

Australia: The torture of Jack Thomas

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Three judges of the Victorian Supreme Court on August 18 quashed the “terrorist” convictions against a young Melbourne worker, Jack Thomas. Their unanimous judgment recorded previously suppressed details of the torture and “emotional manipulation” inflicted on Thomas in order to obtain a blatantly illegal confession.

In early January 2003, Thomas was detained at Karachi airport while trying to return to Australia. The judges noted: “After about 10 minutes, some men, dressed in military uniform and armed with Kalashnikov rifles, arrived and he was taken to a four-wheel drive vehicle; “not handcuffed or shackled, but blindfolded and hooded.” Thomas was driven to a Pakistan military base, where he was interrogated by two Pakistanis and two Americans, who told him, “I was being spoken about in high places but nobody gave me any names.”

Sometime later, he was taken, again blindfolded and hooded, to “some sort of mansion house,” where he was held for about two weeks in a cell that he described as “a dog kennel about the size of a toilet,” with open bars, a concrete floor and a gate that exposed him to the elements. For about three days, he was starved of food and water.

“When he was to be questioned at this location, he would be moved from the cell into the back of the house and up some stairs, shackled and handcuffed. On each such occasion, he was taken to the same room and placed on a low stool, with his feet padlocked to a large metal plate in the floor and with his hands cuffed behind his back.”

The first questioning session lasted from about noon to dusk. “The Pakistanis present commenced to threaten him by saying that they would pour water on him and electrocute him, and that he would be executed... On a number of occasions, the Pakistani officials told him: ‘We’re outside the law. No-one will hear you scream’.”

During the next session, Thomas was assaulted and almost choked to death before he decided to cooperate with the authorities. “What changed my attitude was the short Pakistani officer grabbed my hood by the collar and strangled my hood so that I was suffocating and being strangled with my hood and the heat and the stress was unbearable and I felt they were not going to stop until I

screamed out and they released me... I decided I had better start talking, because this was really getting ... I’d gone way past my limit here.”

At no point was Thomas charged with any offence. After two weeks, he was placed on a light aircraft and flown to Islamabad, the Pakistani capital, where he was permitted a consular visit by Alastair Adams who was based at the Australian High Commission. The Howard government had been informed of Thomas’s detention without trial but refused to call for his release.

Even the so-called consular visit was supervised by officers of the Pakistani Intelligence Directorate. Thomas said he did not feel he could ask to speak to Adams alone. Despite this, Adams later testified that Thomas did not appear to have been maltreated and there was no indication of food or water deprivation.

“Four interviews were then conducted between 25 January and 29 January 2003, all, it appears, in the presence of Pakistani and Australian officials, who emphasised to the applicant that his future was dependent upon the extent of his co-operation.”

The transcripts of these interviews indicate that the Pakistani interrogators played a “bad cop” role, while the Australians played the “good cops”.

At one point, a Pakistani interrogator said: “Today you should be more confident, more happy among your own people, right. They’re here to look after you.” Thomas replied: “Okay”. The interrogator said: “But the problem is that they can only look after you once you co-operate with them.” Later, an Australian Federal Police (AFP) officer told Thomas: “About all we can do for you is reflect back to our Pakistani colleagues and to our Government as to whether we consider that you’ve been co-operative or not.”

Following the fourth interview, Thomas was taken to Lahore, where he was held for three weeks and interrogated daily by Pakistani officials and an American called “Joe”. Thomas described his living conditions as “disgusting”. “I was kept in a cell smaller than my first one... It was wet, the blankets were rotten, there were mossies everywhere, the meals were the same every day. I couldn’t eat.”

Thomas refused to work undercover for the Americans,

telling them he would be killed as a spy, so “Joe” intensified the pressure. “He said I would be sent back over the border into Afghanistan, where the latest technique to extract information was twisting testicles. ‘I love to hear the sound’, he said, ‘when they twist their testicles. They just scream.’ ... I would be bashed and beaten every day... I just got to a stage when I broke down because of what he was saying, especially about my wife and sending agents to Australia to rape my wife.”

Thomas was later returned to Islamabad, where a joint AFP-ASIO (Australian Security Intelligence Organisation) team conducted further interviews, exploiting the fear instilled by the Pakistani and US authorities. The judges noted: “The applicant was kept in solitary confinement throughout the entire period of his detention. For each of the six interviews, he was brought to the interview location by his Pakistani captors, handcuffed, hooded and shackled. Although these restraints were removed during the interviews, they were replaced before he returned to his cell.”

The judges said the AFP knew that unless it obtained a formal confession, it had no evidence to lay charges against Thomas. “At this stage in the process, there was simply no evidentiary foundation for any charge to be laid against the applicant. That would only be possible if the applicant voluntarily made the necessary admissions, under the requisite interview conditions.”

In the weeks before the formal AFP interview on March 8, 2003, the Australian High Commissioner, the Howard government’s representative in Pakistan, discussed with the Pakistani intelligence service ISI how to make best political use of any “confession” by Thomas to bolster the “war on terror”. These discussions also focussed on dressing up the final interview to make it appear voluntary.

The judges quoted a report by the Australian official Adams, regarding a meeting between the High Commissioner, himself and ISI on February 24, 2003:

“The Paks are in no hurry to charge him while they can bleed him for intelligence. Our own agencies want to get as much as they can also. AFP wish to conduct a criminal interview in which case they have to issue him a warning about whatever he says may be used against him. They would wish to do this at the end of the questioning cycle for obvious reasons... They [ISI] do not appear all that interested in charging him, but rather handing him over to Australia so that we can maximise the drama of punishing home-grown terrorists.”

Thomas was given no notice of the recorded AFP interview, which took place in the same room as his earlier AFP-ASIO interrogations. He was taken there hooded, handcuffed and shackled, as before.

Thomas initially protested that he needed legal advice because he faced many years in jail. He told his interrogators: “I mean I can’t spend that time away from my family without having law—you know legal advice, this is ridiculous.”

But he eventually relented in a desperate bid to avoid the even worse option of more torture, followed by indefinite detention. He testified: “I believed it was a crunch—it was like a test for me to return to Australia.” If he failed the test, “I would remain in indefinite detention”.

The judges concluded that Australian officials had been actively engaged in coercing Thomas to record a confession. “Pakistani officials put explicitly to the applicant the possibility, on the one hand, of returning to his family and, on the other, a very different fate... Acquiescence alone would have been sufficient confirmation in the circumstances but the Australian officials went further and, by their remarks, impliedly endorsed what the Pakistanis had said.”

The AFP officers were also guilty of “emotional manipulation”. On two occasions in the course of the joint team interviews, Thomas had been, first, shown a photograph of himself with his wife and daughter and, secondly, given a letter from his wife, and invited to read it.

“Those conducting the [formal] interview were well aware of his earlier, but inadmissible admissions and knew something, at least, of the treatment to which he had been subjected, including the threats made against him and his wife by the American, ‘Joe’.”

Given the High Commissioner’s role and the reference to “high places,” there is every indication that the Australian government sanctioned these abuses. What is indisputable is that, acting on its behalf, the Commonwealth Director of Public Prosecutions sought to secure convictions that depended entirely upon the completely unreliable statements that Thomas made in his desperation to stop the beatings, avoid being sent to Guantánamo Bay and be allowed to go home.

In the case of David Hicks, the Australian citizen detained in Guantánamo for nearly five years without trial, the Howard government has been complicit in torture and other violations of international law by the Bush administration. In Jack Thomas’s case, it has gone one step further and sought to rely upon these same criminal methods to secure a conviction in the Australian courts.



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