



THE SENATE

STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

<sup>25</sup>  
~~19~~ July 2007

Mr Robert Cornall AO  
Secretary  
Attorney-General's Department  
Robert Garran Offices  
National Circuit  
BARTON ACT 2600

Dear Mr Cornall

**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 estimates hearings in May 2004 and 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 24 May 2004 you gave evidence to the committee that:

Mr Cornall—... My understanding is that we have a great deal of difficulty knowing what if anything occurred in relation to Mr Habib in Egypt because the Egyptians have never acknowledged that he was in their custody.

You gave further evidence:

Mr Cornall—... Before consular access was granted the government became aware that he had likely been moved to Egypt. I do not know how the government became aware that he had been moved to Egypt. Despite numerous requests for access by the government, including at the highest levels, Egypt has never acknowledged it had Mr Habib in its custody.

On 14 February 2005 you stated:

Mr Cornall—I have read them in media reports, but we do not know how he got to Egypt, if that is in fact where he was.

Senator BOLKUS—You still cannot confirm that he went to Egypt?

Mr Cornall—My briefing is that we have never received any confirmation from the Egyptian government that he was in their custody. That is as far as I can take that matter.

You gave further evidence on the same issue at pages 9-14 and 18-19 of the *Committee Hansard* of 14 February 2005 and in response to question on notice 74 which was asked at the same hearing.

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:

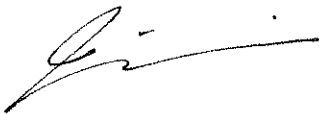
The AFP became aware on 19 November 2001 that Mr Habib was no longer in Pakistan and was most likely to be in Egypt.

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**