

Haneef police transcript exposes Australian government's "terrorist conspiracy" claims

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Last week, lawyers for former "terrorism suspect" Dr Mohamed Haneef publicly released the transcript of their client's second police interview. By doing so, they effectively demolished what was left of the Australian government's ongoing efforts to vilify the Indian Muslim doctor and portray him as a conspirator in the June bombing attempts in London and Glasgow.

The young doctor was originally arrested on July 2 and held without charge for 12 days amid sensational headlines about a "doctors jihad network"—claims that were obviously fed by police and government leaks. On July 14, just hours after his second, 12-hour, police interrogation, Haneef was charged with "recklessly" providing support for a terrorist organisation, and faced up to 15 years jail if convicted.

Two days later, a magistrate ruled that Haneef be released on bail. The government immediately intervened, in an unprecedented use of executive power, and overturned the court order by revoking Haneef's visa and sending him into indefinite immigration detention. Amid mounting opposition to the victimisation of the young man and the collapse of police-government allegations against him, the Commonwealth Director of Public Prosecutions dropped the charge on July 27, declaring it had been based on "mistakes".

The next day, the Howard government finally allowed Haneef to return home to India to see his wife and new-born daughter. But it has continued to ramp up the smear campaign. On July 31, Immigration Minister Kevin Andrews issued a series of new allegations against the doctor, based on highly-selective and mistranslated phrases from the second police interview.

The full 378-page transcript released by the lawyers records an all-night interrogation jointly conducted by the federal and Queensland police until 4.15 am on July 14. Despite Andrews's claims, the document confirms that the only police accusation against Haneef was that, a year earlier, he had given his nearly-expired mobile phone SIM card to a second cousin, Sabeel Ahmed.

Ahmed was later charged with withholding information about the failed London and Glasgow attacks, but British police have since reportedly conceded that he had no advance knowledge of the attacks, in which Ahmed's brother Kafeel was involved.

Several times, the two officers conducting the interview, Queensland Detective Sergeant Adam Simms and Australian Federal Police (AFP) agent Neil Thompson, told Haneef that the reason he had been detained was the SIM card. "Let's not forget Mohamed, the reason you are sitting here and the reason you've been in police custody is because of this issue with this SIM card," Simms reminded him.

While Haneef was being detained, the media was filled with reports that the SIM card had been found in the jeep that rammed into Glasgow airport. This was false—the card had been found in Sabeel's flat in Liverpool, 225 kilometres away. Once British police sources finally revealed the falsehood, the DPP had no choice but to abandon the charge against Haneef.

During the interview, the young doctor explained several times that there was a perfectly innocent explanation for leaving the SIM card—with one month's credit remaining—with his cousin when he departed from Britain in mid-2006 to take up his post at the Gold Coast Hospital. Sabeel planned to renew the card and transfer it to his own name because the phone contract provided for cheaper calls after the first year. That was a major consideration for Sabeel, who made frequent calls to his family in India.

Citing parts of the transcript, taken completely out of context, Andrews referred to a phone call and Internet chat room conversation that Haneef had with his younger brother Shuaib, who was in Bangalore, just before trying to leave Australia on July 2, the day he was arrested at Brisbane airport.

Andrews claimed that the Internet conversation was evidence that Haneef had prior knowledge of the London and Glasgow events. The minister declared it "may reflect Haneef's awareness of the conspiracy to plan and prepare the acts of terrorism". Andrews said the young man's attempted July 2 departure from Australia was "highly suspicious".

According to Andrews, Shuaib had urged his brother to leave Australia quickly because "nothing has been found out about you". The transcript shows that Shuaib did not utter any such words. On the contrary, he urged his brother to contact British police, who were seeking to speak to him about the SIM card. The record of interview also demonstrates that Haneef had already made arrangements to fly back to India—to see his sick baby girl—before talking to his brother.

To see the extent of Andrews's misuse of the transcript it is necessary to place the chat room conversation in the context of the rapid sequence of events surrounding the premature birth of Haneef's daughter, Hania, by Caesarean section on June 26, the Glasgow explosion on June 30 and Hania's re-admission to hospital with post-natal jaundice on July 1.

The transcript shows that Haneef told the police he had spoken to his wife and her father on July 1 about Hania's illness. That prompted his decision to apply for a week's leave from the Gold Coast Hospital. On the morning of Monday July 2 he inquired about parental leave, but was too busy on duty during the morning to make the application.

At about 2 pm, straight after a hospital meeting, he received a message from a fellow doctor asking him to call his brother. Haneef went immediately to his nearby flat and rang his brother, who told him that Sabeel's mother was trying to contact him about the SIM card. "He didn't know what was going ... he said probably that Sabeel's mum will call, will call you," Haneef told the police.

Haneef said he then went to the staffing office to apply for leave to visit his hospitalised daughter, and called his father-in-law in Bangalore to ask him to book an air ticket.

When Sabeel's mother called shortly afterwards, she asked him to phone the British police because Sabeel had been arrested. She did not know why Sabeel had been taken into custody, but said the police wanted to speak to Haneef about "some problem" with the SIM card.

By the time he chatted with his brother online at 4.13 pm, he was waiting for an airport bus. He had already arranged for a friend to look after his car, computer, apartment and valuables, including his wife's jewelry. Haneef told his police interrogators: "I had booked my ticket and everything. This is later. I had leave arranged and everything previously."

Moreover, he had tried unsuccessfully three times to phone a British counter-terrorism police officer, Tony Webster. These were hardly the actions of a man seeking to flee from police.

The transcript indicates that Haneef did not know about the June 29 and 30 incidents in London and Glasgow until the Internet conversation with his brother. As they chatted, coverage of the attacks appeared on an Internet news site. Haneef said Shuaib, "explained to me that Sabeel might have been arrested for this reason". Haneef told the police: "This is the (first) time I knew about the thing."

The transcript uncovers another misrepresentation by Andrews. The minister claimed Haneef had told the police that his brother might have been worried because their cousin Kafeel had been working on a "project" in Britain. Andrews cited Haneef saying, "Kafeel was doing some project there." As Haneef explained numerous times during the interview, the "project" was a PhD thesis at Cambridge University.

The two officers conducting the interview brushed aside Haneef's complaints that his conversations had been misleadingly translated from Urdu.

Haneef also explained that he asked his father-in-law to buy him a one-way ticket to Bangalore because he had only \$100 in the bank. It was readily apparent from the interview that the trainee doctor lived in precarious financial circumstances. Every month, he was sending much of his salary to India, to cover the living expenses of his family, including his mother and siblings, for whom he had been the primary breadwinner since his father died in 1997. He was also paying off loans in Britain, where, as a poor medical student, he had borrowed to pay for rent and weddings, including his own.

The two police officers asked Haneef endless questions about his various bank transactions, at one point declaring it was suspicious that he had accounts in Britain, India and Australia. This gave rise to yet another officially-inspired media beat-up, in the August 23 Murdoch-controlled Melbourne *Herald Sun*, headlined: "Haneef cash transfer mystery". Throughout all the questioning, however, Haneef made it clear that each transaction related to his family or loan repayments.

The transcript indicates that 12 days of intensive investigations by some 500 federal and state police found no evidence against him. One sensational media claim during his detention was that Haneef was implicated in a plot to blow up the tallest residential tower in the southern hemisphere—the 77-storey Q1 tower on the Gold Coast. The transcript shows that the police made no mention of this allegation at all. Rather, they asked Haneef to identify his wife in a photo, taken in front of the building. It was obviously a tourist snap, no doubt one of tens of thousands taken by visitors to the beachside resort area every year.

Much of the interview was nothing more than a laborious fishing expedition, with the police asking Haneef question after question about his personal affairs, family members, friends, acquaintances and religious practices. Nothing incriminating emerged. The young doctor had no secret storage sheds, PO boxes, real estate or cash supplies. All his bank accounts, phone services, utilities, etc. were in his own name. He had never travelled to Pakistan, Afghanistan or the Philippines. He had undertaken no self-defence training. He had come to Australia to find work, and there were "a lot of vacancies" in Queensland hospitals.

This is the second time that Haneef's lawyers have exposed the government and its methods by giving the public the opportunity to see for themselves what the young man told the police, and how his answers were then twisted and distorted by the authorities, both in the media and in court.

In mid-July, barrister Stephen Keim QC gave a journalist the transcript of his client's initial July 3 police interview, revealing three crucial false statements in the subsequent court affidavit drawn up by the police. This proved to be a turning point, triggering the collapse of the centrepiece of the government-police witchhunt—that Haneef's SIM card had been found in the Glasgow jeep.

Attorney-General Philip Ruddock retaliated with an unprecedented attack, accusing Haneef's legal team of "undermining the law" and threatening to instigate disciplinary charges against them. These threats backfired, however, when the Queensland Bar Association strongly defended Keim.

Now the government is trying to punish solicitor Peter Russo for releasing the second interview. Russo told journalists he released it, at his client's request, to again counter police and government "slander by innuendo" and to show that Haneef had "nothing to hide".

Ruddock and Andrews responded by supporting AFP Commissioner Mick Keelty's request to the Queensland Legal Services Commission (QLSC) to take disciplinary action against Russo for "unprofessional and inappropriate" conduct.

This is also backfiring. The Queensland Law Society, the peak body of the state's legal profession, has written to the QLSC saying it has legal advice that Russo breached no professional conduct rule. "Mr Russo has acted at all times in this matter in a dignified and wholly professional way and has earned the respect and commendation of his colleagues and the Queensland Law Society," the letter stated.

"Dr Haneef's defence team demonstrably took the action to release the transcript of interview to correct public misconceptions that had arisen due to the prior release of selected parts of this interview by the Minister for Immigration and Citizenship Kevin Andrews."

In another sign of the legal profession's disgust with the government's handling of the Haneef case, the Law Council of Australia, which represents 50,000 lawyers nationally, called for Andrews's removal. Law Council president Tim Bugg said: "The Minister's continuing public comments on the alleged merits of the Haneef case, which are so inconsistent with any sense of procedural fairness or the presumption of innocence, provide sufficient cause for his removal."

Ruddock, Andrews and Keelty claimed that the release of the transcript had compromised national security and ongoing police investigations. In reality, the transcript contained no new evidence against Haneef, or any information about anyone else. The names and addresses, phone numbers and other details of Haneef's family and friends were blacked out.

The real embarrassment for the police and the government was that the transcript proved the baseless character of their accusations. All the available evidence confirms that they were prepared to jail an innocent man for up to 15 years and destroy his reputation for life on the basis of false information—and that they are now continuing the witchhunt in order to justify their actions and stir up fresh fears of terrorism.

Ministers continue to insinuate that they hold further secret information implicating Haneef, but have been asked by police not to divulge it. By all indications, these claims will prove as worthless as the previous ones.

More fundamentally, the Haneef case underscores how wide the government has set its dragnet in its "war on terror". Anyone with even a distant family connection to alleged terrorist activity can be implicated and charged. In Haneef's case, his only alleged "crime" was to give an old SIM card to a second cousin whose brother, unbeknownst to the second cousin, was to attempt a terrorist act one year later.

Far from backing down, Andrews has declared that the police could have convicted Haneef if the anti-terrorism legislation had been better drafted. "Had the legislation been written in a different way that referred to people engaged in terrorist activities, rather than a reference to a terrorist organisation, then it may well be he'd be facing a charge today," the minister stated.

Andrews's comment should sound the sharpest warning about the government's plans to broaden the scope of its already sweeping anti-terror laws. It wants the power to lock away people accused of the remotest link to those charged with involvement in terrorism, no matter how slight or innocent that involvement might be.



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