



## STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

25 July 2007

Commissioner Michael Keelty  
Australian Federal Police  
PO Box 401  
Canberra City ACT 2601

Dear Commissioner Keelty

### **Evidence given in relation to Mr Mamdouh Habib**

I am writing to you on behalf of the Senate Legal and Constitutional Affairs Committee regarding evidence you provided to the committee at an additional estimates hearing on 15 February 2005 with respect to knowledge the Australian Government had of the whereabouts of Mr Mamdouh Habib during late 2001 and early 2002.

The committee notes that on 11 June 2007 the *Four Corners* program canvassed evidence provided to the committee at estimates hearings in 2004 and 2005 as well as related documents obtained through a freedom of information (FOI) request.

The committee notes that at its estimates hearing on 15 February 2005 you gave evidence to the committee as follows:

Mr Keelty—No. We are obviously aware that it is alleged that he went to Egypt, but we are unable to confirm that.

Senator LUDWIG—And when did you make those inquiries? Were they recent inquiries or were they made at the same time?

Mr Keelty—When Mr Habib was interviewed on 15 May 2002 in Guantanamo Bay he was unsure himself whether he had been to Egypt. All he knew was that he had been to a place where the people who were dealing with him spoke Egyptian.

You gave further evidence:

Senator ALLISON—You say there is very little evidence that Mr Habib was in Egypt. Would you expect to see something on his passport? What sort of evidence would you expect to find?

Mr Keelty—I did not say that Mr Habib was in Egypt. The AFP is not in a position to confirm whether Mr Habib was in Egypt. Mr Habib's own words were that, wherever he was, wherever he had been taken to, the people spoke Egyptian.

The *Four Corners* program refers to material obtained under FOI suggesting that the government had concluded Mr Habib was in Egypt in November 2001. In addition, other officers gave evidence to the committee which suggested that the government held a firm view that Mr Habib was in Egypt. For example Mr Dennis Richardson advised the committee on 15 February 2005:

Senator KIRK—When did ASIO become aware that Mr Habib was no longer in Pakistan?  
Mr Richardson—We formed a view in mid to late November that he was most likely in Egypt, and that was the basis of the Foreign Affairs representation to the Egyptian authorities for consular access to him. We established to our satisfaction that he was definitely there in February 2002.

Similarly, the AFP advised the committee in response to question on notice 232 which was asked at the hearing on 15 February 2005 that:

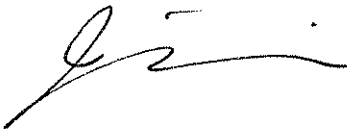
The AFP became aware on 19 November 2001 that Mr Habib was no longer in Pakistan and was most likely to be in Egypt.

The committee considered this matter on 16 July 2007. Given the assertions made by the Four Corners program, the committee resolved to write to you seeking clarification of the apparent inconsistency in the evidence provided to the committee.

The committee would be grateful for your response by 20 August 2007.

Please contact me on (02) 6277 3560 if you have any queries in relation to this matter further.

Yours sincerely



**Jackie Morris**  
**Committee Secretary**