



Clarke Inquiry into the case of Dr Mohamed Haneef

PRACTICE NOTE No. 2

9 July 2008

INTERVIEWS

Invitation to interview

1. 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.
2. The invitation may include an indication of the specific topics on which the inquiry is interested in obtaining assistance.

Statements of evidence

3. 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 they propose to give in the interview, and details of any security clearance held by the person. Any such written statement should be provided to the Inquiry at least 3 days prior to the interview.
4. 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

5. Interviews will generally take place at the Inquiry offices located at:
Ground Floor
Computer Associates House
10 National Circuit
Barton ACT 2600
6. Interviews will be conducted in private and in a non-adversarial setting by Mr Clarke, Counsel and Solicitors Assisting.
7. 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.
8. 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.

9. 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.
10. Interviews will be transcribed and will be published in whole or in part on the Inquiry website (www.haneefcaseinquiry.gov.au), together with any documents discussed in the interview, subject to considerations relating to national security, or protection of pending trials or ongoing investigations.
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. Where appropriate, this may be done after the interview upon a review of the transcript by the person interviewed.
12. Where the person interviewed was employed by a department or agency at the time of the events in relation to which the person is being interviewed, that department or agency will be asked by the Inquiry to review the transcript of the interview at the Inquiry's premises within 24 hours after the Inquiry notifies the department or agency that the transcript is available, for the purposes of providing advice to assist the Inquiry in determining what (if any) information contained in the transcript raises considerations relating to national security, or protection of pending trials or ongoing investigations.
13. The Inquiry reserves the right at any time to vary the above practices.


M J Clarke QC