

Use of police infiltrators raises fresh questions about “terrorist” raids in Australia

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A report in the *Melbourne Age* yesterday that police used an undercover officer to infiltrate an Islamic fundamentalist group has raised new questions about the arrest of members of the group on “terrorist charges” in massive police raids last November.

According to the report, which has been confirmed by lawyers, the infiltrator acted as a provocateur to incite and entrap the alleged leader of the group, Islamic cleric Nacer Benbrika. The officer asked Benbrika to accompany him to test explosives in late 2004. The explosives had been supplied by police, who covertly monitored the trip.

A lawyer for Benbrika referred to the test explosion in the Melbourne Magistrates Court a fortnight ago, saying that the only explosion connected to the group had been detonated by the authorities. Yet, Benbrika has been charged with directing, recruiting and supporting a terrorist organisation, and his followers with being members of the same, unnamed organisation.

Benbrika’s group is not the first to be set up on terrorism charges by the police and the Australian Security Intelligence Organisation (ASIO) using undercover provocateurs. Last year, in Australia’s first terrorist trial, Zek Mallah, 21, was acquitted after the jurors heard that a police agent posing as a journalist had offered the troubled young man \$3,000 for a videotape of Mallah uttering ludicrous threats against federal government buildings.

The operation against Benbrika is particularly revealing of the methods used by the Howard government. The cleric and nine supporters, plus nine members of an allegedly related group in Sydney, were the subject of the country’s biggest counter-terrorism raids last November, when more than 400 federal and state police and intelligence officers detained them amid government and media claims that a “catastrophic” terrorist attack had been prevented.

Four months on, police have still produced no evidence to substantiate those claims. The November raids were clearly timed to stir up new fears of terrorism in order to justify the sweeping anti-terrorism bills being pushed through federal and state parliaments at the time. They came less than a week after Prime Minister John Howard had declared a terrorist “alert” and convened an emergency session of the Senate to pass the

first instalment of the legislation.

The laws introduced a host of police-state provisions, including terrorist offences that require no evidence of any actual terrorist act or plan, plus two new forms of detention without trial. The measures also directly outlawed expressions of a range of political opinions—such as “advocating” terrorism or supporting resistance to Australian military interventions overseas, an offence now covered by expanded sedition laws.

Police spokesmen made similar claims about “imminent terrorist threats” following the latest round of arrests of three more members of Benbrika’s congregation on March 31. While insisting that the raids, involving 30 police, had averted a serious terrorist threat, they admitted, however, that, like the previous November, the arrested men had made no specific threats, chosen no targets and assembled no materials for an attack.

Bassam Raad, 24, Majed Raad, 24 and Shoue Hammoud, 26, were arrested in Melbourne and charged with being members of an unnamed terrorist organisation and intentionally funding a terrorist group. Two of the men face additional, equally vague, charges of supporting a terrorist organisation.

At a media conference, Australian Federal Police assistant commissioner for counter-terrorism Frank Prendergast said the arrests had thwarted a “significant threat to the community”. He refused to provide any details, however, saying the men had coalesced into “an unnamed group” with “links to overseas organisations”.

Victoria Police Chief Commissioner Christine Nixon said police believed the arrests had “seriously disrupted the activities of a group allegedly making arrangements to carry out a terrorist attack in Australia,” but said no specific threats had been made or targets identified.

Questioned by reporters, Nixon said the men had not posed a threat to the community or athletes during the March 15-26 Commonwealth Games in Melbourne. She could not explain the timing of the arrests, after police revealed that the men had been under surveillance for at least four months.

Almost all Benbrika’s small prayer group in Melbourne is now behind bars. Rob Sary, the lawyer for two of the men recently arrested, said the latest raids appeared to have been ordered to bolster the case against the initial detainees, with the

police simply rounding up anyone with an association with Benbrika.

Stary said the police claims to have disrupted a “significant threat” were misleading and exaggerated, because none of the trio was charged with weapons or chemical-related offences, nor charged with planning a terrorist attack.

The flimsiness of the evidence against them became further apparent on April 3, when Bassam Raad unsuccessfully applied for bail. Prosecutor Nicholas Robinson told the court that Raad had discussed “violent acts of jihad” with Benbrika, attempted to gather firearms and stolen credit cards to facilitate travel for other members of the group. No evidence of weapons or stolen cards was produced.

Raad repeatedly declared his innocence, saying he had only discussed religion with Benbrika. “We would just talk, we would not do,” he said. Raad, who represented himself, told magistrate Paul Smith that he was being “framed” and charged because he was Muslim.

The latest arrests came three weeks after another round of raids, on March 9, on the homes and prison cells of some of the previously arrested men, apparently in an effort to find evidence to sustain the charges against them. Attorney-General Philip Ruddock confirmed that the raids had taken place, but refused to provide details of any evidence gathered.

Greg Walsh, a lawyer for one of the prisoners, Omar Baladjam, whose home and cell were raided, said the police breached legal privilege by taking confidential notes from the cell that his client had written for consultation with him. Walsh said it was an “outrage” that documents were seized in those circumstances.

None of the 22 arrested men is due to face court again before June, and then only for a committal mention. This means their trials are unlikely to commence until 2007, effectively preventing them from challenging the charges for more than a year. In the meantime, all are being held in solitary confinement, with bans on family contact or involvement in jail activities.

This treatment is likely to worsen the well known mental health problems of some of the prisoners. According to a medical report given to Victorian police, at least four are mentally ill. Two have suffered from schizophrenia for at least two years and one has been in and out of psychiatric institutions suffering from, among other things, psychosis, delusions and hallucinations.

A medical assessment of the man in March 2004 said: “He has been diagnosed with manic episode and psychosis; he has disorganised behaviour; he has religious delusion; he suffers from elevated mood and he has auditory hallucinations”.

The same man has had at least two psychotic episodes since being arrested by police, one of which occurred during questioning. Two of the other men are on anti-depressants. Health authorities as well as police have long known of their mental conditions.

It was earlier reported that one of the accused, Khaled Sharrouf, had been diagnosed as a schizophrenic four years ago. A psychiatrist who had examined Sharrouf told journalists there was little doubt that his mental illness may have influenced the comments police allege he made about “wanting to die” in a terrorist attack.

These revelations highlight the scope for the police and intelligence agencies to incite and entrap unstable or mentally unwell members of the Islamic community. They also underscore the prevalence of mental health problems among young Australian Muslims, who have been increasingly victimised and marginalised by the political and media establishment.

A recent Monash University study confirmed that Muslim men of Lebanese origin suffer extremely high levels of disadvantage, measured by unemployment, reliance on welfare payments and education qualifications. It found that 39 percent of first-generation Lebanese Muslim men aged 25 to 44 in Sydney were unemployed or not in the labour force, compared with 16 percent of all Australian men in this age group.

These conditions, a product of systematic discrimination by employers, police, governments and other authorities, coupled with the rapid growth of economic and social inequality throughout Australia, have led to a deep sense of alienation and hostility among young people that is being exploited by fundamentalist Islamic groups and police infiltrators alike.

The Howard government has further fuelled this toxic mixture by joining the US-led military aggression throughout the Middle East and Central Asia. In recent months it has deliberately fanned anti-Islamic sentiment, with calls for the deportation of Muslim immigrants who do not share “Australian values”.



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