement of Timothy Berry (ballistics expert) p 13.

<sup>256</sup> EXH #1, V2/53 – CCTV Compilation video; see also V1/24 – Statement of Maurice Hakarai, [7].

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183. After shooting Mr Cheng, Farhad strode back and forth past the entrance to the NSW Police Headquarters.<sup>257</sup> Farhad stopped and stood on the footpath facing the entrance and fired directly at the building, hitting the concrete pillar to the north of the main entrance to the NSW Police Headquarters,<sup>258</sup> while yelling “*Allahu-akhbar*”.<sup>259</sup> He then walked back to the pedestrian ramp leading from the entrance to the Charles Street footpath, waving the weapon in the air above his head. At this point, Farhad had fired at least two shots from the weapon.<sup>260</sup>
184. The sound of the weapon discharging (described as approximately three “pops” or the sound of “crackers”)<sup>261</sup> alerted a number of NSW Police Special Constables on duty inside the building, including Special Constables A, B and C.<sup>262</sup> Other persons exiting the building alerted the Special Constables to the fact that a person was outside the building with a gun.<sup>263</sup>
185. At about 4:31 pm,<sup>264</sup> Special Constables A and C moved to the corner of the building through the after-hours exit and entry door. Special Constable B yelled to Special Constable Richard Lewer to “*get on the radio, get some help*”.<sup>265</sup>
186. As Special Constables A and C approached the corner of the building, Special Constable A heard another “pop”. Special Constable C was standing at the corner at the top of the pedestrian ramp which leads towards the Charles Street footpath and observed Farhad

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<sup>257</sup> A number of civilians provide pertinent observations for Farhad’s actions after shooting Mr Cheng, for example: V1/18 – Statement of Maurice Hakarai dated 6 October 2015, [7]; V1/19 – Statement of Rebecca Nelson dated 6 October 2015, [25]; V1/21 – ROI of Marcel Hartman dated 2 October 2015, Q&A 24; V1/23 – Statement of Carlos Almeida dated 8 October 2015, [7].

<sup>258</sup> V2/65 – Statement of Timothy Berry (ballistics expert) dated p 13.

<sup>259</sup> V1/23 – Statement of Carlos Almedia dated 8 October 2015, [6]. Note that Almedia suggests Farhad was shouting “Allah Bahwa” but states he could not understand what Farhad was shouting and he has guessed the spelling.

<sup>260</sup> Note that Timothy Berry only describes one shot at Cheng and one shot at the building at this point (based on his review of the CCTV footage). However, a number of witnesses describe hearing an initial 3 shots.

<sup>261</sup> V1/13 – ROI with Special Constable A dated 3 October 2015 (**Special Constable A ROI 03.10.2015**), Q&A 4; V1/14 – ROI with Special Constable C dated 2 October 2015 (**Special Constable C ROI 02.10.2015**), Q&A 10.

<sup>262</sup> V1/13 – Special Constable A ROI 03.10.2015, Q&A 4.

<sup>263</sup> V1/14 – Special Constable C ROI 02.10.2015, Q&A 10.

<sup>264</sup> This time is taken from Timothy Berry’s review of CCTV footage of the incident – see V2/65 – Statement of Timothy Berry (ballistics expert) dated 14 October 2015, p 13.

<sup>265</sup> V1/15 – Statement of Special Constable B dated 4 October 2015 (**Special Constable B 04.10.2015**), [11].

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point the weapon at him and fire at him.<sup>266</sup> Special Constable C formed the view that it was necessary to discharge his firearm in order to protect himself and anyone else in the vicinity.<sup>267</sup>

187. Farhad fired at least three bullets in the direction of the two Special Constables. Subsequent ballistics examinations identified that one bullet impacted the wall near the NSW Police Headquarters sign; another bullet impacted the cylindrical housing above the southern revolving door entrance to the Police Headquarters; and one bullet impacted the concrete pillar to the north of the main entrance.<sup>268</sup> An examination of the weapon used by Farhad identified it was a six-shot revolver that contained six spent cartridges. However, there is no direct evidence that Farhad had six live rounds in the weapon when he attended police headquarters.<sup>269</sup>
188. Special Constable C fired five bullets<sup>270</sup> from a .40 Smith and Wesson calibre Glock self-loading pistol (serial number P13465),<sup>271</sup> with one bullet striking Farhad in the front right side of the neck. Subsequent ballistics examinations established that of the remaining four bullets, one perforated the black garbage bin, two impacted a grey Suzuki Swift hatchback, and one impacted a black Ford Ranger 4WD.<sup>272</sup> Special Constable C fired all shots from the same location.<sup>273</sup> Farhad fell to the ground.<sup>274</sup>
189. A microscopic examination and comparison of the bullet recovered from Farhad's body confirmed it was fired from Special Constable C's weapon.<sup>275</sup>

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<sup>266</sup> V1/14 – Special Constable C ROI 02.10.2015, Q&A 10, Q&A 99; V1/13 – Special Constable A ROI 03.10.2015, Q&A 4.

<sup>267</sup> V1/14 – Special Constable C ROI 02.10.2015, Q&A 10, 224, 227, 228, 232, 233; V1/13 – Special Constable A ROI 03.10.2015, Q&A 4.

<sup>268</sup> V2/65 – Statement of Timothy Berry (ballistics expert) dated 14 October 2015, p 13.

<sup>269</sup> EXH #1, V1/1 – DCI Henney 27.07.2023, [523].

<sup>270</sup> V2/65 - Statement of Timothy Berry (ballistics expert) dated 14 October 2015, p 13. We note that Special Constable A has recalled 4 rounds (see V1/13 – Special Constable A ROI 03.10.2015, Q&A 4, 105, 106), however, five cartridge cases from Special Constable C's weapon were located at the scene.

<sup>271</sup> V2/65 – Statement of Timothy Berry (ballistics expert) dated 14 October 2015, [10(c)]; V2/83 – Expert Certificate of Stephen Hay.

<sup>272</sup> V2/65 – Statement of Timothy Berry (ballistics expert) dated 14 October 2015, pp 13-14.

<sup>273</sup> V1/14 – Special Constable C ROI 02.10.2015, Q&A 109. We note that Special Constable C recalls firing three rounds but states he cannot be certain.

<sup>274</sup> V1/14 – Special Constable C ROI 02.10.2015, Q&A 10; V1/13 – Special Constable A ROI 03.10.2015, Q&A 4.

<sup>275</sup> V2/82 – Expert Certificate of Timothy Snow (ballistics expert) dated 5 October 2015, [6]-[7]. V2/65 – Statement of Timothy Berry (ballistics expert) dated 14 October 2015, [13(e)].

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190. Special Constable A did not discharge his weapon.<sup>276</sup>
191. Special Constable C approached Farhad and kicked the weapon away from him.<sup>277</sup> He observed that Farhad was bleeding profusely from the neck region. Special Constable C performed first aid on Farhad with assistance from Special Constable B.<sup>278</sup> Constable Vanessa Carroll arrived at the scene shortly after this time and assisted with first aid to Farhad.<sup>279</sup>
192. Special Constable B subsequently observed the body of Mr Cheng lying further up the footpath on Charles Street and informed Special Constable A who approached the body of Mr Cheng.<sup>280</sup> Senior Constable Kyle Rodger also approached Mr Cheng's body and began to render first aid.<sup>281</sup>
193. By this time, Special Constable B had instructed Special Constable Lewer to “*get an ambulance*”.<sup>282</sup> NSW Ambulance officers arrived at the scene shortly thereafter and observed Mr Cheng and Farhad on the ground surrounded by police officers who were performing first aid.<sup>283</sup>
194. Paramedics observed Farhad and concluded he was deceased as he was not breathing, had no pulse, was unconscious, his pupils were fixed and dilated, and a large amount of blood and some brain matter were present.<sup>284</sup>
195. Paramedics observed Mr Cheng was in cardiac arrest and performed CPR on Mr Cheng for approximately three minutes.<sup>285</sup> Paramedics then ceased CPR and listened to Mr Cheng's chest from which there was no evidence of heart sounds or breath sounds.

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<sup>276</sup> V1/13 – Special Constable A ROI 03.10.2015, Q&A 4; V2/65 – Statement of Timothy Berry (ballistics expert) dated 14 October 2015, [5].

<sup>277</sup> V1/14 – Special Constable C ROI 02.10.2015, Q&A 132.

<sup>278</sup> V1/14 – Special Constable C ROI 02.10.2015, Q&A 10-13; V1/13 – Special Constable A ROI 03.10.2015, Q&A 5; V1/15 – Special Constable B 04.10.2015, [11].

<sup>279</sup> V1/32 – Statement of Plain Clothes Constable Vanessa Carroll dated 2 October 2015, [8].

<sup>280</sup> V1/15 – Special Constable B 04.10.2015, [11].

<sup>281</sup> V1/33 – Statement of Detective Senior Constable Kyle Best dated 2 October 2015, [8].

<sup>282</sup> V1/15 – Special Constable B 04.10.2015, [11].

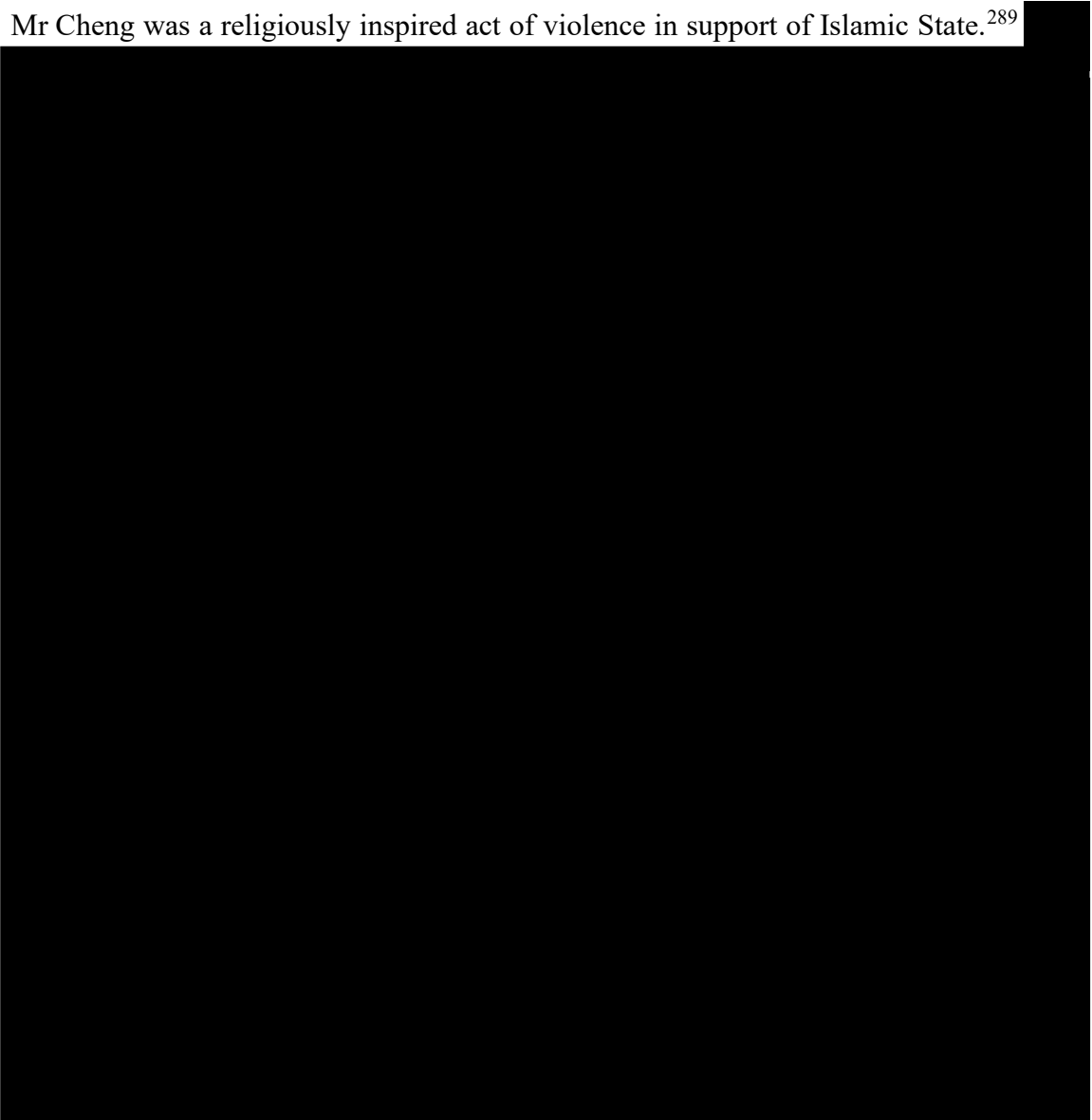
<sup>283</sup> V2/85 – Statement of NSW Ambulance Inspector Kevin McSweeney dated 12 October 2015, [5].

<sup>284</sup> V2/85 – Statement of NSW Ambulance Inspector Kevin McSweeney dated 12 October 2015, [5]; V2/91 – NSW Ambulance Patient Health Care Record N#656854.

<sup>285</sup> V2/85 – Statement of NSW Ambulance Inspector Kevin McSweeney dated 12 October 2015, [6]; V2/86 – Statement of NSW Ambulance Inspector Andrew McAlpine dated 12 October 2015, [5].

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Paramedics observed that Mr Cheng had sustained cranial destruction which was incompatible with life. At that point, the paramedics ceased attempts to resuscitate Mr Cheng.<sup>286</sup>

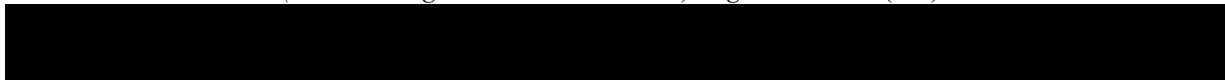
196. Found inside a pocket of the long-sleeved black robe (dishdasha) that Farhad was wearing was a note,<sup>287</sup> written by Farhad,<sup>288</sup> that made clear that the act of killing Mr Cheng was a religiously inspired act of violence in support of Islamic State.<sup>289</sup>
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<sup>286</sup> V2/86 – Statement of NSW Ambulance Inspector Andrew McAlpine dated 12 October 2015, [6].

<sup>287</sup> V2/70 – Statement of Senior Sergeant Debbie Veness dated 29 May 2016 (signed 30 May 2016), [18.4]-[18.5] and images of torn blood-stained note; V2/74 – Statement of Detective Inspector Justin Hallet dated 3 April 2025, [7]; V2/75 – Statement of DCI David Gawel dated 29 May 2025, [6]-[7].

<sup>288</sup> V2/73 – Statement of Forensic Document Examiner Kylie Jones and annexed report on the examination of handwriting dated 26 November 2015.

<sup>289</sup> Islamic State was a listed as a terrorist organisation under s 102.1(1) of the *Criminal Code* on 11 July 2014 under the *Criminal Code (Terrorist Organisation-Islamic State) Regulation 2014* (Cth).



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197. Farhad's sister, Shadi, was involved in drafting of this note.<sup>291</sup> During the search of Farhad's home after the shooting of Mr Cheng, a torn-up note was located in Farhad's room. The wording on that note was almost identical to the note that Farhad wrote and carried with him when he shot Mr Cheng. Handwriting analysis has confirmed that Shadi wrote that torn-up note.<sup>292</sup>
198. The incident was deemed a "Level 1 Critical Incident" as it involved the death of a person as a result of the use of a police weapon. Detective Chief Inspector Mark Henney was appointed the Senior Critical Incident Investigator.<sup>293</sup>

### **Postmortem examinations**

#### Mr Cheng

199. On 3 October 2015, Dr Issabella Brouwer, Forensic Pathologist, performed a post-mortem examination on Mr Cheng. Dr Brouwer identified one gunshot wound to the back of the head with associated upper cervical spinal cord injuries as the direct cause of death. No antecedent causes or other significant conditions contributing to the death were identified.<sup>294</sup>
200. In respect of the gunshot wound to the head, Dr Brouwer observed:<sup>295</sup>
- (a) The projectile appeared to have impacted over the occipital protuberance causing a linear, slightly displaced fracture of the internal occipital protuberance with surrounding linear fractures of the occipital bone; and
  - (b) The projectile did not penetrate the skull cavity but appears to have fragmented into two pieces. The fragmented pieces were deflected from the site of impact downwards onto the upper cervical spine. One of the fragments caused a large,

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<sup>291</sup> *R v Alou (No 4)* [2018] NSWSC 221, [37]; [135].

<sup>292</sup> V2/73 – Statement of Forensic Document Examiner Kylie Jones dated 26 November 2015.

<sup>293</sup> V1/12 – Statement of Detective Sergeant Luke Scott dated 31 May 2016, [6]; EXH #1, V1/1 – DCI Henney 27.07.2023, [490], [492].

<sup>294</sup> V1/4 – Autopsy Report (Cheng) 16.01.2017, p 2.

<sup>295</sup> V1/4 – Autopsy Report (Cheng) 16.01.2017, p 3.

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fractured defect of the upper cervical spine and perforated the spinal canal, lacerating the dura and causing fatal injury to the upper cervical spinal cord.

201. Other significant pathological findings included: blunt trauma injuries to the face, consistent with terminal collapse; occipital skull fractures with coup type contusions on the cerebellum and contra-coup type contusions of the frontal and temporal lobes with associated subarachnoid haemorrhage; and pulmonary oedema and congestion.<sup>296</sup>

### Farhad Jabar

202. On 3 October 2015, Dr Brouwer also performed a post-mortem examination on Farhad. Dr Brouwer identified a single gunshot wound to the neck as the direct cause of death. No antecedent causes or other significant conditions contributing to the death were identified.<sup>297</sup>

203. Dr Brouwer observed that:<sup>298</sup>

- (a) The gunshot wound was identified on the right anterolateral aspect of the neck. The trajectory was right to left, slightly downward and from front to back through the structures of the neck.
- (b) There was extensive damage to the soft tissue and carotid arteries of the neck, completely tearing the oesophagus and trachea just below the thyroid cartilage;
- (c) The corresponding projectile was recovered from the left shoulder area, near the joint between the clavicle (collar bone) and the scapula (shoulder blade); and
- (d) Internal examination revealed hyperinflated (distended) lungs with evidence of blood aspiration (inhalation of blood). This was confirmed on microscopic examination of the lungs.

204. Other significant pathological findings included: no significant pre-existing natural disease on macroscopic or microscopic examination of the organs; completely negative toxicology analysis for a range of commonly used drugs and alcohol; absence of lividity; pale conjunctiva; and organs consistent with substantial blood loss.<sup>299</sup>

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<sup>296</sup> V1/4 – Autopsy Report (Cheng) 16.01.2017, p 3.

<sup>297</sup> V1/10 – Autopsy Report (Farhad) 16.01.2017, p 2.

<sup>298</sup> V1/10 – Autopsy Report (Farhad) 16.01.2017, p 3.

<sup>299</sup> V1/10 – Autopsy Report (Farhad) 16.01.2017, pp 3-4.

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## The role of Special Constables

205. Special Constables are employed under s 81G of the *Police Act 1990 NSW (Police Act)* which allows the NSW Police Commissioner (**Commissioner**) to confer or impose on a Special Constable any of the functions of a police officer of the rank of constable, including any powers conferred upon police by the *Law Enforcement (Powers and Responsibilities) Act 2002 (LEPRA)*. Special Constables provide high visibility front line protective services to selected NSW Police Force and State Government complexes.<sup>300</sup>
206. As at 2 October 2015 (and up to 31 October 2017), the power of the Commissioner to appoint a person to the role of Special Constable and to confer or impose functions on that person derived from ss 82L(1) and 82L(3) of the Police Act, respectively. Part 6A of the Police Act (which contained s 82L) was repealed and replaced by Sch 3 [28] of the *Government Sector Employment Legislation Amendment Act 2016* (NSW) and was re-enacted in almost identical terms in s 81G, which continues to be in force.
207. On 2 October 2015, Special Constables stationed at NSW Police Headquarters, Parramatta were operating under Standard Operating Procedures (**SOPs**) established in 2011. The SOPs did not include a specific protocol for a response to an active armed offender.<sup>301</sup>
208. Special Constables undertake initial training incorporating weapons handling (including live fire) and defensive tactics. The training is set by the Operational Safety Training and Governance, Education and Operational Skills. Prior to 2 October 2015, all live fire and defensive tactics training undertaken by Special Constables was identical to that completed by NSWPF police officers,<sup>302</sup> however, unlike for police officers, the training was not mandatory as at October 2015.<sup>303</sup>

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<sup>300</sup> V1/16 – Statement of Superintendent Paul McDonald dated 6 October 2023, [10]-[11].

<sup>301</sup> V1/16 – Statement of Superintendent Paul McDonald dated 6 October 2023, [13], see also Annexure 3, Standard Operating Procedures as at 2 October 2015.

<sup>302</sup> V1/16 – Statement of Superintendent Paul McDonald dated 6 October 2023, [15].

<sup>303</sup> V1/16 – Statement of Superintendent Paul McDonald dated 6 October 2023, [16].

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209. The date of the most recent firearms training undertaken by each of the Special Constables was as follows:<sup>304</sup>
- (a) Special Constable A: 16 July 2015 – “Live Fire” and “Dry Fire” courses;
  - (b) Special Constable B: 30 October 2013 – firearms competency assessment; and
  - (c) Special Constable C: 23 April 2015 – “Live Fire” and “Dry Fire” courses.
210. At the time of the incident, NSW Police had just commenced the rollout of Active Armed Offender (AAO) Response training. Neither Special Constables A nor C had undertaken the training.<sup>305</sup>
211. Special Constables A and C each participated in audio recorded interviews (on 3 October 2015 and 2 October 2015, respectively) in which they were questioned about some aspects of their actions on 2 October 2015, including the use of lethal force by Special Constable C. In those interviews:
- (a) Both Special Constables A and C said they drew their firearms in response to being told someone was outside the building with a “gun”.<sup>306</sup>
  - (b) The first time Special Constable C saw Farhad with the weapon was when he was standing at the top of the ramp and observed Farhad discharge the weapon in his direction. Special Constable C formed the belief Farhad intended to kill him or cause him harm.<sup>307</sup>
  - (c) In relation to their appointments, neither Special Constables A or C considered the OC spray and baton they carried would have been effective in dealing with the situation that confronted them.<sup>308</sup> Special Constables A and C did not have their

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<sup>304</sup> V1/16 – Statement of Superintendent Paul McDonald dated 6 October 2023, [16], see also Annexure 5B (Special Constable A, p 102) and Annexure 5A (Special Constable C, p 97).

<sup>305</sup> V2/67 – Statement of Snr Sgt William Watt dated 26 October 2023, [45]; note the statement does not refer to Special Constable B in this regard.

<sup>306</sup> V1/14 – Special Constable C ROI 02.10.2015, Q&A 69-71; V1/13 – Special Constable A ROI 03.10.2015, Q&A 82.

<sup>307</sup> V1/14 – Special Constable C ROI 02.10.2015, Q&A 86-91.

<sup>308</sup> V1/13 – Special Constable A ROI 03.10.2015, Q&A 342-344; 353; V1/14 – Special Constable C ROI 02.10.2015, Q&A 225-229.

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protective vests on when they went outside.<sup>309</sup> They were not trained in the use of tasers and tasers did not form part of their appointments.<sup>310</sup>

(d) Special Constables A and C had each received training in weapons upon their commencement in their roles, which included simulated situations. They had engaged in re-qualification training since their commencement and were aware of the relevant site-specific SOPs.<sup>311</sup> Special Constable C did his most recent training 3-4 months prior to 2 October 2015 using the Glock pistol. As to their understanding of the NSW Police Force policy concerning the discharge of firearms:

- i. Special Constable A said he was “not fully cognisant” of the policy, but was aware that an officer could discharge their firearm when in imminent danger.<sup>312</sup> Special Constable A considered the incident on 2 October 2015 presented an imminent danger and if Special Constable C had not reacted in the way he did, someone else may have been injured or killed.<sup>313</sup>
- ii. Special Constable C said he was aware of the policy and understood it to mean that officers only discharged their firearms when they believed their life or someone else’s life was in danger. Special Constable C said he believed his life was in danger.<sup>314</sup>

212. As at 2 October 2015, Special Constable B was an Operations Manager. His appointments as a Special Constable included a Glock 22 pistol, Safflock handcuffs, an expandable baton, OC spray, and two 15-round magazines.<sup>315</sup> His primary role in the incident was directing others to assist and subsequently overseeing the rendering of first aid. He did not draw his firearm at any stage.<sup>316</sup>

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<sup>309</sup> V1/13 – Special Constable A ROI 03.10.2015, Q&A 331; V1/14 – Special Constable C ROI 02.10.2015, Q&A 257.

<sup>310</sup> V1/14 – Special Constable C ROI 02.10.2015, Q&A 255. See also V1/15 – Statement of Special Constable B dated 4 October 2015, [4].

<sup>311</sup> V1/13 – Special Constable A ROI 03.10.2015, Q&A 221-230. Special Constable A states he has done approximately 5 qualifications in 11 years (Q&A 339); V1/14 – Special Constable C ROI 02.10.2015, Q&A 185-189.

<sup>312</sup> V1/13 – Special Constable A ROI 03.10.2015, Q&A 231-232.

<sup>313</sup> V1/13 – Special Constable A ROI 03.10.2015, Q&A 234-241.

<sup>314</sup> V1/14 – Special Constable C ROI 02.10.2015, Q&A 232-233.

<sup>315</sup> V1/15 – Special Constable B 04.10.2015, [4]-[7].

<sup>316</sup> V1/15 – Special Constable B 04.10.2015, [4]-[7].

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## Status and outcome of related criminal proceedings

### Raban Alou

213. Alou pleaded guilty to a charge under ss 11.2(1) and 101.1(1) of the *Criminal Code* (Cth) (***Criminal Code***) that between about 6 August 2015 and about 2 October 2015 at Sydney and elsewhere in the State of New South Wales, he did aid, abet, counsel or procure the commission of an offence by Farhad against s 101.1(1) of the *Criminal Code*, namely that Farhad did commit a terrorist act.<sup>317</sup>
214. At the time of his offence, Alou was 18 years of age. Alou and Farhad had been involved for at least several weeks in planning the terrorist attack. For more than a week prior to 2 October 2015, Alou attempted to obtain a firearm for Farhad. After several unsuccessful attempts, he ultimately provided Farhad with a loaded firearm. He was aware that Farhad intended to use the firearm to shoot a person or persons in the vicinity of the NSW Police Headquarters. Alou had also attempted to obtain, unsuccessfully, an Islamic State flag that was intended to be used as a prop in the commission of the terrorist act.<sup>318</sup>
215. Alou was sentenced to a term of imprisonment of 44 years commencing on 7 October 2015 and expiring on 6 October 2059 with a non-parole period of 33 years commencing on 7 October 2015 and expiring on 6 October 2048.<sup>319</sup> Alou's appeal against sentence was dismissed by the Court of Criminal Appeal.<sup>320</sup> His application for special leave to appeal to the High Court was heard on 12 June 2020 and was dismissed.

### Milad Atai

216. Atai pleaded guilty to a charge under ss 11.2(1) and 101.1(1) of the *Criminal Code* that between about 6 August 2015 and about 2 October 2015 at Sydney and elsewhere in the State of New South Wales, he did aid, abet, counsel or procure the commission of an offence by Farhad against s 101.1(1) of the *Criminal Code*, namely that Farhad did commit a terrorist act.<sup>321</sup>

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<sup>317</sup> *R v Alou* (No.4) [2018] NSWSC 221, [4].

<sup>318</sup> *R v Alou* (No.4) [2018] NSWSC 221, [47], [121]-[122], [160], [175] and [178].

<sup>319</sup> *R v Alou* (No.4) [2018] NSWSC 221, [300].

<sup>320</sup> *Alou v R* [2019] NSWCCA 231.

<sup>321</sup> *R v Atai* (No. 2) [2018] NSWSC 1797, [2].

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217. In addition, Atai pleaded guilty to two counts of intentionally collecting funds for or on behalf of Islamic State, knowing that the organisation was a terrorist organisation, contrary to s 102.6(1) of the *Criminal Code*.<sup>322</sup> A further offence of intentionally being a member of a terrorist organisation, namely Islamic State, contrary to s 102.3(1) *Criminal Code* was taken into account on sentence pursuant to s 16BA *Crimes Act 1914* (Cth) (*Crimes Act*).<sup>323</sup>
218. At the time of his offences, Atai was 19-20 years of age. He was heavily committed to the carrying out of a terrorist act by Farhad. He was well aware of the depth of radicalisation of Farhad and acted in a way which reinforced Farhad's indoctrination. Atai assisted Alou to obtain a firearm for Farhad to commit the terrorist act, provided funds for Farhad's sister Shadi to travel to Syria, and organised to send funds to support Islamic State.<sup>324</sup>
219. In accordance with s 19AG of the *Crimes Act*, Johnson J fixed a single non-parole period of 28 years and six months commencing on 22 March 2016 and expiring on 21 September 2044.<sup>325</sup> Atai's appeal against sentence was dismissed by the Court of Criminal Appeal.<sup>326</sup>

#### Talal Alameddine

220. Alameddine pleaded guilty to one count of intentionally possess a thing (namely, the weapon) that was connected with preparation for a terrorist act, reckless as to the connection of the thing to preparation for a terrorist act, contrary to s 101.4(2) of the *Criminal Code*. He also pleaded guilty to supplying the weapon to Alou, without Alou being authorised to possess the weapon by a licence or permit, contrary to s 51(1A) of the *Firearms Act*.<sup>327</sup> Alameddine admitted three further offences under the *Firearms Act* and asked the Court to take those offences into account pursuant to s 32 of the *Crimes (Sentencing Procedure) Act 1999* (NSW).<sup>328</sup>

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<sup>322</sup> *R v Atai (No. 2)* [2018] NSWSC 1797, [2].

<sup>323</sup> *R v Atai (No. 2)* [2018] NSWSC 1797, [3].

<sup>324</sup> *R v Atai (No. 2)* [2018] NSWSC 1797, [234], [245]-[248], [240] and [256].

<sup>325</sup> *R v Atai (No. 2)* [2018] NSWSC 1797, [410].

<sup>326</sup> *Atai v R* [2020] NSWCCA 302.

<sup>327</sup> *R v Alameddine (No.3)* NSWSC 681, [5].

<sup>328</sup> *R v Alameddine (No.3)* NSWSC 681, [7].

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221. At the time of his offences, Alameddine was 22 years of age. He supplied the loaded revolver to Alou, which was subsequently supplied to Farhad. Alameddine was subject to a FPO at the time.<sup>329</sup> Johnson J observed at sentence that “there is no electronic evidence in which [Alameddine] expressed radical or extremist views supportive of Islamic State”.<sup>330</sup> Nevertheless, Johnson J did not accept that Alameddine had never held views sympathetic to Islamic State and was satisfied that Alameddine learned a “good deal” about what was to happen with the revolver he provided to Alou.<sup>331</sup>
222. Alameddine successfully appealed his sentences and was re-sentenced to imprisonment for 6 years with a non-parole period of 4 years and 6 months for the s 101.4(2) *Criminal Code* offence and 12 years with a non-parole period of 8 years and 6 months for the s 51(1A) *Firearms Act* offences.<sup>332</sup> The earliest date upon which Alameddine will be eligible for release on parole is 15 August 2026.

### Moustafa Dirani

223. Dirani was 22 years of age at the time of the alleged offence. Dirani pleaded not guilty to an offence of conspiracy to do acts in preparation of a terrorist act or acts, an offence contrary to ss 11.5(1) and 101.6(1) of the *Criminal Code*.
224. Dirani was found guilty at trial on 14 March 2019 and was convicted and sentenced by Johnson J on 9 August 2019 to 28 years imprisonment with a non-parole period of 21 years.<sup>333</sup> In August 2021, the Court of Criminal Appeal quashed his conviction and ordered a new trial.<sup>334</sup> Following a further trial that was heard between 22 February 2023 and 21 March 2023, Dirani was found guilty.<sup>335</sup> On 15 December 2023, Sweeney J sentence Dirani to a term of imprisonment for 14 years with a non-parole period of 10 years and 6 months.<sup>336</sup>

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<sup>329</sup> *R v Alameddine (No.3)* NSWSC 681, [23]-[24] and [26].

<sup>330</sup> *R v Alameddine (No.3)* NSWSC 681, [146] and [251].

<sup>331</sup> *R v Alameddine (No.3)* NSWSC 681, [251] and [105].

<sup>332</sup> *Alameddine v R* [2020] NSWCCA 232.

<sup>333</sup> *Decision restricted* [2019] NSWSC 1005 (decision restricted, other than headnote).

<sup>334</sup> *Dirani v R* [2021] NSWCCA 202.

<sup>335</sup> *R v Dirani (Sentence)* [2023] NSWSC 1664, [69]-[72].

<sup>336</sup> See *R v Dirani (Sentence)* [2023] NSWSC 1664, [44]-[47] as to the narrower Crown case against Mr Dirani in the trial before Sweeney J, as compared to the trial before Johnson J.

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225. Sweeney J sentenced Dirani on the basis that he joined the conspiracy on 2 October 2015<sup>337</sup> and was involved “only for a short time and in a limited way”.<sup>338</sup> Sweeney J considered the gravamen of Dirani’s conduct was assisting Alou on 2 October 2015 when Alou met with Alameddine to arrange to obtain a gun,<sup>339</sup> but did not find that Dirani knew the specific act planned or when it was to occur.<sup>340</sup>

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<sup>337</sup> *R v Dirani* (Sentence) [2023] NSWSC 1664, [32].

<sup>338</sup> *R v Dirani* (Sentence) [2023] NSWSC 1664, [43].

<sup>339</sup> *R v Dirani* (Sentence) [2023] NSWSC 1664, [11].

<sup>340</sup> *R v Dirani* (Sentence) [2023] NSWSC 1664, [39].

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