

Australian Federal Police still pursuing Mohamed Haneef

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Earlier this month, it was revealed that 14 Australian Federal Police (AFP) personnel are still working on the terrorism case against Indian Muslim doctor Mohamed Haneef, even though the only charge against the former Gold Coast Hospital registrar was dropped more than eight months ago. Nine officers remain assigned to the case full-time, with another five providing assistance “periodically”, the AFP said in answer to a question in a Senate estimates committee on April 3.

Clearly, the AFP is going to considerable lengths to continue and justify the thoroughly discredited witchhunt against Haneef. The resources allocated are reportedly equivalent to the average murder case where charges are pending or have been laid. Nearly \$8 million has now been spent on the investigation. At its height, more than 600 federal and state police were mobilised in an unsuccessful bid to produce evidence against Haneef.

Despite the extraordinary AFP revelation, and the fact that it was raised in parliament, federal Attorney-General Robert McClelland has remained silent. The only conclusion one can draw is that the Rudd Labor government has given its approval—either explicitly or tacitly—to the ongoing operation.

In another clear indication of the government’s position, McClelland flew to Britain last week with AFP Commissioner Mick Keelty for talks with their counterparts on the Haneef affair, as well as tighter cooperation in terrorism investigations. The pair held talks with the head of the London Metropolitan Police, British Attorney-General Patricia Scotland and Home Secretary Jacqui Smith.

Upon his return to Australia last weekend, McClelland told the *Australian* he had reassured the British police that the government’s inquiry into the Haneef case, headed by former NSW Supreme Court judge John Clarke, would not “prejudice” the criminal investigation still being conducted into Haneef’s supposed links to two botched bomb attacks in London and Glasgow last June.

In other words, one of the key purposes of the trip to London was to quell concerns that the Clarke inquiry would in any way interfere with the continuing operation against Haneef, which is said to be closely tied to the British investigation.

Last Friday, however, damning evidence emerged in a London court that the British police—and presumably their Australian counterparts—knew within 72 hours of the June 30 Glasgow airport blast that Haneef was in no way implicated in the bombing attempts.

The only allegations against Haneef centred on claims that his second cousin Sabeel Ahmed, a doctor practising in England, was part of a terrorist organisation. But last Friday, High Court Justice David Calvert-Smith stated there was “no sign” of Ahmed being a terrorist.

Ahmed had received, hours after the Glasgow incident, an email from his brother Kafeel, who tried unsuccessfully to drive an explosives-laden jeep into the airport terminal building. In the email Kafeel confessed to being a jihadist and apologised for the shock this would cause his brother and family.

Kafeel sent the message just before the Glasgow explosion, on the expectation that he would be killed in the blast and that his body parts would be unrecognisable. He asked his brother to tell the police and the authorities that he was away on a climate change field trip in Iceland. Sabeel did so, but the police found the email on his computer at his home in Liverpool within 72 hours.

Thus, the police always knew that Sabeel had no advance knowledge of the London and Glasgow bombings, or of his brother’s involvement in terrorism. That is why he was charged only with withholding information from the police. He pleaded guilty to that charge last Friday, and was sentenced to 18 months’ jail. Having already been detained for that length of time, he was immediately released and agreed to be deported to his home town, Bangalore in southern India.

On the charge of withholding information, Sabeel could have been jailed for five years but the judge said: “It is clear you did not receive it [the email] until afterwards. Having opened the document on the web site and realising your brother had been involved in a very serious offence, you kept that to yourself rather than going to the authorities. I accept there is no sign of you being an extremist or party to extremist views.”

Haneef was arrested at Brisbane Airport last July 2, by which time the police would already have known of Sabeel’s lack of knowledge of the bombings. Nevertheless, police detained Haneef without charge or trial for 12 days under the draconian Australian counter-terrorism laws. After lengthy interrogations, he was eventually charged with “recklessly” supporting a terrorist organisation for giving away his old mobile phone SIM card to Sabeel.

Media reports, based on police leaks, falsely claimed that the SIM card had been found in the jeep at Glasgow airport. Not only was that a lie—the card was located in Liverpool, some 200 kilometres away—but leaving an old SIM card with Sabeel could

carry no sinister meaning if Sabeel knew nothing about any terrorist activity.

What happened to Haneef cannot be explained as an AFP “mistake”. The innocent young doctor became a victim of a political witchhunt.

Facing defeat at last November’s federal election, the Coalition government seized upon Haneef’s arrest, which was accompanied by lurid media claims of a “doctors’ terrorist network”. On July 4, Prime Minister John Howard declared there were “people in our midst who would do us harm and evil if they had the opportunity”. Senior ministers declared that the police mobilisation proved the necessity for the anti-terrorism legislation.

When a magistrate released Haneef on bail, primarily because of the weakness of the evidence against him, the Howard government’s cabinet security committee effectively overrode the judicial order by cancelling the doctor’s work visa, committing him to indefinite immigration detention.

Haneef’s lawyers, however, leaked to the media extracts from the police interrogations of Haneef, which revealed the lack of any real evidence against him. Public opinion shifted decisively against the government, expressing growing scepticism in its incessant use of terrorist scare campaigns to divert attention from its policies.

As a result, the Director of Public Prosecutions (DPP) dropped the charge, stating that factual “mistakes” had been made by the authorities. Among the “mistakes” was the crucial claim that British police had discovered Haneef’s discarded mobile phone inside the exploded jeep.

The Howard government’s debacle deepened when the Full Federal Court ruled that its immigration minister, Kevin Andrews, had wrongly revoked Haneef’s visa by applying a sweeping “guilt by association” test. Andrews insisted, and still insists today, that he cancelled the visa on advice from the AFP, based on secret evidence against the doctor.

The latest developments shed further light on the intended role of the Clarke inquiry set up by the federal Labor government after winning office last November. Clarke has been given carefully crafted instructions, designed to avoid any examination of the “terrorist” scare campaign orchestrated against the young doctor by the former Howard government, in partnership with the state Labor governments and the federal and state police and intelligence agencies.

Much of the inquiry will be conducted behind closed doors and Clarke has no powers to compel witnesses, such as Andrews and Keelty, to testify or be cross-examined. In announcing its terms of reference, McClelland spelt out the required result, saying it was “an important step in ensuring public confidence in Australia’s counter-terrorism measures”. No one in the government or the media has even suggested demanding that Howard and other leading participants, such as former Attorney-General Philip Ruddock, be questioned on oath.

There have been suggestions in some media and political quarters that momentum is developing for the Rudd government to modify aspects of the terrorism laws, even though Labor gave bipartisan support to all the Howard government’s measures from 2002 onward.

Journalist Andrew Fraser predicted in the *Canberra Times* on

March 28, for example, that moves would be made to “unpick the worst aspects” of the laws some time during the current three-year parliamentary term, even if the issue had to wait until “later in the life” of the Rudd government.

Last weekend, in an interview with the *Sydney Morning Herald*, Ian Carnell, the Inspector-General of Intelligence and Security, who was appointed by the Howard government to monitor the operation of the terrorism laws, called for some modifications. He said aspects of the legislation could be “counter-productive” and added to alienation among Muslims that could discourage them from providing the security forces with information.

Specifically, he called for amendments to the rules that keep “national security” information secret in trials, which judges have criticised as cumbersome and unworkable. Carnell also recommended the repeal of the vaguely worded offence of “associating” with a terrorism group, which carries jail terms of up to 10 years, and said the process of proscribing a terrorist organisation should be taken out of the hands of the attorney-general.

The first test of the government’s readiness to change the laws came last month, however, when it blocked debate on a parliamentary private member’s bill to appoint an “Independent Reviewer” of the terrorism laws. The government used its numbers to silence Liberal Party backbencher Petro Georgiou, who called for an immediate debate on his proposal, stating that the existing laws departed significantly from traditional criminal law principles and practices and restricted fundamental civil liberties.

The manager of government business Anthony Albanese successfully moved to cut off Georgiou, calling a vote for him to be “no longer heard”. The proposal for a legislative review was extremely limited. But the Rudd government is concerned to dampen down any public discussion on the terror laws, as can be seen from the manner in which the Clarke inquiry has been handled.

The record of the past six years shows that Labor consistently joined hands with Howard in seeking to confuse and poison public opinion—whipping up terrorist scares, depicting refugees as potential terrorists and demonising Muslims—to stampede people into accepting unprecedented violations of basic legal and democratic rights.

Labor voted for each piece of federal legislation, every state Labor government referred its constitutional powers over terrorism to the Howard government, and each state and territory government introduced matching laws. Labor backed the witchhunt against Haneef at every step, as did the state Labor governments. The fact that the Rudd government is allowing the police operation against Haneef to proceed is a warning that it will employ similar methods to the Howard government in pursuing the “war on terror”.



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