

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 25

Senator Nettle asked the following question at the hearing on 18 February 2008:

Please outline the discussions that took place with government officials in relation to the possible rendition of Mr Habib occurring and provide the Committee with the context for those discussions.

The answer to the honourable senator's question is as follows:

On 1 February 2008 an ASIO officer (pseudonym, Paul Stokes) gave evidence before the Federal Court of Australia as follows:

MR EVATT: After the last interview, did you have discussions with other ASIO officers as to what was likely to happen with Mr Habib?---

MR STOKES: Yes, I had discussions with other ASIO – with my headquarters of the results of those interviews about what steps might next be taken in order to pursue that – our security interest with Mr Habib, yes, a broad range of questions and a broad range of issues.

MR EVATT: Were there any suggestions floated in these discussions that Mr Habib might go to Egypt?

MR STOKES: It was not suggested – it was – the issue of what might happen to Mr Habib was raised and discussed, considered in a sense by all manner of parties from the very beginning. It was not suggested, if that's the implication of your question that we would participate in his movement to Egypt if that's what the question is asking.

MR EVATT: No, I meant to suggest that in the terms floated or options.

HIS HONOUR: You mean contemplated, is that what you mean?

MR EVATT: Contemplation?

MR STOKES: It was discussed in a sense of it could conceivably happen.

MR EVATT: That Mr Habib could go to Egypt?

MR STOKES: Well, in a sense that the Pakistani authorities might seek him to go there, that the Egyptian authorities for which he is an Egyptian national might see his return to Egypt, amongst a whole range of various options.

MR EVATT: All right – actually, he is an Australian national---

HIS HONOUR: He might be both, MR EVATT.

MR TOOMEY: He's a dual national, your Honour.

HIS HONOUR: He might be both?---

MR STOKES: My point being that, that Australia is not the only country, in a sense, to have a responsibility or interest in Mr Habib, that's my understanding at the time.

MR EVATT: You knew that the Egypt security authorities had a reputation for torture?

MR TOOMEY: I object.

HIS HONOUR: But suppose he did, I mean, he probably did, so what?

MR EVATT: All right, Would your Honour just excuse me for a moment.

HIS HONOUR: Did you propose to anybody that he go to Egypt?---No, I did not.