

## Violent police raids in Sydney and Perth

# Bali bombing used to activate repressive laws in Australia

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Heavily-armed Australian Security Intelligence Organisation (ASIO) and Australian Federal Police officers have carried out violent raids on at least seven homes in Sydney and Perth since Sunday night, terrorising Islamic working class families in the name of combatting terrorism. The Howard government and the security agencies have seized upon the October 12 Bali bomb blasts to create a climate of anti-Muslim prejudice and activate, for the first time, far-reaching new “anti-terrorist” measures.

Security officers have indicated that the raids, whose total number is unknown, constitute just the first stage in an extensive and drawn-out campaign. Three were reported in Sydney on Sunday night, followed by three in Perth and another in Sydney. In a clear case of political intimidation, the raid in Sydney on Wednesday was conducted against the father of 30-year-old Jaya Fadly Basri, who was attending a media conference with his lawyer at the time to condemn the raid on his own home three days earlier.

On Sunday evening, ten ASIO and police officers, armed with pistols, shotguns and a sledgehammer, and wearing bullet-proof vests, suddenly surrounded Jaya Basri’s apartment block in the working class suburb of Lakemba, in Sydney’s south-west. Indonesian-born Basri was not dressed, but the officers demanded he open the door immediately. After looking through the peephole in his front door and seeing agents with their handguns drawn, Basri let them in. He offered no resistance and was interrogated, in front of his 28-year-old wife Zahlri and their two children aged four and a half, and seven months. Officers turned his apartment upside down for five hours until 2 am and seized prayer books, passports, a laptop computer, leaflets and mobile phones.

No arrest was made and no charges were laid. It appears that ASIO had no evidence whatsoever—either before or after the raid—to justify the operation. The pretext given was that Basri was a suspected member of Jemaah Islamiah (JI), the alleged Islamic terrorist organisation that the government and the media have accused, again without a shred of evidence, of responsibility for the Bali massacre.

NSW Council for Civil Liberties president Cameron Murphy said ASIO had conducted at least 35 raids in Australia since last year’s September 11 attacks in the United States, but had failed to lay a single charge for terrorist activities.

Attorney-General Daryl Williams authorised the latest raids by warrants issued before new regulations were declared banning JI as a “terrorist organisation”. The regulations were signed into law by Governor-General Peter Hollingworth on Sunday night, but were not formally notified or announced until Monday. Thus, those raided on Sunday had no notice that JI had even been proscribed.

Speaking on ABC radio, Jaya Basri’s lawyer Stephen Hopper condemned the tactics as “heavy-handed”: “He wasn’t wearing a t-shirt or anything and he said, ‘I’ll just go and get a T-shirt’. They said, ‘Open

the door now’. He looked through the window and saw people armed with pistols and a sledgehammer so he opened the door and fully cooperated with the people who identified themselves as the police.”

Basri told journalists the police asked him about visits to Australia during the 1990s by alleged JI founder Abu Bakar Bashir and whether he was a member of JI. “I did nothing wrong, I only attended some lectures that he was at, like I’ve done with other Indonesian religious scholars,” he said. “I’m just as upset about the Bali bombing as everyone. If Mr Bashir had said anything along those lines [about terrorism], we wouldn’t have had anything to do with him.” Basri had downloaded articles about Bashir’s ideas and activities from the internet and published some of them in a small newsletter for the Indonesian Islamic community. Nothing in the newsletter supported violence or terrorism.

Wednesday’s raid on the Belmore home of his father, Ali Basri, started at 8.30 am and ended abruptly just after 1 pm, when Jaya Basri and his family arrived at the house after their media conference. Hopper, the family lawyer, questioned ASIO officers, who then quickly withdrew. They confiscated a number of items, including bank statements, diaries, computers and other documents. Jaya Basri’s brother, aged 31, was taken into custody on an expired visa and taken to the Villawood immigration detention centre.

Hopper accused the government of victimizing the Basri family. “They’ve got nothing to do with JI or any terrorist group. They are a very peaceful and humble family and I believe they are victims of persecution.” Having been wrongfully detained in their homes for hours, the families are considering legal action against the government.

In Perth, officers, armed with sub-machine guns and wearing balaclavas, helmets and bulletproof vests, smashed their way into David Suparta’s home before dawn. A neighbour, Helena Joyce, condemned the manner in which the raid was conducted, describing it as “very frightening,” and particularly traumatic for the family’s four children. Suparta’s teenage daughter said her father was handcuffed on the floor with guns pointed at him, while she and her young siblings had guns waved at them.

At another house in the same street, officers bashed through gates and doors and confiscated family videos and computer equipment. Indonesian-born Jan Herbert said his family was in shock after officers held a gun to his head.

Western Australian Islamic Council president Abdur Rahim Ghauri said both families denied any knowledge of JI. “The community is under depression and feels that we may be acted upon a bit differently.” Islamic Council of Victoria president Yasser Suliman insisted there was no knowledge of JI or Islamic terrorist groups raising funds in Australia. Muslims should not be labelled as terrorists for donating funds they believed were helping orphans or charities, he said.

The government’s attempts to immediately lay the blame for the Bali

explosion on JI, without any results of police investigations, have served to encourage anti-Muslim violence. More than 40 anti-Islamic attacks have been reported to police in Sydney alone since October 12. Islamic clerics have been spat on, mosques and schools vandalised and Muslim women and girls have had their headscarves ripped off.

In announcing the JI ban on Monday, Attorney-General Williams declared that anyone assisting the organisation—even unwittingly by donating to an associated charity—would face prosecution. “The listing of Jemaah Islamiah as a terrorist organisation under Australian law puts anyone who has any association with it on notice that they are potentially committing a serious crime.”

Counter-terrorism laws pushed through parliament last July can be utilized for outright political repression, not only against Muslims but against anyone accused of having some link to a banned organisation, no matter how remote or unintentional. Under the legislation, a person who “supports” or “provides funds” to an outlawed group faces lengthy imprisonment, even if no terrorist act actually occurs.

Section 103.1 of the Criminal Code now makes it a serious offence, punishable by life imprisonment, to provide or collect funds, if the person is “reckless” as to whether the funds will be used to facilitate a terrorist act. Other sections impose jail terms of 25 years for being a member of, or giving money to, (“whether directly or indirectly”) a banned group.

Even if a person does not know the group has been outlawed, he or she can be jailed for 15 years. The burden of proof is on the accused to show that they had no knowledge, or no way of suspecting, that the organisation had been proscribed. Moreover, membership of an organisation includes “informal membership” and “taking steps to become a member,” unless the person proves that they took “all reasonable steps to cease to be a member” once the group was outlawed.

When the government first unveiled the legislation, in the wake of the September 11 attacks, it demanded unfettered power for the Attorney-General to ban alleged terrorist organisations. After intense public objections, the government was forced to modify that power. A group can only be outlawed after the UN Security Council has listed it as “terrorist” or a court has ruled it to be “terrorist”.

Apart from JI and Al Qaeda, which was banned last week, the government has already outlawed or frozen the funds of 371 entities. According to ASIO’s annual report, released last week, they include political and nationalist organisations, such as Hamas, Hizballah, the Popular Front for the Liberation of Palestine, the Mujahedin-E Khalq, the Tamil Tigers (LTTE), the Kurdish Workers Party (PKK), the Sikh Youth Federation and a number of Irish, European and South American groups.

These measures open up vast scope for officers or agents of ASIO, associated intelligence agencies and the federal and state police to frame-up people, including known political opponents of the government. ASIO and the other security agencies have a long, well-documented, record of planting and recruiting agents inside targeted organisations, in order to report on their activities and manufacture allegations against their supporters.

This potential is increased by the legislation’s sweeping definitions of terrorism and treason, also punishable by life imprisonment. Terrorism covers any acts or threats that advance “a political, religious or ideological cause” in order to coerce a government or any person. The acts or threats need not involve personal harm—they can include damage to property or risk to public health or safety, or interference with an information, telecommunications, financial, essential services or transport system.

Under these provisions a wide range of political activity can be outlawed, such as planning or participating in a protest outside government offices or facilities (such as refugee detention centres), where damage allegedly results. Workers who picket a workplace, or demonstrators who block roads or entrances to financial institutions, such as the stock exchange, could be charged as terrorists, as could computer

hackers.

Government leaders are agitating for even greater ASIO powers. Speaking after news broke of the raids, Immigration Minister Philip Ruddock declared that ASIO was unable to detain suspected Al-Qaeda and JI members because proposed legislation authorizing such measures was being held up in the Senate.

Ruddock complained that the government’s ASIO Bill had been sent to a parliamentary committee. “The Commonwealth has no power to detain people who are suspected of being terrorists,” he told Channel 7’s *Sunrise* program. “We wanted to give ASIO this power to be able to detain people for up to seven days.”

The ASIO Bill is a key component of the “counter-terrorism” laws. If the legislation is passed, the intelligence organisation will have the power to detain people, including children as young as 14, for interrogation without charge, merely on the accusation that they might have information or documents relating to terrorism. Detainees need not be suspected of any offence—and could include journalists, political activists, lawyers, a suspect’s family members, neighbours or even priests.

Under the proposed bill, detainees can be held for two days incommunicado, without the knowledge of their families and without access to legal advice. After 48 hours, they can speak to a lawyer, but only one who has been handpicked and security-vetted by ASIO, and only if ASIO monitors their conversations. If they refuse to answer ASIO’s questions or hand over documents, they can be jailed for five years.

The Labor Party, supported by the Australian Democrats and Greens, has referred the ASIO Bill to a Senate committee. Opposition leader Simon Crean has no disagreement with the wide-ranging powers themselves; he merely wants them conferred on the federal police rather than ASIO. But as the joint ASIO-Federal Police raids have illustrated, the two agencies work so closely together that Labor’s proposal will in no way address the legislation’s far-reaching assault on civil liberties and basic democratic rights.

With Labor’s backing, the government rushed two bills through parliament last week, one of which extends Australia’s homicide laws to cover killings in other countries. This will allow the quick extradition of prisoners charged with terrorist murders. The other bill enabled the government to outlaw JI and other groups last Sunday, without waiting for its regulations to be approved by parliament.

At the same time, the government is pouring money into ASIO to expand its operations. May’s budget boosted the agency’s funding by 25 percent to about \$85 million a year. ASIO’s annual report revealed a substantial increase in the security vetting of immigrants, refugees and public servants. In 2001-02, it conducted 39,021 visa security checks, up from 17,520 four years earlier; 2,281 assessments of asylum seekers, up from about 400; and 12,355 personnel checks, up from 10,847.

ASIO’s full-time staff numbers rose to 618, from 536, while its recruitment of intelligence officers has doubled since September 11 to 30 a year. Interviewed anonymously by the *Age* (it is an offence to name an ASIO officer or agent), the agency’s head of recruitment boasted that within two years the organization would be back to Cold War numbers, or about 700 full-time employees. “Our activities are legitimised,” he gloated, welcoming the impact of the “war against terrorism” on ASIO’s public image.

During the 1960s and 1970s, ASIO, along with the entire intelligence network, including military agencies and police special branches, became justifiably discredited among the general population for their surveillance, infiltration and dirty tricks operations against anti-war, trade union, student and socialist organisations. During the Cold War, the authorities sought to justify these activities in the name of fighting “communism.” Today, under the banner of the Bush administration’s “war on terrorism,” ASIO is being granted unprecedented powers and resources.

The Labor party has fully defended the ASIO raids, while Crean has

criticised the government from the right—for its failure to move fast enough against alleged JI supporters. New South Wales Premier Bob Carr has gone even further, announcing the formation of a state counter-terrorism police unit and foreshadowing new laws to give police additional phone-tapping and eavesdropping powers.



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