



# DPP

## Commonwealth Director of Public Prosecutions

Damian Bugg AM QC

12 October 2007

### **Media Release: Dr Haneef**

A review of the role of the Office of The Commonwealth Director of Public Prosecutions in the Dr Haneef case has been completed.

The Director engaged counsel from the private bar to examine relevant material and speak to persons involved. The Director is appreciative that all persons involved co-operated fully.

The Prosecution Policy of the Commonwealth provides that there be a prima facie case with reasonable prospects of conviction for a prosecution to be instituted or continued. The DPP's role is to provide advice on whether the evidence establishes reasonable prospects of conviction in accordance with that policy.

The advice given in this case did not address that test. The matter was expeditiously considered by the Director in accordance with the Prosecution Policy and a decision made to discontinue the proceeding.

This matter involved an ongoing complex investigation about conduct that occurred overseas and was against a backdrop of extremely serious and dangerous conduct of potentially great harm to the public in the United Kingdom. It involved ongoing investigations by overseas authorities to deal with the issues arising in the United Kingdom. Time critical decisions had to be made in circumstances of incomplete and changing information.

The review confirmed the position outlined in the media release of 27 July as to errors of fact. The information from overseas about where the SIM card was located changed during the course of the rapidly evolving investigation and that change was not appreciated by the prosecutor at the time. The position in relation to the residence of Dr Haneef in the UK was based on material provided to the DPP.

The DPP has learnt from this matter and will take further steps to ensure that advice is provided in accordance with the role of the DPP in situations such as this.

#### **HEAD OFFICE**

4 Marcus Clarke Street Canberra City 2601  
GPO Box 3104 Canberra ACT 2601  
Telephone (02) 6206 5666 Facsimile (02) 6206 5688