Australia: Families face collective punishment after gang rape sentences

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The unprecedented 55-year jail sentence of 21-year-old Bilal Skaf for a series of gang rapes in August 2000 in the Australian state of New South Wales, has been followed by cruel punitive measures against his parents and the relatives of other youth involved in the crime.

Skaf, who was referred to as X during his trial, is now serving the longest jail term in Australian legal history for a non-murder case. [See: 20-year-old jailed for 55 years on gang rape charges]

Over the past three weeks the state Labor government, backed by the local media, has followed the harsh sentences with a series of measures against the Skaf family and close relatives of Mahmoud Sanoussi, 17, and Mohammed Sanoussi, 18, two brothers convicted for their involvement in the rapes.

Seizing on minor incidents at the jails where the young men are being held, the NSW Department of Corrective Services has barred Baria Skaf, Bilal's mother, from seeing her son for two years while Mustafa, his father, has been banned for at least a month, pending an investigation into bribery allegations. A brother and cousin of Mahmoud and Mohammed Sanoussi have been forbidden from visiting their relatives for three months. Appeals against these decisions can only be made to the State Ombudsman and it may take months before they are heard.

The persecution of the Skaf family began a few days after Judge Michael Finnane sentenced Bilal in August. The youth, who was being held in Sydney's Long Bay Jail, was suddenly moved to a "non-association cell" at the High Risk Management Unit or "Super Max" prison in Goulburn, more than 200 kilometres away. According to department officials, the move was taken because three prisoners were planning to attack Skaf and inject him with HIV-infected blood.

The high security Goulburn facility is the most repressive jail in Australia, with every area under constant video surveillance. Those wanting to visit inmates have to complete a detailed security application, which takes up to two weeks to be approved.

The decision to relocate Skaf, however, was not relayed to his family. They had no idea about the whereabouts of their son until his mother arrived at Long Bay on the weekend after the sentencing. Corrective Service officials refused to explain where he was, but simply told her that Bilal was no longer at Long Bay.

Skaf's relocation to Goulburn meant that he was not able to see his parents, or any other visitor, until September 7, three weeks after the 55-year sentence was handed down. During the visit he asked his mother to take two handwritten notes to his fiancée. The notes were love letters and included a sketch of his cell and the courtyard where he is allowed to exercise. Prison cameras recorded him handing the notes to his mother. On leaving the facility, corrective services officers asked her to hand over the letters, which she did immediately and apologised, explaining that she did not know that they were illegal.

A few days later she received written notification from the Department of Corrective Services declaring she was banned from visiting her son for two years and would have to apply in writing, at the end of that period, for permission to see him again.

Journalists besieged the Skaf family over the next days, demanding they comment on the ruling. Mustafa Skaf told the *World Socialist Web Site* that a *Sixty Minutes* producer spent from 9.30am to 6pm on one day inside their family house attempting to pressure Baria into appearing on the program.

Baria Skaf is now in a distressed state. She is afraid to appear anywhere in public, constantly breaks down in tears and is being treated for serious depression. Mustafa Skaf, a railway worker, has been forced to take long service leave from his job because he is afraid of leaving his wife alone at home.

But the two-year ban on Baria Skaf was followed by additional punishment.

On September 20, six days after Bilal turned 21, Mustafa Skaf was contacted by Corrective Services and told that his visiting rights had been withdrawn for at least a month. Officials claimed that he rang the prison a few days earlier and offered a $100 bribe to a prison officer to allow him to speak to Bilal on the phone.

These unsubstantiated allegations, which rest entirely on the word of a prison official, are being investigated by Corrective Services. In the meantime, Mustafa Skaf cannot visit his son until the inquiry is completed. No indication has been given to the family as to how long the investigation will take, or what it involves.

Similar measures have been imposed on members of the Sanoussi family. On September 7, a brother and cousin of Mahmoud and Mohammed Sanoussi were banned for three months from visiting their teenage relatives, currently imprisoned at Kariong Juvenile Justice Centre on NSW's Central Coast.

Prison officers stopped the boys giving the Sanoussi brothers newspaper reports on the jail sentences. When the boys objected, officers physically removed them and said they could not visit for three months. Juvenile Justice Minister Carmel Tebbutt followed this ruling by threatening to move the Sanoussi brothers to an adult

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prison if there were any other so-called disciplinary breaches.

The local media, which played a despicable role throughout the rape trial, has sensationalised and justified these punitive measures.

The Fairfax-owned Sunday *Sun-Herald*, which occasionally postures as a liberal alternative to the *Daily Telegraph* and other Murdoch publications, has played a particularly foul role, with provocative editorials and comments scapegoating Lebanese immigrants and the Muslim community over the crimes.

On September 15, the newspaper broke news of the two-year ban on Baria Skaf in an "exclusive" story by Alex Mitchell, its state political editor. Most of the newspaper's front page was occupied by a large internal Corrective Services photograph of Baria, Mustafa and Bilal Skaf in Goulburn prison, emblazoned with the words "Caught Out". Another headline declared that prison officers had "foiled" Bilal Skaf's "bid to smuggle maps from the jail".

The double-page article inside the newspaper was accompanied by four more "exclusive pictures" and large headlines, "Rape leader's mum banned from prison" and "A 'deliberate and calculated' attempt to smuggle out son's letter and a map."

The article implied that prison officers had foiled a major violation of security procedures and quoted NSW Corrective Services Commissioner Ron Woodham, who said the measures taken against the Skaf family and Sanoussi relatives highlighted "the department's intention to crackdown on smuggling to and from the state's jails."

Any suggestion that Bilal's decision to give letters to his mother constituted a serious security breach is ludicrous. Even if the notes revealed Bilal's cell, the new $22 million facility is the most heavily guarded prison in Australia. Inmates, who are not allowed to wear shoes, are held in seven by eight square metre isolation cells most of the day, with only limited access to a small exercise yard. Equipped with all the latest high-tech equipment and housing a maximum of 75 prisoners, the jail is virtually escape-proof.

Mitchell, who did not dispute or challenge Corrective Services claims, would be aware that the *Sun-Herald* published a feature article on the prison more than a year ago, on May 27, 2001. The story included a detailed map pinpointing the location of cells, exercise yards and other facilities. No suggestion was made then, or since, by Corrective Services that the newspaper had breached the prison's security or was aiding escape attempts by publishing the map.

Drug smuggling in NSW prisons is an ongoing security problem, but the Carr Labor government, up to this point, has never provided the media with internal security images of those involved. Nor have their names been published in the press.

The release of the pictures and their publication in the *Sun-Herald* could well breach privacy conventions. They clearly show Baria Skaf's face, and one of the images shows the family's two young children, who are four and five years old. The newspaper has not explained why it decided to publish photographs of two completely innocent children.

The Skaf family has lodged an appeal with Corrective Services over the bans and the NSW Privacy Commission is currently investigating. But treatment of these working class families, who have not been provided counselling or any other assistance by state welfare agencies, is at odds with the more enlightened, tolerant approach adopted towards wealthy families whose children have been found guilty of criminal offenses, including violent sexual assaults.

Last year, for example, several teenage boys from Trinity Grammar School, one of Sydney's most prestigious private schools, were arrested for a series of violent sexual assaults on two boys in the school's dormitory. The Carr government made no comment on the crime and it was similarly downplayed in the local media. When the case came before the courts in early 2001, 12 charges were dropped after the youth pleaded guilty on lesser charges of aggravated indecent assault and were given six-month good behaviour bonds. No names were released and the issue was hushed up.

By contrast, Carr and the media have treated the Skaf and Sanoussi families, who have limited English language skills and little chance of defending themselves, as easy targets for collective punishment.

Within hours of the media publishing stories on the two-year ban on Baria Skaf, Carr issued a statement supporting the decision and praising prison officers in Goulburn jail. "They've got to make hard decisions from time to time, but frankly, I back their use of their authority," Carr said.

Journalist David Penberthy writing for the *Daily Telegraph* took this arrogant bullying a step further in an op-ed comment on September 20 that attempted to justify the newspaper's support for harsher law-and-order measures.

In a rambling glorification of backwardness, which included denunciations of the NSW Council of Civil Liberties and academics who have objected to Carr's harsher sentencing regime, Penberthy all but called for a homosexual prison rape of 21-year-old Bilal Skaf.

"[P]ersonally," he declared, "I am pretty happy with the prospect of Bilal Skaf spending the next five and a half decades being chased around Long Bay by a big bloke who insists on being called Rosie."

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