Australian government launches unprecedented attacks on lawyers as Haneef case falls apart

Mike Head
25 July 2007

With its prosecution of Indian Muslim doctor Mohamed Haneef on a terrorism charge in disarray, the Howard government has responded by launching unprecedented attacks on his lawyers, and the legal profession at large, accusing them of waging a campaign to undermine the anti-terrorism laws.

Speaking on radio on Monday, Attorney-General Philip Ruddock denied that the case was now a "mess". Instead, he accused Haneef's barrister, Stephen Keim QC and other lawyers of being "determined to try and bring it [the law] into disrepute".

The assault came after the Australian Federal Police (AFP) Commissioner Mick Keelty was forced to publicly retract the latest police-government smear against Haneef. Last Sunday, the Murdoch media ran sensational front-page reports that police had evidence that Haneef had planned to blow up the 77-storey Q1 tower on the Gold Coast, reputed to be the world's tallest residential building. Later the same day, Keelty admitted the story was false, adding: "We will be taking the extraordinary step of contacting Dr Haneef's lawyers to correct the record".

The police chief denied that the story's source had been the police, leaving the obvious question: from where did it come?

Ruddock went on to declare: "There are certainly some people in the legal profession, particularly those who come out of the civil liberties groups, who have a view anything goes, and you see that in the nature of the comments they make."

Ruddock's comments constitute a blatant attempt to intimidate and vilify lawyers carrying out their legal responsibilities to vigorously defend their clients—whether charged with "terrorism" or any other offence. They are also aimed at silencing those lawyers who, like other members of society, are exercising their democratic right to oppose the barrage of "anti-terrorism" legislation introduced at federal and state level over the past five years.

Keim has received strong support throughout the legal profession for publicly releasing the transcript of a police interview with his client, which helped expose key fabrications in the police case. Among other things, the transcript revealed that the police had wrongly told a court that Haneef had once lived with two cousins in Britain, who were subsequently arrested in connection with last month's failed bomb blasts in London and Glasgow.

A day after the transcript was made public, the central police-government allegation against Haneef collapsed, namely, that his former mobile phone SIM card had been found in the jeep that was rammed into the Glasgow Airport terminal. British police sources told the Australian Broadcasting Corporation (ABC) that the card was found, eight hours after the Glasgow incident, hundreds of kilometres away in Liverpool.

On the basis of the SIM card allegation, the AFP charged Haneef with "recklessly" providing resources to a terrorist organisation. A Crown prosecutor even told a magistrate that the plot entailed the card being destroyed in the Glasgow blast, leaving no trace of Haneef's involvement. The government and the media trumpeted this allegation for five days. Now Keim has demanded to know why the AFP, who knew the allegation was false, did nothing to correct the public record.

On Monday, Keelty had to issue yet another "extraordinary" statement, this time denying a report in the *Australian* newspaper that the interview transcript showed that the police had written Haneef's cousins' contact details in the back of his diary and then interrogated him about the diary entry. In the interview, Haneef immediately objected that the handwriting was not his. Keelty denied that police had "made any notations or additions" to the diary, but refused to comment further, saying the matter was "before the court". Clearly, the issue remains: did the police attempt to frame Haneef by falsifying his diary?

British police have told the ABC they are unlikely to seek Haneef's extradition to face charges, indicating that they have no evidence connecting him to the London or Glasgow attacks. According to the *Sydney Morning Herald*, British police have blamed the Australian police for the false SIM card allegation and voiced concern at the political pressure placed on the AFP by the Howard government.

Despite the disintegration of the case against him, Haneef remains in solitary confinement, 23 hours a day, in a Queensland jail, where he has been classified as a "terrorist" by Premier Peter Beattie's state Labor government. A magistrate ordered his release on bail after he had been detained for nearly two weeks without charge, but the federal government effectively overturned the court order by revoking his visa and ordering him into immigration detention. The Indian doctor was allowed his first visit by a relative, Imran Siddiqui, yesterday and saw the first pictures of his new baby daughter, whom he was trying to travel to see in India on July 2, when he was first arrested at Brisbane airport.

There are clear indications that the government is becoming increasingly desperate over the Haneef case. Last Sunday, Fairfax newspapers quoted "several senior government sources" saying the government was planning to deport the young doctor to contain the political fallout. One source said: "Another snafu special from commissioner plod Mick Keelty. There is growing sentiment that we should cut our losses and deport him [Haneef]."

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Ruddock could clear the way for Haneef's deportation by cancelling the Criminal Justice Certificate that he issued when the visa was revoked. The certificate meant Haneef would be detained for trial, which could be up to two years away, rather than deported. Any deportation now, however, could be in contempt of court, because Haneef has challenged his visa revocation in the Federal Court, and a hearing is due on August 8. Even more seriously, it would confirm that the allegations against Haneef were a concoction from the start. Why otherwise would the government deport a man it had charged with terrorism?

Ruddock and Prime Minister John Howard have repeatedly claimed that they have no responsibility for Haneef's treatment, and that the case is simply in the hands of the police and the courts. Time and again, however, Ruddock, Howard and other ministers have made prejudicial comments against Haneef and declared that his arrest was a "wake-up call" to the Australian public that the "war on terror" must be continued indefinitely.

One revealing glimpse of the government's behind-the-scenes role emerged last week. Writing in the *Sydney Morning Herald*, Craig Skehan and Jacob Saulwick reported that the editor-in-chief of the *Australian*, Chris Mitchell, received an anguished phone call about 6.30 a.m. on July 19 from Keelty about the newspaper's publication of the police interview transcript.

Mitchell told the *Herald*: "Keelty said 'There is all hell breaking loose with the government about this and I need to be able to say it did not come from us [the police]'. And I said OK." The episode provides a picture of the real relations between the government and the supposedly "independent" police chief, with Keelty apparently receiving direct calls from government officials demanding that he immediately investigate the leaking of the document.

The Law Council of Australia, the peak body representing the country's 50,000 legal practitioners, has issued three media statements since Haneef was first arrested on July 2. The first attacked the terrorism laws that allowed Haneef to be held without charge, saying they permitted "indefinite detention by stealth". The second accused the government of "undermining Australia's judicial system" and of "political opportunism" in revoking Haneef's visa, violating "the principle that every citizen is innocent until proven guilty".

The third statement, issued on July 22, called on Immigration Minister Kevin Andrews to give Haneef a "bridging visa" to allow him to live and work in the community while he awaited trial. "After hearing evidence and robust arguments from both sides, a court has already decided that Dr Haneef is not a flight risk and is not a threat to the community," Law Council president Tim Bugg declared. "Surely on that basis Kevin Andrews can be satisfied that a bridging visa should be issued." Bugg added that the only "proper purpose" of Andrews's cancellation of the visa was not to detain Haneef but to deport him, and that was not possible in the near future.

Despite the exposure of the fabrications at the heart of the government's case, Labor leader Kevin Rudd yesterday reiterated Labor's "in principle" support for the police and the Howard government. After receiving a new government briefing, he said: "This matter, complex as it is, has been handled appropriately by the authorities. I mean it. I've said it from day one."

Rudd rebuked his Labor colleague, Queensland Premier Beattie, for criticising the federal police as "keystone cops". Beattie had made the comment while expressing concern that the "inconsistencies" in the police case were fuelling public disquiet over the terrorism legislation. "The level of cynicism which is developing here is going to continue, and then that undermines public confidence in the anti-terrorism laws," Beattie told the media.

Since 2001, all the state Labor governments, including Beattie's, have been Howard's partners in the so-called "war on terror", referring their constitutional powers to Canberra to introduce the draconian anti-terrorism laws, and passing their own matching legislation. Likewise, federal Labor has voted for every piece of national legislation. These measures include vast powers for the police, intelligence and military, four different forms of detention without trial, executive powers to unilaterally outlaw organisations and semi-secret trials, all bound up with a definition of terrorism that is so broad that it covers many areas of political free speech.

Beattie's fears echo the views expressed in several editorials in the Murdoch press, warning the Howard government that its "botched" handling of the case is already eroding the legitimacy of the terror laws in the eyes of the public. At the same time, Beattie is trying to lay the ground for Labor to distance itself somewhat from the Haneef debacle. He is now calling for a Senate inquiry into the handling of the case.

Murdoch's concerns were articulated in today's *Australian* by Janet Albrechtsen, a fervent right-wing backer of the anti-terror measures. She wrote: "One need not venture anywhere near the intellectual wasteland of civil libertarians and their academic, legal and media boosters to believe that there is something dreadfully wrong with the unravelling case against detained terrorist suspect Mohamed Haneef. If the Howard government fails to grasp that the growing unease over the handling of the case against Haneef is not confined to the lunatic libertarians, it risks undermining the case for anti-terrorism laws, destroying the government's credibility on national security and weakening its claim on the next election."

Rudd and Labor's federal leaders, however, are determined to remain at one with the Howard government. Rudd's rebuke of Beattie came after Howard branded Beattie's criticism of the federal police "disgraceful" and "outrageous". Rudd said terrorism was a serious matter for any prime minister or would-be prime minister. "When it comes to the protective measures adopted by our security forces, we have to be hardline and robust."

These remarks demonstrate that Rudd's posture is not simply driven by supposed electoral considerations, but by Labor's determination to fully exercise the police-state powers contained in Howard's anti-terrorism laws if it wins office later this year.

Every leading federal Labour figure has lined up behind Rudd's stance. Last weekend alone, shadow ministers Wayne Swan, Julia Gillard, Lindsay Tanner and Tania Plibersek all made statements of support for the police and government operation against Haneef.

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