

HIGHLY PROTECTED



Australian Government
Australian Security Intelligence Organisation

OPERATION RAIN - BRISBANE MIR

26

OPERATION RAIN SITUATION REPORT

PROMIS No. 3632730

06:00 hours, Thursday 12 July 2007

Report Number: 36

s40(1)(d)

Significant information since last Situation Report:

s.40(1)(d)

- On 11 July 2007, Australian Government Solicitors (AGS) and AFP Legal appeared before Magistrate GORDON to request a further extension to the detention period of 3 days. HANEEF's counsel contested the application, submitting that Magistrate GORDON should disqualify himself from proceedings on the grounds of bias. The matter has been adjourned until 14:15 on 13 July 2007 while Magistrate GORDON considers the submissions. HANEEF remains in custody at Brisbane Watch House.

FREEDOM OF INFORMATION ACT 1982

CAVEAT
 In order to prevent prejudice to any ongoing AFP investigation, this information is not to be disseminated or disclosed to any person, in any manner, without the prior written consent of the AFP, including but not limited to dissemination or disclosure pursuant to a freedom of information request, a subpoena, a summons to produce, any similar process, or any duty to disclose information or material in a judicial proceeding.

THE HIGHLY PROTECTED POLICE

HIGHLY PROTECTED

s.22(1)(a)(ii)

s.33(1)(a)(i), s.33(1)(b), s.40(1)(d)

s.40(1)(d)

s.22(1)(a)(ii)

FREEDOM OF INFORMATION ACT 1982

Caveat

In order to prevent prejudice to any person in any manner, without the prior written consent of the disseminator or disclosed to any person, in any manner, without the prior written consent of the AFP, including but not limited to dissemination, or disclosure pursuant to a Freedom of information request; a subpoena, a summons to produce, and similar process, or any duty to disclose information or material which is protected under the provisions of the Freedom of Information Act 1982.

COMMONWEALTH OF AUSTRALIA
THE HIGHLY PROTECTED POLICE

HIGHLY PROTECTED

s.22(1)(a)(ii)

s.40(1)(d)

HANEEF Enquiries

On 11 July 2007, Australian Government Solicitors (AGS) and AFP Legal appeared before Magistrate GORDON to request a further extension to the detention period of 3 days. The defense contested the application, submitting that Magistrate GORDON should disqualify himself from proceedings on the grounds that he is not impartial. The defense cited the following reasons for this submission:

- Magistrate GORDON has made favourable comment from the bench in relation to the commitment of investigators;
- Magistrate GORDON has been involved in all applications thus far.

The matter has being adjourned until 14:15 on 13 July 2007 while Magistrate GORDON considers the submissions.

HANEEF remains in detention pursuant to Part 1C of the Crime Act 1914, specifically the extended investigation period authorised by a magistrate under s. 23DA. That investigation period has not expired and remains suspended because the latest application for a specified period under s. 23CB(2) has yet to be disposed of [Refer s. 23CB(8)(h)].

On 12 July 2007, a consensual reference DNA sample is to be collected from HANEEF.

FREEDOM OF INFORMATION ACT 1982

Caveat

In order to prevent prejudice to any person, in any manner, without the prior written consent of the AFP, including but not limited to dissemination or disclosure pursuant to a freedom of information request; a subpoena, a summons to produce, and similar process; or any duty to disclose information or material in criminal proceedings;

3
COMMONWEALTH OF AUSTRALIA
INVESTIGATOR
BY
THE HIGHLY PROTECTED POLICE

HIGHLY PROTECTED

s.22(1)(a)(ii)

s.40(1)(d)

s.22(1)(a)(ii)

s.40(1)(d)

FREEDOM OF INFORMATION ACT 1982

4

Caveat
In order to prevent prejudice to any person, in any manner, without the prior written consent of the **(COMMONWEALTH)** **AFP** investigation, this information is not to be disseminated or disclosed to any person, in any manner, without the prior written consent of the **AFP**, including but not limited to dissemination or disclosure by any person to: a freedom of information request; a subpoena, summons to produce, any similar process; or any duty to disclose information or material in **criminal proceedings**.

THE HIGHLY PROTECTED POLICE ACT BY

HIGHLY PROTECTED

s.40(1)(d)

s.22(1)(a)(ii), s.41(1)

FREEDOM OF INFORMATION ACT 1982

Caveat

In order to prevent prejudice to any person, in any manner, without the prior written consent of the disseminated or disclosed to any person, in any manner, without the prior written consent of the AFP, including but not limited to dissemination or disclosure pursuant to: a freedom of information request; a subpoena; a summons to produce; any similar process; or any duty to disclose information or material in criminal proceedings.

THE HIGHLY PROTECTED POLICE

HIGHLY PROTECTED

s.22(1)(a)(ii), s.41(1)

s.22(1)(a)(ii), s.41(1)

FREEDOM OF INFORMATION ACT 1982
(COMMONWEALTH)

DOCUMENT HAS BEEN RELEASED
UNDER THE FOI ACT BY
THE AUSTRALIAN FEDERAL POLICE

FOI - 152

HIGHLY PROTECTED

s.22(1)(a)(ii), s.41(1)

s.40(1)(g)

FREEDOM OF INFORMATION ACT 1982

7

Caveat
In order to prevent prejudice to any person, in any manner, without the prior written consent of the disseminator or disclosed to any person, in any manner, without the prior written consent of the AFP, including but not limited to dissemination, or disclosure pursuant to: a freedom of information request; a subpoena; a summons to produce; any similar process; or any duty to disclose information or material in criminal proceedings.

THE HIGHLY PROTECTED POLICE

HIGHLY PROTECTED

Future Directions:

1. Continue priority taskings:
 - a. Responding to legal applications made by HANEEF's legal team and submissions relating to the continuation for the extended dead time:

s.22(1)(a)(ii), s.40(1)(d)

FREEDOM OF INFORMATION ACT 1982

9

Caveat
In order to prevent prejudice to any ongoing AFP investigation, this information is not to be disseminated or disclosed to any person, in any manner, without the prior written consent of the AFP, including but not limited to: dissemination or disclosure pursuant to: a freedom of information request; a subpoena, summons or process; any similar process; or any duty to disclose information or material in criminal proceedings.

INVESTIGATION ACT BY
THE HIGHLY PROTECTED POLICE

FOI - 155