



Clarke Inquiry into the case of Dr Mohamed Haneef

PRACTICE NOTE No. 3

29 July 2008

INTERVIEWS

1. **This Practice Note replaces Practice Note No.2 in its entirety.**

Invitation to interview

2. If the Inquiry considers that a person may be able to provide information that would assist it then the Inquiry may by written notice invite the person to attend an interview.
3. The invitation may include an indication of the specific topics on which the Inquiry is interested in obtaining assistance.
4. A person invited to attend an interview shall inform the Inquiry as soon as possible of the details of any security clearance held by them.

Statements of evidence

5. A person invited to attend an interview will be asked to provide the Inquiry with a written statement containing a detailed outline of the evidence he or she proposes to give. Any such written statement should be provided to the Inquiry at least 3 days prior to the interview.
6. If the statement or any supporting documentation contains information that is security classified or otherwise sensitive, the statement shall clearly identify that information and provide details of its classification or sensitivity.

Conduct of interviews

7. Interviews will generally take place at the Inquiry offices located at:

Ground Floor
Computer Associates House
10 National Circuit
Barton ACT 2600
8. Interviews will be conducted in private and in a non-adversarial setting by Mr Clarke, Counsel and Solicitors Assisting.

9. Persons attending an interview may be accompanied by a legal representative or an independent support person. Representatives of the media or other interested persons will not be able to attend or participate in the interviews.
10. In so far as the interview covers security classified information, any legal representative or support person must satisfy the Inquiry that he or she holds a security clearance to an appropriate level. If the Inquiry is not so satisfied, the legal representative or support person will be required to leave the interview room while the security classified information is being discussed.
11. If a person attending an interview provides information that is sensitive, the person shall identify the relevant information and inform the Inquiry of its sensitivity.
12. After the person has been questioned by Counsel Assisting or Solicitors Assisting, the person will be given an opportunity to make any further statement he or she wishes.
13. Interviews will be transcribed in full but will not be published on the Inquiry website. Transcripts of interviews will form part of the records of the Inquiry.
14. A person attending an interview may be shown documents by the Inquiry. The Inquiry will handle such documents in accordance with the requirements of their protective marking. Such documents will not be published on the Inquiry website.
15. Where necessary, the Inquiry may during the conduct of an interview refer a person to the substance or specific parts of the transcribed evidence of other witnesses who have given evidence to the Inquiry. Where this is required, the Inquiry may consult with the relevant department or agency from which the subject material or evidence originated in order to identify whether any particular sensitivity attaches to that material or evidence.
16. The Inquiry reserves the right at any time to vary the above practices.



M J Clarke QC