

Pakistan to release Australian Jack Thomas after five months jail without charge

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The Musharraf government in Pakistan announced this week that it will release Jack Thomas, a 29-year-old Australian citizen and former taxi driver imprisoned without charge since January 4.

Thomas, who was accused of having links with Al Qaeda, is to be freed because the Pakistani government could find no evidence to substantiate the allegations. But the Howard government, which has ignored increasingly desperate Thomas family pleas for assistance over the last months, has ominously suggested that Jack Thomas could be charged under Australian anti-terror laws.

Jack Thomas travelled to Pakistan in 2001 after converting to Islam and marrying a Muslim woman. His wife and child returned to Australia in 2002, but he stayed in order to continue Islamic studies. He was arrested and imprisoned when he tried to fly back to Australia.

During his five-month incarceration Thomas was denied access to a lawyer and interrogated by the FBI, Pakistan's Inter-Services Intelligence and the Australian Federal Police. The Australian government and media also insisted on treating unproven claims that Thomas was a terrorist as good coin.

After three months detention, however, news articles began appearing in the Australian media that Pakistan's Interior Ministry was prepared to hand him over to Australian diplomatic authorities. Howard government officials immediately denied the reports.

When the family's hopes for Jack Thomas's release were raised by these press articles and then cruelly dashed by the Howard government, his parents, Ian and Patsy Thomas, held a press conference at Robert Stary and Associates law office in Melbourne on April 4, where they read a prepared statement.

"We have asked the Minister for Foreign Affairs, the Minister for Justice and Customs, the Attorney-General and the Prime Minister to take some interest. But we have not received a personal reply from any of these

gentlemen. We have asked for them to demand from Pakistani ministers that either he be charged in Pakistan or be sent home. All we ask is for someone to care enough about us and about an Australian held by another government to stand up and demand that we are given an answer."

Lawyer Robert Stary condemned the Australian government's attitude to Jack Thomas, and linked this to the war against Iraq. "Under the current circumstances, it is not the thing for this government to be seen to be doing, getting involved in the case of an Islamic convert in Pakistan.

"It was completely wrong of the Attorney-General to go to the media and—contrary to everything we've been told about the presumption of innocence—for him to vilify Thomas. He's played a significant role in putting him where he is."

In fact, Attorney-General Williams and the Howard government repudiated from the outset any defence of Thomas and his basic democratic rights and effectively collaborated with the Musharraf government to ensure he remained in prison. In all likelihood, Australian spy agencies provided the information to Pakistani police that led to Thomas's seizure at Karachi airport.

At a Law Institute luncheon on April 9, lawyer Peta Murphy of Robert Stary and Associates questioned Williams about why Thomas had been held in Pakistan for 95 days without charge or access to a lawyer, but had been questioned by Australian Federal Police.

"There have been reports recently that the Pakistanis intend to detain Mr Thomas for another indefinite period," Murphy said. "When do you, as the first law officer of Australia and your office make representations to Pakistan on behalf of an Australian citizen to ask when he will be charged?"

Williams replied that Thomas was in detention under Pakistani law and in the same position as any Australian

citizen arrested and detained under another country's law.

In reality, while the Howard government is legally bound to intervene on behalf of any Australian citizen arrested overseas, its actions have been entirely selective.

When Australians Steve Pratt and Peter Wallace were arrested in Yugoslavia and found guilty of spying for NATO in 1999, the Howard government intervened strenuously to secure their release. High-level diplomatic efforts were made and Daryl Williams authorised a special \$70,000 government grant to pay their legal costs.

Likewise, the government did its utmost to repatriate Australians Kerry Danes, a former Special Air Service officer and his 33-year-old wife, when they were arrested in Laos in December 2000 on gem smuggling allegations.

By contrast the Howard government has studiously ignored the Thomas family, given credence to unsubstantiated allegations that Thomas is a terrorist, and done nothing to secure his release or guarantee his democratic rights.

At the luncheon, Williams was asked what the Howard government was doing to repatriate David Hicks of Adelaide and Mamdouh Habib of Sydney, two Australian prisoners held without charge by the US government at Guantanamo Bay, Cuba.

The attorney general responded by denying any responsibility for their democratic rights: "I think the characterisation of them that's being made by those advocating they should be freed or brought to Australia seems to rely on the rights that would pertain if someone was accused of committing a criminal offence in a non-conflict situation."

Williams was also challenged over his efforts to introduce added security clearances for defence lawyers in cases involving terrorism allegations. He claimed that sensitive classified information could put individuals lives at risk or endanger the national security of Australia or another country where evidence is obtained. On this basis the Howard government intends to introduce laws to bar such information from open court hearings and vet legal aid lawyers.

Peta Murphy spoke to *World Socialist Web Site* just prior to the announcements by the Pakistani government that Thomas would be released:

"Jack Thomas has never had access to a lawyer, yet he has been questioned by the Australian Federal Police, the Pakistani authorities and possibly other countries as well, but there is no Australian minister saying 'enough is enough'.

"There have been disturbing reports from Pakistan that

they do not intend to proceed, yet nothing has been done by Australia. Although Australia has denied these reports they seem to recur regularly.

"It is beyond me why the Minister can't be directly involved. It is a question of a political agenda. When Jack Thomas was arrested, the Attorney-General made unsubstantiated allegations, and many have been refuted.

"The family has taken the position, that if he has done anything wrong, then charge him. If he has broken any Australian law, then charge him and afford him his rights. The family is going through hell and they can't even retain a lawyer to argue his case.

"Jack Thomas was taken off a plane and arrested. There is nothing in the circumstances of his arrest that would indicate he was doing anything wrong. He wasn't hiding; he wasn't involved in any illegal activities. His family denies that he could have been in Afghanistan. If he was doing something wrong he should be charged. If he were charged with say drug trafficking, Australia would make representations about him being charged.

"He shouldn't be placed in the war on terrorism basket. Anyway, these governments are claiming to be going to war to defend freedom—yet they're trampling on democratic rights. It is atrocious what is happening—look at the arbitrary detention of those Australians in Guantanamo Bay. It is part of a broader picture.

"Daryl Williams claims that Thomas is held correctly under Pakistani law, but the interpretation of the Act is in some dispute. One clause says, after three months detention, a detainee should appear before a board, including a Supreme Court judge.

"Jack Thomas has never been in front of such a board. But anyway there is an obscure footnote saying that such a board doesn't exist. Yet Daryl Williams says Thomas is held under Pakistani law. It is ominous.

"Every Australian citizen would like to think that their government would act on their behalf while they were overseas. The diplomatic service has done so in this case but the elected politicians should take a stand regarding his rights."



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