



Australian Government

Australian Security
Intelligence Organisation

Director-General of Security

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23 June 2008

eA: 1095772

Senator Crossin
Chair
Senate Standing Committee on Legal and Constitutional Affairs
Parliament House
CANBERRA ACT 2600

Dear Senator Crossin,

Clarification: Mamdouh Habib

I refer to the recent public meeting of the Senate Standing Committee on Legal and Constitutional Affairs in May 2008 regarding budget estimates for the Attorney-General's portfolio.

On Monday, 26 May 2008, during my appearance before the Committee, I made some observations relating to the movement of Mr Mamdouh Habib in 2001 from Pakistan to Egypt. In particular, I refer you to pages 53 and 55 of the Proof Committee Hansard and to my answers to Senator Nettle's questions about whether there was a request to transfer Mr Habib, specifically, my answers: '*I believe no is the answer*' (at page 53) and '*We were never asked by the United States about that issue*' (page 55). The answers I gave related to discussions in Pakistan on 21 October, and in that context, were accurate. However, after reviewing in further detail documentation within my Organisation, I have now become aware of a conversation between my predecessor, Mr Richardson, and a US government official in Canberra also on 21 October 2001. I believe Mr Richardson, in effect, regarded that conversation as a request for Australian views. Consequently, I have come to the view that it is more correct to say that the United States sought Australia's views on the possibility of Mr Habib's transfer to Egypt, and that Mr Richardson conveyed the view that the Australian Government could not support any transfer of Mr Habib to Egypt. I advised the Committee in those terms on 26 May.

GPO Box 2176
Canberra City ACT 2601
Telephone: 02 6249 6299
Facsimile: 02 6257 4501

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I further refer you to page 55 where I stated, *'I believe it was people who were in the state department and people in the intelligence community'*. My answer concerning the US State Department is incorrect and no discussions took place with that department.

Finally in relation to Mr Habib, I refer you to page 56, where I stated, in response to a question from Senator Nettle about whether there was any discussion with Mr Habib of his possible rendition to Egypt, *'I would have to check, but I think the answer to that question is no...'*. I have made inquiries in this regard and confirm my answer is correct.

Yours sincerely



Paul O'Sullivan
Director-General

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