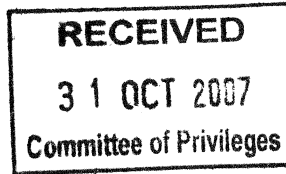




# AFP

AUSTRALIAN FEDERAL POLICE



Appendix 1

COMMISSIONER

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26 October 2007

Dr Rosemary Laing  
Committee Secretary  
Committee of Privileges  
Australian Senate  
Parliament House  
Canberra ACT 2600

Dear Dr Laing

In response to the letter from Senator the Hon John Faulkner, Chair of the Senate Committee of Privileges dated 20 September 2007, I provide the following comments in relation to the matter referred to the Committee on 18 September 2007:

*Whether false or misleading evidence was given to the Legal and Constitutional Affairs Committee or any other Senate committee concerning the Government's knowledge of the rendition of Mr Mamdouh Habib to Egypt, and whether any contempt was committed in that regard.*

I have always provided information to Senate Committee's about Mr Habib that is true and accurate to the best of my knowledge;

The AFP mandate regarding Mr Habib was to determine whether he had committed any offence contrary to Australian law;

It was not and is not the role of the AFP to monitor treatment or movement of Australian persons in the custody of a foreign government;

On 7 October 2001 the AFP Liaison Officer in Islamabad was advised by the FBI Legal Attache that Mr Mamdouh Habib was being detained overseas;

The AFP was present during a meeting in Pakistan on 22 October 2001 when US authorities discussed the possibility of deporting Mr Habib from Pakistan to Egypt, on the basis that Egypt is his country of birth. The AFP representative at this meeting strongly expressed his view that Mr Habib is an Australian citizen, and should be dealt with accordingly<sup>1</sup>;

The AFP was present during interviews with Mr Habib on 26 and 29 October 2001 in Pakistan. The AFP also had direct contact with Mr Habib at the Guantanamo Bay Naval Base on 15 May 2002<sup>2</sup>;

The AFP became aware on 19 November 2001 that Mr Habib was no longer in Pakistan and was most likely to be in Egypt.<sup>3</sup> The AFP was aware that it was alleged that Mr Habib had been moved to Egypt, but was unable to confirm that<sup>4</sup>;

When Mr Habib was interviewed on 15 May 2002 in Guantanamo Bay he was unsure himself whether he had been to Egypt. He commented that he had been taken to a place where the people who were dealing with him spoke Egyptian.<sup>5</sup> The AFP did not make enquiries to ascertain whether he had been in Egypt as it was not within our purview to make those enquiries.<sup>6</sup>

If you have any further specific queries regarding my evidence to the Committee or the abovementioned facts, please do not hesitate to contact my office.

Yours sincerely



M J Keelty  
Commissioner

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<sup>1</sup> SL&CLC, 23 May 2007, QoN 79 still with MJC

<sup>2</sup> SL&CLC, 15 February 2005, page 5

<sup>3</sup> Question on Notice 232, 19 April 2005

<sup>4</sup> SL&CLC, 15 February 2005, page 8

<sup>5</sup> SL&CLC, 15 February 2005, page 12

<sup>6</sup> SL&CLC, 15 February 2005 page 8