

A blow to the Australian government's lies:

Student charged with “terrorist” training released on bail

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The efforts of the Howard government to concoct evidence of a major terrorist plot in Australia in the lead up to this year's scheduled federal election suffered a blow in Sydney yesterday when a judge ordered the release on bail of a young university student charged with receiving terrorist training.

Six weeks ago, the government, aided and abetted by the state Labor government in New South Wales, insisted that 21-year-old medical student Izhar ul-Haque was such a danger to the community that he had to be consigned to an isolation cell in the notorious maximum security “SuperMax” jail at Goulburn, 200 km south of Sydney. Amid media headlines heralding the first major terrorist arrest in Australia, bail was twice refused by the magistrates' court.

Acting on the government's instructions, the prosecution continued to oppose bail yesterday, and argued for several hours against the young man's release from Goulburn, where he had been held for 42 days since his arrest on April 15. In an open act of political interference in the judicial process, as soon as the decision was announced, Attorney-General Philip Ruddock said he was “disappointed” by the release and reiterated that the Director of Public Prosecutions (DPP) had strongly opposed bail.

But in handing down his decision, NSW Supreme Court judge Peter Hidden said the Crown prosecutor had acknowledged that ul-Haque did not pose a threat to Australia or its people. Moreover, the judge firmly rejected the Crown argument that there was a risk that the young man would try to abscond or flee the country.

“His family is in this country, he is undertaking study in this country. He appears to enjoy the support of a wide variety of people in this country,” Hidden ruled. He added that a sentencing judge could well describe the crime as “in the lower order of seriousness” and refuse to impose a jail term.

Around 100 people, mainly students, demonstrated outside the court in defence of ul-Haque. They included fellow medical students from the University of NSW and around 30 students from his old high school, North Sydney Boys High, as well as his brothers. Members of the Muslim community were also in attendance, together with relatives, friends and Izhar's former school teachers. His mother and father returned from Pakistan to support their son.

The placards held by participants included: “War on Terrorism = War on Muslims”; “Political expediency... Shame on you

Howard”; “Free Izhar now” and “Guilty Until Proven Innocent”. Once the hearing began, it was standing room only inside the courtroom, with dozens of students lining the corridors outside. Inside, many affidavits were submitted testifying to Izhar's good character.

Evidence presented to the hearing confirmed that ul-Haque, an Australian citizen who has studied in Sydney for six years, had freely given information to the federal and state police Joint Counter-Terrorist Team in three interviews, starting last November, that he had undergone 21 days of training with the Pakistan-based group Lashkar-e-Taiba (LeT) in January 2003.

LeT, which opposes Indian rule of Kashmir, was outlawed as a terrorist organisation in Australia last December, 10 months after the young man had returned to Sydney to resume his studies. By arresting him last month, the government effectively mounted a retrospective prosecution.

The court heard that ul-Haque had told the Australian Federal Police he had been training to fight the Indian army in Kashmir and his feelings on martyrdom had been “high”. But after an intervention by his father, he decided he was “physically incapable” for even the so-called “kindergarten” stage of the rigorous training.

Desmond Fagan, SC, for the Commonwealth DPP conceded during the hearing that ul-Haque's intentions were only for LeT's campaign against India and not toward Australians or any people or property in Australia.

Izhar's barrister, Ian Barker, QC, stressed the highly unusual character of internment in a “SuperMax” cell. A prison warder was called as a witness, to enable Barker to establish the harsh character of solitary confinement in the jail. Before granting bail, Justice Hidden said he was concerned at the manner in which Izhar had been held in segregation.

With opinion polls confirming that the Howard government faces electoral defeat—and two-thirds of the population now opposing the invasion and occupation of Iraq—the government and its lies have been further exposed by the court decision.

There is no doubt that Prime Minister John Howard and his ministers intended ul-Haque's arrest to convey the impression that the federal police and intelligence agencies had successfully smashed a major terrorist network. Within an hour of the arrest, Ruddock called a media conference to trumpet it as “part of a

wider investigation in which the Commonwealth is involved”.

Foreign Minister Alexander Downer went on national television to declare that ul-Haque had terrorist linkages, “that is for sure”. Downer added: “This is exactly what the Federal Police should be doing, making absolutely sure that people are properly protected in this country.”

A week after ul-Haque’s arrest, police detained a 34-year-old Sydney architect, Khalid Lodhi. Like ul-Haque, he had been under police and ASIO questioning and surveillance for many months, and the charges against him—seven in all—did not appear to be based on any new information. The chief allegation was that he attempted to recruit ul-Haque and others to LeT between March 2001 and April 2003.

If convicted of the charge against him, ul-Haque faces up to 25 years’ jail. Under the government’s draconian legislation—passed with the Labor party’s backing—it does not have to prove that the student knew that LeT was a terrorist organisation, let alone that he intended to commit any terrorist act in Australia, or anywhere else. He can be convicted simply for being “reckless” as to whether LeT was a terrorist organisation.

The conditions of his \$200,000 bail are severe. He must reside with parents, report to police three times weekly, surrender his passport, and not have any contact with Lodhi (except through his legal counsel).

Participants in the rally outside the court made clear the high regard felt for Izhar ul-Haque. They also expressed outrage at the government’s “terrorist” witchhunt, its attacks on basic democratic rights and its ongoing participation in the war on Iraq.

Waleed Kadous, a friend of Izhar’s and a member of the Australian Muslim Civil Rights Group, told demonstrators outside the court: “Izhar is known throughout the community for his excellent personality, his great behaviour. He is someone who contributes to the community. Imagine a person who, when arrested, calls up his brother and says, ‘Please apologise to my class. I won’t be able to teach this week.’

“To see him arrested in this way is totally shocking to us. It’s unbelievable to us that someone of such really impeccable character could be charged with this crime... Izhar has not done anything to harm Australian citizens... So why is he being held in the ‘SuperMax’ facility at Goulburn? Bob Carr [NSW Premier] has already said that he received a phone call from the [Howard] government explaining that he should prepare two cells in the high-risk management cells at Goulburn. It is obvious that this is the result of political intervention.

“We are here today because of the [counter-terrorism] legislation the government introduced in 2002 that the whole community, not just the legal community, not just the Muslim community, but the entire community gathered together to protest against.

“Imagine this: ASIO can detain you for seven days. They don’t even need to suspect that you’re involved in a crime. They don’t have to charge you. You can be questioned for 24 hours. You cannot refuse to answer questions. If you do, you can be sentenced to up to five years [jail]. If you are asked a question and you say you don’t know, you can also be held for five years. How are you supposed to prove that you don’t know something?

“Right now they’re targeting Muslims. But who will be next?

Any of us could be the victims of this legislation.”

Rebecca Wood, a fourth year medical student at the University of NSW, told the WSWS: “I think it’s an absolute travesty that Izhar’s in jail at all. I think it’s awful that he’s in maximum security. He needs support and he needs to know there are people out here that aren’t going to let this sort of thing happen.

“It’s not fair, the way it’s been portrayed. He went there [Pakistan] just because he could. He’s a free person and that’s what he wanted to do. And he’s a medical student. And I know within our group of students there’s a huge amount of altruism. We want to help people and we’re there to make sure that justice is served and we’re socially responsible people. We want to make sure that everyone gets good healthcare and that there’s equality. And when we’re in lectures and tutorials, we talk about that kind of thing. We’re a group that believes in that. So, I find it hard to believe that as a medical student he would go there with any other intention other than with goodwill.

“The war on Iraq is completely wrong. From the outset, it was completely wrong. Iraq had absolutely nothing to do with September 11. They haven’t found weapons of mass destruction and we should pull out as soon as possible.”

Amin Malik Shah, a PhD student at the University of NSW, said: “Izhar was one of my students. I am a tutor at the School of Medicine. I have also known him personally for three years. He was polite, soft-spoken, never expressing his opinion. He does his work without fuss; he is a brilliant student, very active in class. I could not believe my ears when I heard he was arrested. I would not believe it if someone told me he had harmed a fly.

“The effect of his arrest was that people—those who met at our daily prayer meetings—were scared to talk about it. People were speaking in whispers. When they found out how the media had painted him after he was arrested, we were very disappointed that Australia was incriminating a boy. We came from countries that used dictatorial methods. Now Australia is doing the same.

“Since the revelations about the torture of soldiers in Iraq, the Australian government no longer has the moral high ground. I would not be surprised if they used torture on Izhar. How far would they go to extract information? The war on terror is being waged by a government that is desperate to be in power. There is declining support for it. In the last election they used the *Tampa* crisis to get back in government; compared to that, the arrest of Izhar is nothing to them.”



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