

Australian secret police withhold young worker's passport

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In a blatant attack on basic democratic rights, Australian Foreign Minister Alexander Downer and the Australian Security and Intelligence Organisation (ASIO) have stripped Zak Mallah, an 18-year-old casual worker and a Muslim, of his passport on the grounds that he represents a security risk.

The decision was made after ASIO officers questioned Mallah, an Australian-born citizen, last month. Both ASIO, the domestic secret police, and Downer's department, which issues passports, have refused to explain why Mallah, who has lived in Sydney all his life, is now classified as a security threat.

The young man applied for the renewal of his passport May 21, expecting to receive a new document within a few weeks. He planned to travel to Lebanon to meet relatives and his intended bride. Two weeks later, an ASIO official phoned him at work, claiming to be from the passport office. Mallah was told that he would not be given a passport without an interview. He said he was tired and suggested a later meeting. The ASIO agent, however, insisted they meet straight away and paid for his taxi fare to a rented local office.

On arrival at the office, two men informed Mallah that they were ASIO officers and that he was obliged to answer all their questions. Unaware of his legal right to refuse or to have a lawyer present, he was grilled for almost two hours about his religious beliefs, his attitude to political violence and the September 11 terrorist attack on the US, and whether he had any connections with Al Qaeda or the Taliban. Mallah, who made a pilgrimage to Mecca when he was 13, was also quizzed as to why he wanted to go to Lebanon. After telling the ASIO officers that the trip was to arrange his marriage, he was asked to explain why he wanted to get married.

Two weeks after the interrogation, an Australian Federal Police officer visited Mallah at his apartment and gave him a letter stating that his passport renewal had been

rejected. It cited Section 7E1 of the Australian Passports Act 1938, which permits the Foreign Affairs minister to withhold a passport from anyone who "might prejudice the security of Australia or of a foreign country".

Mallah, who plans to challenge the decision in the Administrative Appeals Tribunal, told the *World Socialist Web Site* he was being discriminated against because he was a Muslim and had an Arabic name. He said he was outraged by the decision.

Mallah lives alone in a small one-bedroom flat and has worked in a series of low-paying casual jobs at local supermarkets and retail outlets since he left school. His two brothers and sister are married. Both his parents died in the past two years, his father just six months ago.

"I didn't realise these people were from ASIO until I went to their office. They asked me all sorts of questions and I told them exactly what I thought because I've got nothing to hide from anyone. They seemed all right at first but I suppose you can't judge a book by its cover.

"They asked me about political violence and religious violence and I explained that I was completely opposed to any sort of terrorism against innocent people and that it was condemned and forbidden by Islam. I told them I had no connections with Al Qaeda, the Taliban, Hezbollah, Islamic Jihad or any other terrorist group, and yet now they are accusing me of being a national security threat.

"What evidence do they have? Is it because I'm a Muslim? It's religious discrimination, if that's the case. Or is it because I'm an Arab? This is racism and that's why I'm taking them to the Administrative Appeals Tribunal. I've met so many Muslims in Sydney that are feeling this sort of prejudice since September 11."

Mallah could not remember whether ASIO explained his legal rights but he told them he wanted a full transcript of the interrogation.

"Everything I said was the truth. I told them the US is supporting Israel in the war against Palestine but that if

this stopped the Israelis would have to go back to peace talks. I might have said that what happened on September 11 was the result of American policy in the Middle East, but since when is it against the law to express an opinion?

“They also wanted to know why I went to Mecca with a group of people. Obviously you don’t go to Mecca as an individual; you always go in a group. In any case, I was only 13 years old at the time. They seem surprised by this and wrote it all down.

“When this goes to court, my first question will be why was this interview necessary? What made them assume I was a threat to Australia and where did they get this idea? What exactly did ASIO tell Downer? So many Muslims go back and forth between Lebanon and Australia, so why have I been chosen?

“If I am a threat to security or a terrorist why aren’t they locking me up? There are so many unanswered questions that have to be investigated. My only conclusion is that ASIO and the government are picking on Muslims.

“I don’t care how big ASIO is, or even if George Bush or John Howard are involved, I want some answers. I have no connections with any terrorist group. I was born here; I’m an Australian citizen and have lived here all my life. I obey Australian law and was going to Lebanon to get married. I’m 18 years old and don’t know a lot about politics, but I’m not going to give up on this without a fight.”

The *World Socialist Web Site* asked a Department of Foreign Affairs media spokeswoman to explain why Mallah’s passport had been blocked. She refused to answer any questions and simply repeated that she would not comment “on matters of national security”.

Very few passport applications are rejected under Section 7E1. From June 2000 to June 2001, none of the more than one million applications were rejected. In the past 12 months, however, at least four Australian citizens have lost their passports under Section 7E1. Foreign Affairs has refused to provide any details of the other three cases.

The appeal process in the Administrative Appeals Tribunal is a legal travesty. Government officials are not legally bound to explain their decision. ASIO evidence can only be disclosed to tribunal officials. Applicants have no access to this material and no right to cross-examine ASIO agents or their legal representatives. Hearings are closed to the public and the tribunal can suppress the publication of any evidence or finding.

However, lawyers for the government and ASIO are

able to challenge the applicant’s evidence and witnesses. This undemocratic procedure effectively allows Australia’s secret police to blacklist citizens with impunity. Any challenge to the tribunal’s ruling in a court confronts similar legal constraints protecting intelligence officers.

ASIO’s assessment of Zak Mallah has confined him to Australia indefinitely and will prevent him from working for the government in any capacity. It is a particularly blatant case of the mounting surveillance and discrimination against the Arabic and Muslim community by Australian intelligence organisations on the pretext of assisting the US led “war against terrorism”.

In Sydney, ASIO officers raided 16 homes in the immediate aftermath of the September 11 terrorist attack. The only common link between those raided was that they had Arabic names, were Muslims or had visited Pakistan, Afghanistan or the Middle East. No charges were laid against any of those raided.

ASIO’s activities are likely to become even more brazen following moves by the Howard government to strengthen its powers. Under “counter-terrorism” legislation passed last week “terrorism” has been defined more broadly making it easier for ASIO and other police agencies to prosecute individuals as alleged terrorists—who can then face life imprisonment.

New ASIO legislation, scheduled for parliamentary debate in August, goes even further. If passed, ASIO will be able to detain individuals, holding them incommunicado for up to 48 hours, without charge or legal representation. This detention can be extended repeatedly by a magistrate or Administrative Appeals Tribunal member. It will be a criminal offence, punishable by up to five years jail, to remain silent or fail to hand over any requested material.

If this draconian legislation had been in place, Mallah could have been detained indefinitely for questioning by ASIO agents, without being able to contact a lawyer or friend. If he had refused to answer their questions, he could have been jailed. And, as is already the case, no one, including Mallah, would know why he had been singled out and branded a “security risk”.



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