

Australian government issues new “terrorist” smears against Haneef

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Using its usual mixture of unsubstantiated smear and innuendo, the Howard government is ratcheting up its witch-hunt against Mohamed Haneef, determined to shore up its “war on terror” despite the collapse of the criminal case against the young Muslim doctor.

In a bid to head off the overwhelming public opposition to its treatment of Dr Haneef, the government finally allowed him to return home to India last Saturday after the federal Director of Public Prosecutions (DPP) withdrew the only charge against him—of “recklessly” providing resources to a terrorist organisation.

Yesterday, Immigration Minister Kevin Andrews tried to regain the offensive. He began by insinuating that all those who criticised the government’s handling of the case were assisting terrorism. “You know, sometimes when I listen to the critics I wonder whether people want a bomb to go off in Sydney before they’ll actually do something,” Andrews told right-wing radio talkback host Alan Jones.

Later in the day, Andrews issued a series of new allegations against Haneef, making yet another attempt to justify his decision on July 16 to revoke the doctor’s visa and place him in immigration detention, despite a court decision to release him on bail. Citing parts of an undisclosed police dossier, Andrews referred to a phone call and Internet chat room conversation that Haneef allegedly had with his brother in India before trying to leave Australia on July 2, the day he was arrested at Brisbane airport.

Andrews claimed that the Australian Federal Police (AFP) had urged him to cancel the visa because of this information. He said the AFP had told him that the Internet conversation was evidence that Haneef had prior knowledge of the recent failed bomb attacks in London and Glasgow. What is more, the AFP considered the young man’s attempted departure from Australia on July 2 to be “highly suspicious” and “may reflect Haneef’s awareness of the conspiracy to plan and prepare the acts of terrorism”.

There is an obvious contradiction between these lurid claims and the government’s release of Haneef from “residential detention” to fly home last Saturday. If the vague material that Andrews cited yesterday, all of which was known to the DPP, contained any evidence of involvement in terrorism, the DPP would not have dropped the charge.

Moreover, the Internet and phone call revelations are hardly new—they were part of the police case put before the magistrate on July 16. The magistrate, however, ruled on that day that none of the evidence was sufficient to deny Haneef bail, even though the anti-terror laws permitted the granting of bail only in “exceptional circumstances”.

Notwithstanding Andrews’s allegations, this “new” material does not demonstrate any “association” between Haneef and terrorists. It shows he was justifiably fearful that he could be framed in Australia for giving away his mobile phone SIM card, a year earlier in Britain, to his second cousin Sabeel Ahmed, whom British police had arrested in connection with the London and Glasgow bombing attempts.

In fact, Haneef was so worried that he volunteered to police the

information about the Internet and phone calls. He also told police he was concerned about being framed, and had therefore tried to contact a British counter-terrorism police officer four times before attempting to fly out of Australia on July 2.

Australian Lawyers Alliance president Tom Percy QC commented that on the basis of the “nebulous” information offered by Andrews, any terrorist prosecution would have been “thrown out at prima facie stage”. “All this information was available to the DPP when he dropped the charge.”

The DPP, Damien Bugg QC, withdrew the terrorist charge on July 27 after one of his prosecutors Clive Porritt admitted that he had mistakenly told the Queensland magistrate’s court that Haneef’s former SIM card was in the jeep that crashed into Glasgow airport, when it was actually 225 kilometres away in Liverpool. The source of this “mistake” remains unexplained.

Andrews declared that he could not release the full “protected information” on which he had based his visa ruling because the AFP had warned it would prejudice an ongoing police investigation. He claimed this justified making public only selected parts of the dossier, obviously taken out of context. As prominent barrister Lex Lasry QC noted, if any investigation were continuing into Haneef, he would not have been permitted to return to India. Lasry said the affair had now descended into “farce”.

Haneef’s solicitor, Peter Russo, repeated his call for Andrews to release the full material, saying the minister had selected “inflammatory” parts of it “to tarnish my client’s reputation” “I again challenge Mr Andrews to lay all his cards on the table,” Russo said from Bangalore, where he flew with Haneef on the weekend. The lawyer accused Andrews of “clutching at straws” by suggesting that the chat room conversation could show Dr Haneef was aware of the British car bomb plans. Russo said “if that’s all he [Andrews] has got” it would not alter his determination to challenge the visa ban in the Federal Court on August 8.

Imran Siddiqui, a cousin of Dr Haneef’s wife, said in Bangalore last night: “This is just another desperate attempt by Kevin Andrews to mislead the people of Australia. Why doesn’t he release the second transcript of the second [police] interview with Haneef? In that, we’ll see all the questions that were put to Haneef and what he answered about that online conversation with his brother.”

Andrews’s new claims are the latest in a long line of prejudicial misinformation peddled by the government, police and the media to blackguard the doctor. They are just as unreliable as the previous falsehoods, including the still-unexplained media headlines that police had evidence that Haneef was involved in a plot to blow up an iconic 77-storey Gold Coast residential tower.

In a national television interview last Sunday, Andrews even declared that Haneef’s swift departure from Australia, a day after he was finally released from 27 days of detention without trial, made him (Andrews) even more suspicious of the doctor. In reality, the government was

anxious for Haneef to leave, calculating that his departure would limit the political fallout from the fiasco.

On July 22 the Sydney *Sun-Herald* quoted a “senior government source” saying that the government would probably drop the charge against Haneef and deport him as quickly as possible, in order to limit the political damage. “There is no upside proceeding with this. We keep him here, then it remains an issue every day until the election. We deport him and it’s over,” the unnamed source said.

Andrews himself had told Haneef he was free to leave. As numerous commentators have pointed out, it was perfectly natural for Haneef to want to return home to see his wife and new-born baby, Haniya, as well as his ill mother and other family members, after being wrongly imprisoned and branded a “terrorist doctor” throughout the Australian and international media for weeks, on the basis of malicious police and government leaks.

Andrews also falsely asserted that when Haneef was first arrested at Brisbane Airport on July 2, his daughter was already a month old. The minister was later forced to issue a retraction, conceding that on July 2 the baby was just six days old. In his first interview, Haneef told the police that he had sought to go home as soon as his daughter was born by caesarian section, but had been unable to organise another medical registrar to cover his shifts at Queensland’s Gold Coast Hospital.

According to today’s *Australian*, Andrews is engaged in a “last-ditch attempt to save his political skin”. Much more is actually at stake. Andrews’s latest smears are yet another attempt to cover up the fact that the entire government is implicated in the visa decision. Howard has already admitted that the visa cancellation was discussed by the National Security Committee of Cabinet. In effect, the inner Cabinet committee decided to withdraw the visa in order to thwart a judicial ruling for Haneef’s release.

Evidence is continuing to emerge about the high-level involvement in this extraordinary act of arbitrary executive power. On July 30, the *Sydney Morning Herald* reported: “[I]nsiders say the counter-terrorism taskforce in the Department of Prime Minister and Cabinet was intimately involved. The taskforce includes officials from Howard’s department, the Attorney-General’s department and Immigration as well as the various security agencies, including the federal police. The deliberations of that taskforce directly fed into Howard’s office.”

Behind the Howard government’s deepening crisis lies a profound shift in public sentiment. As soon as he landed in Bangkok last weekend, on the first leg of his trip to Bangalore, Haneef thanked the public for its support for his release. Asked by a waiting media throng whether he was grateful to the Australian people, he replied: “Definitely yes—thanks everyone.”

His comments were echoed in Bangalore, where his wife, Firdous Arshiya, thanked the Australian people, as well as the Indian government “and all Indians who stood by him”. Arshiya’s uncle, Iqbal Siddiqui said, “We want to thank the people of Australia... for their support. They rose to the occasion. We didn’t expect any support over a terror charge... but [the] people were so civilised and helpful. We are very, very grateful.”

On his arrival in Bangalore, Haneef received a hero’s welcome, mobbed by well-wishers and the media. He spoke briefly, referring to the “trauma” of being “victimised” by the Australian authorities. Later, he spoke of being the victim of “an Australian conspiracy,” partly because he was a Muslim. At the same time, he said he was overwhelmed by the support he had received in both Australia and India, and said he would fight for his visa’s restoration so that he could return to the Gold Coast Hospital, where the administration has offered to keep his job open for him.

Indian newspapers reported the dropping of the charges and Haneef’s release on their front pages. “Red-faced Aussies admit mistake, let Haneef go,” the *Times of India* declared. Its editorial called on Australia to restore his visa, a demand that has been taken up by Indian Foreign Minister Pranab Mukherjee. The Indian state of Karnataka’s Chief

Minister H.D. Kumaraswamy has also promised Haneef a senior practitioner’s job in any of the state government’s hospitals.

In Australia, the turn of public opinion in favour of Haneef and against the government was reflected in the fee paid to him by Channel Nine’s “60 Minutes” current affairs program, thought to exceed \$100,000, for an exclusive prime-time interview.

In the interview, Haneef reiterated his innocence and emphasised his opposition to all forms of terrorism. He substantially re-stated what was already recorded in his lengthy interrogation by the AFP, the transcript of which was released to the public by his lawyers. Haneef again refuted the official allegations: that his old SIM card was found in the Glasgow jeep; that he had lived in Britain with two cousins subsequently accused of association with the British attacks; and that he had “no explanation” for seeking to leave Australia on a one-way ticket.

Having supported the government throughout the Haneef affair, including Andrews’s revocation of his visa, the Labor opposition is now calling for a limited judicial review of the case. The party’s legal affairs spokesman Joe Ludwig said the scope of Labor’s proposed review would investigate whether the government and its agencies had “mismanaged” the “proper application” of the anti-terrorism and immigration laws.

In some quarters, Labor’s switch in tactics has been described as a “backflip” or a belated discovery of a political “backbone”. It is nothing of the sort. Labor’s concerns are not the trashing of Haneef’s basic legal and democratic rights, or the dangerous precedents set for the use of the terrorism laws against other innocent people. They are driven by its primary preoccupation, namely, to overcome the growing public distrust in the terrorism laws, the police agencies and the “war on terror” itself.

Ludwig spelt this out in his media statement: “There is now a deep crisis of confidence and an erosion of public trust in the federal government’s management of this important national security matter. There is only one way in which public confidence can now be restored and that is through the establishment of an immediate judicial review.” During a media doorstop, Ludwig repeatedly referred to restoring “public trust in the new anti-terrorism laws”.

In this, the Labor party is continuing its complete bipartisan support for Howard’s overturning of centuries-old legal principles, including detention without trial, the presumption of innocence, no secret trials and freedom of expression. Federally, the Labor opposition has voted for every one of the new anti-terrorism laws, while the state and territory Labor governments have transferred constitutional powers to the federal government to pass the laws and enacted their own matching legislation.

The real purpose of this barrage of legislation is not to protect ordinary people from terrorism—this was already covered by the criminal law—but to boost the power of the government and its police and intelligence agencies to deal with growing popular hostility towards the official political establishment as a whole and its program of militarism, attacks on democratic rights and deepening social inequality.



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