

# Australian police chief calls for media blackout on terrorism cases

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In an extraordinary attack on free speech, Australian Federal Police (AFP) Commissioner Mick Keelty has called for a media blackout on coverage of terrorism cases until all legal proceedings and appeals have concluded.

Keelty's demand, outlined in an address to the right-wing Sydney Institute on January 29, would mean that the police and intelligence agencies could prevent any public scrutiny of their activities, including mass arrests, secret interrogations, lengthy detentions and frame-ups, for years while those arrested await trial and appeals.

The AFP chief proposed laws that would even "prevent journalists from reporting proceedings in open court". He emphasised: "This media blackout continues until the case is disposed of; abandoned; discontinued or withdrawn".

Keelty's speech came on the eve of the trials of 22 Islamic men in Sydney and Melbourne who have been charged with a series of vague offences relating to membership of an unnamed terrorist organisation and preparation of an unspecified terrorist act. They have been imprisoned for more than two years since being detained in one of Australia's biggest police operations in November 2005.

Keelty also suggested the establishment of a "society of editors" through which media proprietors and editors could join the police and intelligence chiefs in agreeing to suppress information about terrorism cases. Security officials would brief the media bosses at "not for publication forums".

While Keelty criticised sections of the media in his speech, his primary concern is the sharp shift in public sentiment against the attacks on democratic rights being carried out in the name of the so-called "war on terrorism". This shift, which produced mounting demands for the release of David Hicks from Guantánamo Bay, was deepened by last year's exposure of the lies and illegal methods used by the police and security agencies against two alleged terrorist suspects, Indian doctor Mohammed Haneef and Sydney medical student Izhar ul-Haque.

Both these cases collapsed after lawyers and judges released information that effectively demolished the frame-ups conducted by the security agencies. The information also discredited Prime Minister John Howard's government, whose ministers had joined the police in using the media to publicly blackguard the two innocent men as dangerous terrorists.

The AFP commissioner denounced those who resorted to the "Court of Public Opinion" and claimed there had been a "conscious decision by the wider community to abandon our criminal justice system in this way". He condemned the use of Freedom of Information laws and the leaking of police records of interview to "add weight to public campaigns" being conducted in defence of people falsely accused of

terrorism offences.

These complaints were particularly directed against Haneef's barrister, Stephen Keim, and solicitor, Peter Russo, who gave journalists copies of police interviews with their client and later obtained other documents via Freedom of Information applications that showed that the police never had any real evidence against Haneef.

Haneef's arrest in July 2007 was accompanied by lurid media headlines about a "doctors' jihad network". Misleading information, clearly provided by the police, was used by the Howard government to attempt to whip up a new terrorist scare in the lead-up to the Australian election in the hope its dwindling support would be boosted. After Haneef was detained without charge for nearly two weeks, Immigration Minister Kevin Andrews revoked his visa and ordered his detention under immigration laws in order to block a magistrate's decision to grant him bail.

Haneef was ultimately charged with "recklessly" providing support for a terrorist organisation, supposedly because his old mobile phone SIM card was found in the bomb-laden jeep that crashed into Glasgow airport at the end of June 2007. Two weeks later, amid mounting public opposition to the victimisation of the young man, the Director of Public Prosecutions (DPP) abandoned the charge and the AFP finally admitted that the SIM card had not been in the jeep.

In the case of Izhar ul-Haque, the DPP dropped all the charges after a New South Wales Supreme Court judge, Michael Adams, ruled that "misconduct" by AFP and Australian Security Intelligence Organisation (ASIO) officers made their interviews with the young man inadmissible. Justice Adams accused officers of committing "the crime of false imprisonment and kidnap at common law" by trying to coerce ul-Haque into becoming a police informant.

In his speech, Keelty insinuated that those responsible for exposing police frame-ups and abuses of power were aiding terrorism. "The erosion of trust and loss of support for our institutional governance and courts is precisely what our adversaries are attempting to achieve," he declared. At the same time, he claimed that a ban on media coverage of terrorist cases was necessary to ensure that suspects received fair trials, free of prejudicial reports.

The record shows, however, that it was the AFP and the government that trampled over the right to a fair trial by maliciously supplying prejudicial information to selected media outlets. Keelty's call for a media blackout amounts to a demand that the authorities be free to railroad innocent people into prison for political purposes.

Immense powers already exist to shroud police and ASIO operations in secrecy. Anyone can be secretly detained and questioned simply on suspicion that they may have "information" about terrorism. They can

be jailed if they alert the media or even report their detention to their loved ones. Terrorist trials can be held behind closed doors, and secret evidence can be used, with the prisoner denied the elementary right to know its contents.

A revealing January 31 editorial in Rupert Murdoch's *Australian* chided Keelty for suggesting a "society of editors" because, "In reality, an informal system exists. Many details of Operation Pandanus [the November 2005 arrest of the 22 Islamic men], the biggest counter-terrorism operation in the country, have been known but not published."

This admission confirms that a deeply anti-democratic system of media manipulation and self-censorship is already in place. All 30 terrorist prosecutions in Australia—only one of which has led to a conviction for a terrorist offence—have been accompanied by sensational media reports, fed by selective government and police briefings and leaks. As *Australian* associate editor Cameron Stewart acknowledged on February 2, the media initially ran damaging articles against Haneef, based on "off-the-record briefings from senior officials within government". Stewart also noted that Keelty "regularly speaks off the record to editors and to certain journalists".

In the Haneef case, the *Australian* published the secret police interviews leaked by the lawyers. It did so, the newspaper stated, because the bungling of the case by the AFP and the Howard government was undermining confidence in the terrorism laws and the security apparatus itself. Thus, information was only made available to the public because the Murdoch organisation assessed that the frame-up was so crude that allowing it to continue would only heighten popular concerns at the erosion of democratic rights and civil liberties.

Several questions remain unanswered. What exactly is the "informal system" that the *Australian* editorial mentions and how far does it extend? What details of Operation Pandanus are being withheld from the public and why? What other aspects of the so-called "war on terrorism" are being hidden from the general public?

Keelty's comments were met by significant opposition from lawyers' and civil liberties organisations, as well as in opinion pieces and letters to the editor in newspapers across the country. Liberty Victoria president Julian Burnside, QC, said Keelty's criticism of media leaks was "rather curious coming from him, because in (the case of Dr Haneef) the federal police were very active in briefing the media with their own version of the facts".

The depth of feeling in the legal profession was underscored on February 1 when the Legal Services Commission of Queensland dismissed a formal complaint filed by Keelty against Haneef's barrister Keim for divulging the police interview.

Despite growing calls for Keelty to resign or be dismissed, the Rudd government initially remained silent. Nearly two days after the AFP commissioner's unprecedented speech, Attorney-General Robert McClelland belatedly distanced the government from his comments, saying it had no plans for a media blackout. "The media plays a vital role in helping to ensure governments remain accountable and always serve the public interest," he said.

Prime Minister Kevin Rudd later issued a similar statement, while specifically expressing his confidence in Keelty, whose contract still has three years to run.

Behind the scenes, the Labor government is working closely with the security agencies to bolster their powers. Labor's commitment to this task was spelled out at the height of the Haneef affair, when Rudd, echoing the *Australian's* concerns, pledged to convene a

judicial inquiry into the debacle as a means of "restoring confidence" in the terrorism laws and the security services.

At the time, Rudd reiterated that a Labor government would retain the draconian laws, which define terrorism in such sweeping terms that it can cover traditional forms of political dissent, establish at least four types of detention without trial, allow for executive banning of organisations and outlaw expressions of support for those resisting Australian military operations overseas.

No details of the promised judicial inquiry have yet been announced, suggesting that intensive discussions are being held to ensure that its terms of reference and personnel meet the stated purpose of "restoring confidence". In the meantime, Keelty has been permitted to continue running an internal, closed-door inquiry into the AFP's joint operations with ASIO and other intelligence agencies.

Keelty set up the inquiry just two days before last November's federal election defeat of the Howard government, but it received no media coverage until January 9, when the *Sydney Morning Herald* reported that former NSW Chief Justice Sir Lawrence Street "is conducting a sensitive inquiry into working relations between the Federal Police and other national security agencies, particularly ASIO". Also participating in the inquiry are the former NSW police commissioner, Ken Moroney, and Martin Brady, a one-time head of Australia's largest military intelligence agency, the Defence Signals Directorate.

These initiatives indicate that the Rudd government is following in the footsteps of its Labor predecessors, the Whitlam government of 1972-75 and the Hawke and Keating governments of 1983-96, which both initiated royal commissions into the security services in response to various controversies. These inquiries laid the groundwork for vast surveillance and other powers to be legalised and handed to the AFP, ASIO and a complex array of military and civil security forces.

Media editorials and commentaries are currently calling for Keelty's removal, depicting his utterances as the frustrated opinions of an increasingly isolated individual. It is entirely possible that he ends up becoming the official scapegoat for the Haneef and ul-Haque fiascos. His views, however, clearly represent those held throughout the political, security and media establishment, reflected in the methods that have been entrenched since 2001 to deceive and mislead the public about the fraudulent "war on terror". Whether Keelty is forced out or not, Rudd, in alliance with the security chiefs and the media proprietors will be seeking new means to protect and boost the operations of the AFP and ASIO.



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