

Australian government backs imprisonment of Melbourne man in Pakistan

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Australia's Howard government has refused to demand the release and repatriation of Jack Thomas, a 29-year-old Melbourne man and former taxi driver imprisoned without charge in Pakistan since early January. Pakistani officials claim that he has links with Al Qaeda: allegations that are unsubstantiated and strenuously denied by Thomas' parents and his wife.

Thomas has been jailed under Pakistan's draconian anti-terrorism laws. He was arrested on board an Australian-bound passenger aircraft at Karachi airport on January 4 and transferred to Islamabad on January 22. FBI agents, Australian Federal Police, Australian Security and Intelligence Organisation officers and Pakistan police officers have grilled Thomas at length since he was detained. He has had no lawyer present during any of these interrogations.

Thomas first became interested in Islam through high school friends in Melbourne's western suburbs and converted to the religion about five years ago. He decided to travel to Pakistan in 2001 with his wife Maryati and baby daughter to study Islam and become a Muslim cleric. Thomas' parents did not hear from him for several months and reported him missing to Australian authorities in late September 2001 after the terrorist attacks on the US. His Indonesian-born wife and baby daughter returned to Australia in 2002.

Ian Thomas, Jack's father, told ABC radio last year that his son had no links with Al Qaeda. "We have absolute faith and confidence in our son," Thomas said. "His great sense of social responsibility is he's a person who has always wanted to help others. This is what he has always been, where he is coming from. His only desire is to help other people." Jack Thomas' wife, Maryati told the media last month that her husband "abhorred violence" and would never be associated with any violent organisation.

The Australian media have responded to Thomas' detention by circulating claims from unnamed Pakistani officials that he had trained with Islamic terrorist formations in Sulawesi, Indonesia and with Al Qaeda in Afghanistan.

No evidence has been provided to verify these allegations.

After news broke on Thomas's detention last month the Melbourne-based *Age* newspaper, which occasionally postures as a defender of democratic rights, published a muckraking editorial entitled "Jihad Jack and the law of the land".

The newspaper claimed that a "daunting circumstantial case" existed against Thomas but failed to present any substantiation. It then derided calls by Rob Stary, the lawyer retained by the Thomas family, for an independent assessment of the facts of the case and went on to provide an apology for the Musharraf government. According to the *Age*, while the Pakistani judicial system "may not be perfect" it had "the right to try those accused of committing crimes within its jurisdiction."

But Thomas has not been charged with violating any Pakistani laws. Moreover, under legislation adopted by the Musharraf government he has virtually no democratic or legal rights. Under the guise of "fighting terrorism", the Pakistan government issued a special decree in 2002 strengthening existing powers to detain suspects. People suspected of "terrorism" can be detained for up to a year without charge and security forces can seize the bank accounts and assets of those detained and their relatives.

The regime has also moved to block any court review of the incarceration of these prisoners. State authorities have ignored court directives demanding certain prisoners be produced. Government officials have also challenged high court rights to have any review power over the issue of detention or preventative orders, declaring that the regime's authority is absolute and unchallengeable.

Australian Prime Minister Howard and Foreign Minister Alexander Downer have ignored repeated requests from the Thomas family lawyer that they act to secure their son's release. Downer claimed, without any independent evidence, that Thomas was being "well treated" by authorities and it was "up to Pakistani officials" to decide if he should be charged. "We don't have any concerns," he said.

Perhaps the most breathtaking example of Australian

government indifference to this outrageous violation of Thomas' legal and democratic rights came from Defence Minister Robert Hill.

"It is possible that he could be charged with some offence in Pakistan," Hill declared. "[I]t's equally possible that at the end of the investigation process they have under their terrorist laws ... he may not be charged." In other words, Pakistani authorities have a *carte blanche* to do what they like.

This response follows the Howard government's support for US imprisonment of two Australian nationals, David Hicks and Mamdouh Habib, in Guantanamo Bay, Cuba for over 12 months without charge or any access to their families or lawyers. Over 620 foreign nationals are currently being held indefinitely in the US military prison.

David Hicks, who is 27-years-old and from Adelaide in South Australia, was seized by Northern Alliance forces in Afghanistan in December 2001 and handed over to the US military. He was interrogated for weeks and then flown, bound, blindfolded and gagged to Guantanamo Bay.

Forty-four-year-old Mamdouh Habib, married and the father of four children, was kidnapped by Pakistani police as he was preparing to return to Australia in October 2001. Under instructions from US authorities and with the full knowledge and endorsement of the Howard government he was transferred to a prison in Egypt, where he was interrogated and held incommunicado for five months.

Unable to make contact with his wife or lawyer in Australia, he was then shunted to an American military prison in Afghanistan in April 2002, grilled by US army and intelligence officers for several weeks, and then transferred to Guantanamo Bay; where he remains.

Jack Thomas is in grave danger of suffering the same fate. In fact, Department of Foreign Affairs and Trade (DFAT) spokesman Rod Smith told a Senate estimates hearing last week that he could not answer whether Thomas would be moved from Pakistan to Guantanamo Bay because "it did not fall within DFAT's responsibilities".

Rob Stary, the Thomas family lawyer, recently spoke with the *World Socialist Web Site* about the Howard government's refusal to demand Jack Thomas' repatriation.

"We've told Alexander Downer and Howard's offices they have to make representations in Pakistan at the political level, not just the consular level. Charge him, and then let's see the evidence. No person should be detained without trial," Stary said.

"I think they are refusing to act on his behalf because they are so subservient to the US government—they would rather allow one of their citizens to languish in detention indefinitely. We can't get Downer's office or the Prime Minister's office to give us any feedback whatsoever. They

are not approaching Pakistan for his release—it is pathetic.

"An Australian citizen is held, without charge. It is claimed he met Osama bin Laden, had access to him and so on, but none of this can be substantiated.

"He has not been to court. He is not able to speak to any lawyer either from Australia or in Pakistan because you are not permitted to have a lawyer in Pakistan until you've been charged.

"He's had phone contact with his family but he's not allowed to discuss the reasons for his arrest and detention. All communications are censored—and at this stage the family can only email him or write to him through the Australian consul.

"Recent media reports quoting unnamed Pakistani sources said that he was to be released but information now coming from Pakistan conflicts with these reports. We have followed this up with consular officials and Pakistani authorities deny it: so we're back to square one.

"I'm not confident about his future. If the case drops from sight, then he could go the way of Hicks and Habib—into the never-never."

The Australian government's endorsement of Jack Thomas' imprisonment in Pakistan and its unwavering support for the ongoing brutal treatment of Hicks and Habib by the US military in Guantanamo Bay is part of its unconditional commitment to the Bush administration's so-called "war against terrorism". Backed by a subservient media, Howard is prepared to sacrifice the most fundamental democratic and legal rights of Australian citizens, in order to demonstrate its total loyalty to Washington and its political and military agenda.



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