

Australia:

## More sensational “terror cell” claims: but where is the evidence?

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Over the past week, the Australian media and leading politicians have made sensationalised claims that a major Al Qaeda or Jemaah Islamiyah “terror cell” is operating in Sydney. The allegations centre on Willie Brigitte, a 35-year-old former French social worker born in the Caribbean, who was secretly deported from Australia last month for breaching tourist visa conditions.

According to the reports, Brigitte was a high-level Al Qaeda figure sent to conduct operations in Australia. The Australian Broadcasting Corporation’s AM radio program, for example, described him as a “significant Al Qaeda operative” whose removal “smashed a local Australian-based terror cell”.

When the allegations first appeared in the media last Monday, obvious questions immediately arose. If Brigitte was indeed a senior Al Qaeda figure, his visit to Sydney went remarkably unnoticed by the French and Australian intelligence agencies.

How had he been able to travel to Australia in May on a tourist visa, using his own name and passport? Why didn’t the French security agencies—which reportedly claimed to have had Brigitte under investigation for years—alert their Australian counterparts for five months?

If evidence existed that Brigitte was establishing a terror cell in Australia, why wasn’t he arrested and charged with an offence under the anti-terrorism laws introduced by the Howard government? Why wasn’t he even detained for interrogation under those laws?

Instead, he was placed in immigration detention on October 9 for breaching his visa conditions by working as a waiter at a Sydney restaurant. He was briefly questioned and then deported to France on October 17, where he was detained for interrogation by French intelligence.

Despite the alleged seriousness of the situation—a terrorist plot being hatched in Sydney—the Howard government apparently intended to keep the information secret until reports appeared in the French media on the weekend of October 25-26, citing anonymous French intelligence sources.

Asked to explain why Brigitte was removed on the basis of a visa violation, Attorney-General Philip Ruddock has now admitted that there was no evidence to justify an arrest warrant under the new counter-terrorism laws. He said the Australian Security Intelligence Organisation (ASIO) could have held Brigitte for questioning for up to seven days, but would have had to then

release him.

This lack of evidence, however, did not prevent Ruddock from ordering armed ASIO-police raids on at least seven homes in Sydney’s Lakemba-Bankstown area on October 26. Officers manhandled and interrogated the occupants, illegally threatened them with detention unless they answered questions, confiscated their passports and took away computers, computer disks, personal items, business records, mobile phones, books and other documents.

No reasons were given for the raids, except that the residents may have had contact with Brigitte. Brigitte’s wife, whom he married in Australia, was also questioned and her home searched before authorities stated that she was not under suspicion.

The raids produced no evidence of terrorism and no charges have been laid as a result. Instead, the individuals concerned—all identified as Muslims—have been subjected to trial by media and effectively pronounced guilty by association. Extremely serious suggestions of complicity in a “terrorist cell”, which could lead to life imprisonment under the counter-terrorism laws, have been uncritically presented as facts.

Last Thursday the ASIO raids were extended to a gymnasium owned by former boxing champion Tony Mundine. It appears that Brigitte occasionally used the gym, where Mundine’s son Anthony, a current world champion, trains. The raid seems to be a crude attempt to smear Anthony Mundine, a Muslim, who was subjected to a witchhunt two years ago when he criticised the invasion of Afghanistan.

New South Wales Premier Bob Carr, whose state Labor government authorised NSW police to join the operation, defended the weekend raids, declaring that they had “smashed” an “Al Qaeda cell” and made Sydney a “far safer place”. When questioned, Carr cynically invoked the memories of the victims of the Bali bombings in October 2002, asking: “Have we forgotten Bali so quickly? What would you have us do? Nothing?”

But if the slightest evidence actually existed of a terror cell, the authorities could have pursued the traditional procedures of the criminal law. They could have charged Brigitte and his alleged co-conspirators. The facts, if any, could be tested in open court and put before a jury.

Australian Federal Police Commissioner Mick Keelty initially endorsed Carr’s claim that a “cell” had been broken up, but

backed away within 24 hours. Interviewed on ABC Radio, he conceded: “We don’t know whether a cell exactly exists.... We need to give investigators some space to find out the extent of the matter.”

Prime Minister John Howard last month appointed Ruddock as Attorney-General in order to step up the government’s “war on terror”. After less than three weeks in office, Ruddock used the accusations against Brigitte to announce that he had already reviewed the anti-terrorist laws passed over the past 18 months and found them to be too restrictive.

Ruddock called for the new ASIO detention laws—which permit the political police to detain anyone for interrogation for at least a week without charge—to be extended to match French provisions, which, he said, allowed for detention without trial for three years. He also demanded the power to outlaw alleged terrorist groups, removing the current proviso that limits proscription to organisations banned by the UN Security Council.

Stephen Hopper, the lawyer representing one couple raided last weekend, told the WWSW his clients had no knowledge of terrorist activity. “What we are witnessing is people being persecuted without any evidence. We have the politicisation of the prosecution process and trial by media. If Al Qaeda and Jemaah Islamiyah cells have been smashed, where are the charges?”

“My clients were threatened with detention under ASIO’s new powers if they did not cooperate. This is an insidious denial of the legal right not to answer questions. ASIO now has a power like the one that the NSW police used to use under the consorting laws. People were told that unless they gave police the right answers they would be charged with consorting with known criminals.

“Carr is exploiting the people who died at Bali for political grandstanding. And with Ruddock, we have the same old pattern: ASIO raids people, no evidence of terrorism is produced and the government demands new powers.”

The unsubstantiated nature of the allegations against Brigitte was underscored on October 30 when Rupert Murdoch’s *Australian* published an article by Alain Acco, the Radio Europe 1 reporter who first raised the accusations a week earlier. Acco’s account depended entirely on information supplied by an unnamed “senior member of the French police” and an equally anonymous “Parisian anti-terrorist magistrate”.

Apart from elementary facts about Brigitte’s life, such as his origins in Guadeloupe and his conversion to Islam in 1998, Acco’s report was derived from what Brigitte is alleged to have told the Interior Surveillance Division (DST), the French counter-espionage service, under interrogation last week. Brigitte has been placed under investigation for “belonging to a criminal association, in relation to a terrorist undertaking”.

According to this account, Brigitte hardly appears to be a major terrorist figure. He made an ill-timed attempt to enter Afghanistan to fight for the defence of the Taliban government after the September 11 terrorist attacks in the United States and the subsequent US-led invasion of Afghanistan. Stopped at the border, he went to Lahore where he spent six months in a training camp run by Lashkar-e-Tayyaba, a Kashmiri Islamic organisation that was backed by Pakistani intelligence.

Brigitte returned to France in February 2002 and in May this

year decided to travel to Australia. From what has been reported from the DST interrogation, he has strongly denied that his trip was part of a terrorist plot or that he was tasked with sheltering a Pakistani explosives expert. “He is adamant in his statements to the French police that it was a personal decision,” Acco wrote. “If we are to believe what he says, no one ordered him to make the trip. It was not a mission.”

Since the original Europe 1 report, anonymous French officials have variously accused Brigitte of conducting physical fitness training near Paris and supplying passports to two assassins who killed Ahmed Shah Massoud, a prominent anti-Taliban warlord in Afghanistan, in September 2001. If Brigitte had been involved in such a high-level operation, it would make all the more implausible the claim that the French agencies knew nothing of his subsequent movements.

This is not the first time that sensational reports have appeared about “terror cells” in Australia. In September, two Australian residents, a Melbourne Islamic fundamentalist cleric, Sheik Mohammed Omran and one of his Sydney followers, Bilal Khazal, were widely reported by the media to have been named in Spanish court documents as having regular telephone conversations with one Abu Dahdah, whom the media dubbed “Spain’s top Al Qaeda suspect”.

Nearly two months later, no charges have been laid against either man, both of whom have denied the allegations. Australian journalist Brian Toohey told the Special Broadcasting Service television *Dateline* program last week that the Spanish documents in fact contained no telephone transcripts or other evidence against Omran.

As for Khazal—like Brigitte—the government seems anxious to remove him from the country, knowing it has no evidence to bring charges. Ruddock has promulgated special regulations allowing Khazal to be extradited to Lebanon, where he could face charges in a military court of financing an alleged terrorist organisation. The Lebanese authorities do not seem quite so enthusiastic. Lebanon has no extradition treaty with Australia and the military court has not requested the extradition.

It is impossible for the WWSW to judge whether those targeted are in any way involved in terrorist activity. But no evidence of terrorist acts or plans has been produced, despite numerous ASIO raids. In the process, basic legal norms and procedures, as well as fundamental democratic rights, have been overturned. For the second time in as many months, irresponsible and highly prejudicial claims of “terror cells” have been raised, only to turn out to be full of holes and contradictions.

See Also:

*ASIO Terrorism Act*

Unprecedented police-state measures passed by Australian parliament

[1 July 2003]



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