

Australia:

# US terror attacks used to introduce sweeping police powers

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At what is expected to be its last cabinet meeting before the federal election, the Howard government has announced far-reaching attacks on democratic rights, under the pretext of combatting terrorism in the wake of the September 11 events in the United States.

Without offering the slightest evidence that terrorist groups are operating in Australia, Tuesday's meeting unveiled plans to give unprecedented detention and interrogation powers to the Australian Security Intelligence Organisation (ASIO), introduce sweeping British-style terrorism legislation and double the military's Special Forces.

ASIO will be given the power to hold and interrogate anyone for up to 48 hours without charge or evidence. At present, criminal suspects can be detained a maximum of four hours before being charged or released, and they have the right to remain silent. But state and federal police, acting with ASIO, will have the power to arrest people and bring them before a "prescribed authority" whenever it is deemed necessary to protect the public from "politically motivated violence". Moreover, after obtaining a warrant from a magistrate or administrative tribunal member, ASIO officers will be able to order people to appear before the prescribed authority (likely to be a court or tribunal) to provide information or produce documents, even if they are not themselves suspected of terrorist activity.

The measures include possible five-year jail terms for people who refuse to answer terrorism-related questions, Attorney-General Daryl Williams revealed yesterday. The government has failed to provide further information on the extent or implications of these powers. Civil liberties organisations have warned that citizens, whether suspects or not, will be compelled to answer questions, tearing up the legal principles of natural justice and protection against self-incrimination. Furthermore, they may be forced to do so without knowing the identities of their ASIO accusers or what, if any, evidence exists against them.

Vague new offences, modelled on the British Terrorism Act 2000 will be introduced, carrying a maximum penalty of life imprisonment. As in the Blair government's legislation, "terrorism" will be defined so broadly that it includes alleged threats of violence intended to advance a political, religious or ideological cause directed against government interests. These provisions can easily be used to target political opponents and dissidents. Furthermore, the government can proscribe so-called terrorist organisations, jail their members and seize their property.

The military's Special Forces, including the SAS Tactical Assault Group, recently mobilised against the *Tampa* refugees, will be "effectively doubled". Crack units established during the Sydney Olympic Games will be reactivated. Under the military call-out legislation pushed through parliament just before the Olympics, the government can now use these troops against civilian targets in order to suppress unrest.

In addition, armed plainclothes police will be placed at random on

selected domestic and international flights. Despite objections by the airlines that the presence of weapons may endanger passenger safety, the government has rejected more effective protections such as the strengthening of cockpit doors. Finally, police and customs officers will be given more power to seek and seize assets.

The government has flatly dismissed requests by journalists and civil liberties groups for more information on its measures, claiming that such information would threaten "national security". Yet, in a media statement, Attorney-General Williams admitted that "there is no intelligence available to indicate that Australia is an intended target of further terrorist attacks".

To claim that ASIO needs more powers to detect terrorists is ludicrous. It already has the power to bug phones, instal listening devices in offices and homes, intercept telecommunications, open people's mail, monitor on-line discussion, break into computer files and databases, seize computers and use tracking personal devices. The ASIO Director-General or his delegated officers can issue search and entry warrants, giving officers a legal carte blanche to conduct operations against political activists and organisations.

Moreover, ASIO is part of an extensive security and intelligence network, that incorporates the external Australian Secret Intelligence Service (ASIS), the prime minister's Office of National Assessments (ONA), the state police Special Branches, the military's Joint Intelligence Office (JIO) and an electronic eavesdropping agency, the Defence Signals Directorate (DSD).

With parliament already adjourned for the election, due within weeks, the government will resort to extra-parliamentary means to introduce some of its measures, setting a precedent for by-passing parliament in the name of "national security". Howard was anxious to unveil the package before calling the election, because once he does, his government enters caretaker mode, weakening its hand and requiring it to consult with the Labor Party on major decisions. Accordingly, he brought forward by four weeks a report from a high-level committee of government, military and intelligence officials that was convened only five days earlier on September 26.

During last week's parliamentary sitting—the last before the election—the government introduced or pushed through a battery of other laws undermining democratic rights.

\* Law enforcement agencies will be able to intercept telephone, Internet and e-mail communications when purportedly investigating serious arson and child pornography offences, under the Telecommunications Interception Legislation Amendment Bill 2001.

\* Under the Intelligence Services Act 2001, ASIS and the DSD have been given criminal and civil immunity for their activities, and the public naming of their members has been outlawed, matching protections already

enjoyed by ASIO. They have also been authorised to conduct surveillance against Australian citizens overseas.

\* The Crimes Act will be amended to increase the maximum penalty for espionage from 7 to 25 years jail and broaden the definition of espionage to include disclosing information about national security or defence. The legislation also protects information about the security or defence of another country under Australian possession or control—a provision that seems to presage new acts of colonialism.

\* Seven anti-refugee bills were bulldozed through the Senate to legalise the use of military force to expel asylum seekers, excise parts of the country from the migration zone, build new offshore detention camps, extinguish refugee appeals to courts, deport asylum seekers lacking identity papers and override the international Refugee Convention definition of refugee status.

In the days leading up to the cabinet meeting, the government, assisted by ASIO and a compliant media, sought to create the climate for its measures by declaring that terror groups linked to Osama bin Laden were active in Australia. Without advancing any evidence to substantiate these claims, large-scale police raids were conducted in Sydney's Arabic community.

In one operation, an estimated 70 heavily-armed state and federal police, detectives and ASIO officers searched at least five homes and interrogated people in the working class suburbs of Campsie and Lakemba, seizing passports, financial records and other documents. No doubt tipped off in advance, media outlets played their part by splashing news of the raids all over the front pages of weekend tabloid newspapers.

One woman told reporters that officers had held her face down at gunpoint, interrogated her in front of her two young children and turned the residence "upside down". Outside Sydney, police and ASIO officers raided two holiday camps run by an Islamic youth organisation. Outraged members and parents gave television stations video footage showing that the camps were used for children's games, including soccer and water sports.

No arrests were made during or after the raids, making it obvious that they were conducted without any evidence of terrorist links. The only purpose for the raids was to intimidate the Arabic and Islamic community and boost the government's security crackdown.

The government has refused requests by the New South Wales Council for Civil Liberties Council to produce information justifying the raids. Council president Cameron Murphy told the *World Socialist Web Site*: "The past few days have seen Sydney's Arabic community terrorised. People have been held on the floor at gunpoint. ASIO is conducting investigations without any basis, seemingly operating on anonymous tip-offs. We have no way of knowing whether the raids are lawful or not. We have been trying to obtain the necessary information, and so has the media, but the government has refused to hand it over."

Murphy commented that the raids demonstrated that ASIO already had immense powers. "Every Australian has reason to fear ASIO's wide powers, which the government is now just extending. Under the new measures, if ASIO decides to intervene against you, it can compel you to answer questions, without being accountable to anyone. Everything is justified in the name of national security. ASIO is an unaccountable organisation. By giving it more power, the government is undermining the democratic process."

The opposition Labor Party created the conditions for these moves, with its leader, Kim Beazley, accusing the government of being "slow off the mark" in boosting the powers of the police, military and intelligence apparatuses. Beazley also pledged, in advance, bipartisan backing for any measures that the government took, including its open-ended commitment to participate in the US military response to the September 11 terror attacks.

Even before it has officially commenced, the election campaign has

become a bidding war to tear up civil liberties, with Labor campaigning under the slogan: "Security at home and security abroad." Beazley attempted to upstage the government by releasing his own 11-point package of "anti-terrorist" measures to boost the powers and resources of ASIO and the SAS.

He called for the military to join the police and intelligence agencies in creating a "homeland security" force—a plan that would utilise the military call-out powers introduced for last year's Olympics. A Labor government would establish a British-style Ministry of Home Affairs to coordinate police and intelligence networks. Beazley also advocated the establishment of a Coast Guard to assist the navy in patrolling the country's borders and turning away unwanted refugees; the recruitment of federal air marshals to control airport and aircraft security; and tighter immigration checks.

Releasing his package, Beazley emphasised that the Labor Party regarded its measures as indefinite and not merely targetted against those responsible for the terrorist outrages in the US. "It is important to stress that these policies should be implemented because they are a necessary and permanent requirement, over and above the need to respond to the attacks of September 11," he said.

Many in media and ruling circles have seized upon the events of September 11 to bring forward previously prepared plans to curtail democratic rights. Under the cover of protecting citizens from terrorism, they are embracing measures that will be used to suppress political dissent and social unrest.

An editorial in Rupert Murdoch's *the Australian* began with the slogan "whatever it takes" invoked by British Prime Minister Tony Blair and US President George W. Bush to push for draconian police and security powers. "In this climate, civil liberties must inevitably be balanced against the overriding threat to national and personal security," it declared.

The *Melbourne Age*, which has a more liberal reputation, was even more blunt. "There will be overreactions and infringements of the civil liberties of some individuals. We wish we could say these new laws are alarmist and unnecessary. Sadly, such a luxury no longer exists."

Other commentators have been somewhat critical of the Howard government's response. In its editorial, the *Australian Financial Review* expressed reservations about giving ASIO unfettered power. It proposed instead that the security agencies make fuller use of traditional undercover methods. It noted that "the already well-funded US intelligence services appear to have failed to pick up the bin Laden terrorist network more through their inability to penetrate its ranks using well-established techniques than through inadequate powers".

For decades, ASIO has conducted surveillance, harassment and dirty tricks operations against socialists, militant workers and organisations, and individuals regarded as opponents of the political establishment. Files were kept on the activities, personal lives, movements and associates of all known members, supporters and sympathisers of left-wing organisations, including opponents of the Vietnam War.

During the 1990-91 Gulf War, Labor prime minister Hawke and his senior ministers personally supervised and received reports on the undercover work of ASIO, such as phone-tapping, mail interception, bugging, infiltration of meetings and organisations. Similar operations were mounted by the Howard government in the lead-up to the Sydney Olympics and this year's Commonwealth Heads of Government Meeting (CHOGM) in Brisbane, now postponed due to the imminent US-led assault on Afghanistan.

In a revealing comment, the officer in charge of CHOGM security, Queensland Police Commissioner Bob Atkinson expressed dismay at the gathering's cancellation. "I am disappointed and many of the police officers and police members who planned and prepared for it would be probably disappointed as well." His remarks indicate that the security agencies regarded CHOGM, which had attracted anti-capitalist protests,

and for which thousands of police and troops had been mobilised, as a testing ground for military-intelligence operations.

CHOGM has been shelved until next year, but the Howard government, backed to the hilt by the Labor Party, is now utilising the events in the United States to arm the security agencies with powers and resources that go far beyond anything previously seen in Australia.



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