

**ATTENTION: News Editors, Chiefs of Staff, court reporters  
and political reporters**

Wednesday August 20, 2008

## ***MEDIA RELEASE***

### **DPP SLAMS AFP IN SUBMISSION TO THE CLARKE INQUIRY**

In a submission released yesterday, by the Clarke Inquiry, into the Haneef affair the Commonwealth DPP has confirmed a litany of AFP failures including failure to inform the DPP of key evidence pointing to Dr. Haneef's innocence.

Dr Haneef's Lawyer, Rod Hodgson of Maurice Blackburn said that the DPP submission showed:

(a) Despite ground rules requiring DPP involvement from early stages in terrorist investigations, the DPP were frozen out, time and time again. By the time they were engaged in the matter, there was no prospect of considered and informed advice being given.

(b) What little information DPP officers received was fraught with factual error. The first information given to the DPP was information about where Dr. Haneef lived in the UK. These details were still wrong at the time of the bail application, 8 days later. This inability to get basic facts right has been exhibited in all other documents concerning Dr. Haneef which have been made public. The briefing material provided by the AFP to the DPP was 'incomplete and unfocused'.

(c) The AFP, on 12 July, orally advised the DPP of certain matters. When a 48 page brief was delivered, the following day, key changes in the information was not brought to the attention of the DPP officer provided with the brief. It is very likely that this failure to advise of changes is the source of the bail court being misled as to where the SIM card was found.

(d) The AFP misled the DPP by saying that, if Dr Haneef was not charged, he would leave the country. This was totally false since Dr Haneef had told AFP officers from very early on that he was happy to answer their questions and was happy to leave his passport with AFP officers.

(e) A key piece of documentary evidence pointing to Dr Haneef's innocence and coming from UK computer records, was withheld by the AFP from the DPP. It is also likely that another key piece of information pointing to Dr. Haneef's innocence, namely that Dr. Haneef had tried several time to telephone a UK police officer before his arrest, was not provided to the DPP by the AFP.

(f) After a court had been misled by the AFP providing incorrect information to the DPP no one from the AFP tried to correct the information, until the ABC broke the story 6 days later.

(g) Dr Haneef's main record of interview, was not provided to the DPP until it had been published by the Australian newspaper.

"This submission from the DPP, Australia's primary prosecutorial agency, shows that the AFP ignored the ground rules for obtaining early, high level legal advice. They apparently orchestrated a campaign to keep the DPP in the dark, and feed snippets of misleading information for as long as possible," Mr. Hodgson said.

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“When the AFP were running out of time, they put enormous pressure on the DPP to give support for the laying of charges, and even then on incomplete and misleading material.

“Unprofessional and incompetent are clear conclusions to be drawn from this submission, about AFP conduct. Mr. Keilty and his political masters, in the former federal government, are even more isolated now. They have no support from ASIO, the Queensland Police Service and the arresting officers (they didn’t make the decision to charge, it was made much higher up ) and now we have the DPP whose alleged advice they have been trying to rely for over a year,” Mr. Hodgson stated.

Mr. Hodgson called for the AFP and the DPP to release copies of all documents passing between them, referred to DPP submission.

He also called again for the Clarke Inquiry to be given Royal Commission powers, to compel the AFP to make public their submission and all key documents.

“If it’s good enough for ASIO, the Queensland Police Service, DIAC, the Attorney General’s Department, Dr. Haneef and now the DPP to provide public submissions, what’s stopping the AFP from explaining its actions?” Mr. Hodgson said.

***For more information or to organise an interview please contact: Meaghan Telford on 0437 586 093.***

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