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>
18/07/2007 08:10 AM

To: <Peter.White@pmm.gov.au>

cc:

bcc:

FW: SUMMARY OF BAIL APPLICATION
Subject: [SEC-IN-CONFIDENCE]
Protective Mark: -IN-CONFIDENCE

FULL HEADER

-IN-CONFIDENCE

Peter,

The charge is:

On or about the 25th day of July 2006 in the United Kingdom, Mohammed HANEEF did, contrary to section 102.7(2) of the Criminal Code (Cth), intentionally provide resources, namely a Nokia digital handset and a subscriber information module card to a terrorist organisation consisting of a group of persons including Sabed Al-HAJED and Kafaei AL-HAK, being reckless as to whether the organisation was a terrorist organisation."

Also see below for the bail summary.

Regards

Luke

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From: Craig, David
Sent: Saturday, 14 July 2007 5:22 PM
To: Pendergast, Frank; Jabbour, Ramzi; Morish, Luke
Subject: SUMMARY OF BAIL APPLICATION [SEC-IN-CONFIDENCE]

On 14 July 2007 Mr HANEEF appeared in the Brisbane Magistrates Court before Magistrate PAYNE. Representing Mr HANEEF were Peter RUSSO Solicitor, and S J KEIM, Barrister. Representing CDPF were Mr Clive PORRITT, Robyn CURNOW and Glen RICE.

Argument was heard in the morning session in regard to the Defence application for bail for Mr HANEEF. Their argument centred upon s15AA of the Crimes Act 1914 and s16 of the Old Bail Act 1978. Of particular focus to the court was the element of 'exceptional circumstances'. Her Honour requested both sides make submissions in relation to exceptional circumstances and she adjourned the matter to 3pm at which point she would hear submissions. (MINONWEALTH)

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The court reconvened about 1522hrs and submissions were made by prosecution and defence in relation to that central issue. Due to the large quantity of documents submitted to Her Honour and the late hour of the hearing, the matter was adjourned to 0930hrs on Monday 16 July 2007 at Court 26 of the Brisbane Magistrates Court.

Mr HANEEF was remanded into custody until that time.

COMMENT: In my opinion, the Magistrate did not appear weighted to either side's argument and the outcome of Her decision on Monday is not predictable. The Magistrate made comment in the morning session that she had previously worked for Mr Peter Russo, Solicitor approximately 10 years ago. Her Honour asked counsel if that was going to be an issue to which prosecution advised it would not be. This is somewhat of a concern in my opinion.

A large media, print and television, contingent was present and I expect the same on Monday.

Contingencies for containing Mr HANEEF and detaining him under the Migration Act, if it is the case he is granted bail on Monday, are in place as per arrangements today.

Efforts were made immediately at the conclusion of the hearing to obtain a full transcript however the Court is closed and CDPP advised it would be a number of days before it is obtainable. Endeavours will be made to obtain a transcript at the earliest opportunity.

David

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