

Australia: Rudd government tries to suppress Haneef frame-up documents

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Last month, lawyers for Mohamed Haneef forced the release of documents that point to former prime minister John Howard's close involvement in last year's failed frame-up of the young Indian-born Muslim doctor on terrorism charges. But this was only after the Rudd Labor government had tried for weeks to block the release.

There is now written evidence of the Howard government's criminal role in trying to railroad an innocent man to jail. Labor's attempted cover-up demonstrates its agreement with the former Liberal government on prosecuting the "war on terror" for political purposes.

Haneef's legal team had to appeal to the Administrative Appeals Tribunal under the Freedom of Information Act before the Rudd government's lawyers finally agreed to hand over all but 15 of nearly 300 documents about the Haneef witchhunt.

Among the released documents is one showing that Howard's department became involved in the Haneef affair just two days after the young man was arrested on July 2, 2007. The same Department of Prime Minister and Cabinet, now controlled by Rudd, is still trying to block the release of the other 15 documents, including an "options paper" drawn up for the Howard government.

Amid blazing media headlines about a "terrorist doctors' network"—fed by false and malicious police and political leaks about supposed links to attempted bombings in London and Glasgow—Haneef was detained and interrogated without charge or trial for almost two weeks, under police-state powers contained in the anti-terrorism laws introduced since 2002.

On July 4, 2007, representatives from Howard's department met with immigration, foreign affairs, police and intelligence officials to discuss the handling of the Haneef case. From the meeting, various departments were instructed to prepare an options paper detailing possible courses of action, depending on whether federal police decided to lay charges against Haneef.

The newly-released document confirms what was already obvious from the public record: Howard and his ministers, facing a potential landslide defeat at last November's federal election, engineered a police, media and political operation in an effort to ignite a new "terrorism" scare.

After 12 days of detention, Haneef was finally charged on a flimsy count of recklessly "providing support" to a terrorist

organisation, but the government feared that the evidence was so weak that a magistrate would release him on bail. A plan was activated to thwart the court's ruling by stripping Haneef of his temporary work visa so that he could be held indefinitely in an immigration prison.

Before the release of the suppressed documents, it was already known that Howard's inner National Security Committee of Cabinet discussed and approved the visa cancellation—which was announced on July 16 by immigration minister Kevin Andrews—and the issue of a "criminal justice certificate" by attorney-general Philip Ruddock so that Haneef would be locked away until he was placed on trial.

It is now clear that Howard's department supervised this high-level operation from the outset. In one email, a senior immigration official outlined a contingency plan to transport Haneef under heavy guard to Sydney's Villawood immigration detention centre via a Queensland state police aircraft. If legal action blocked that transfer, other options included holding Haneef at Brisbane's Gallipoli army barracks or in a demountable house at a suburban motel.

Haneef's solicitor, Rod Hodgson told journalists: "It was pretty clear it was managed by the prime minister and cabinet. There's a flurry of emails there that resulted with a set of talking points about the visa cancellation, sanctioned by the prime minister and cabinet." The emails were "distributed to high level public servants then to be disseminated to the various ministers".

Hodgson said the material pointed to the similarities with the 2001 Tampa controversy, when the Howard government used the military to turn away hundreds of asylum seekers on the eve of a federal election. "I would think that, given his department was involved, he (Howard) would have been briefed by senior advisers," Hodgson noted.

The lawyer also commented that the remaining 15 documents that the present government still refused to release must be important because "the government has been vigorous in resisting disclosure" of them.

After last week's hearing in the tribunal, there is no doubt that the cover-up has been ordered by the highest levels within the Labor government. A senior official from Rudd's department, Angus Campbell, first assistant secretary of the

Department of Prime Minister and Cabinet, told the tribunal that the options paper was exempt from the freedom of information law because it was an initial draft that contained “factual inaccuracies”.

The documents show that the government is also blocking the release of crucial material to its own closed-door inquiry into the Haneef affair, headed by former judge John Clarke QC—directly contradicting the government’s claims that all relevant agencies would cooperate fully with the Clarke inquiry.

According to an affidavit, dated June 5 this year, the immigration department is refusing to release the secret police information cited by the former Howard minister, Kevin Andrews, to cancel Haneef’s visa. Signed by the department’s first assistant secretary Peter Vardos, the affidavit states that all documents had been supplied to the Clarke inquiry, “except for two”, which were “confidential”.

The withholding of material from the Clarke inquiry highlights the government’s intention to use the inquiry to prevent any public scrutiny of the role of the Howard government, the Australian Federal Police (AFP) and the Australian Security Intelligence Organisation (ASIO), as well as the state police and state Labor governments, notably in Queensland, who all collaborated in the Haneef witchhunt.

While in opposition last year, Rudd and his Labor colleagues backed the operation against Haneef all the way, until it began to collapse once Haneef’s lawyers leaked material to the media showing the baseless character of the police allegations. Labor then switched tack, and called for a judicial inquiry, as a means of “restoring public confidence” in the terrorism measures.

Clarke’s terms of reference have precluded him from making findings against the Howard government itself. Moreover, he was given no powers to compel testimony from any witness or to allow Haneef’s lawyers to cross-examine anyone. In line with the government’s instructions to protect sensitive information, the judge decided to conduct his proceedings in camera.

Clarke said transcripts of the “private” and “non-adversarial” interviews with witnesses and copies of submissions made to the inquiry would be posted on the inquiry’s web site, “subject to issues of national security and confidentiality”. To date, after three months, not a single interview or submission has appeared.

Haneef’s barrister, Stephen Keim SC, last month delivered a conference paper summing up how the AFP withheld key pieces of evidence that would have exonerated Haneef and instead presented courts with information riddled with factual inaccuracies.

It was Keim who last year exposed the frame-up by leaking to the media the transcript of a police interview with the young doctor, which revealed the lack of evidence against him. For the first time, members of the public could see the material for themselves, and within days the Howard government was

forced to drop the charge and allow Haneef to fly home to India.

Keim’s conference paper lists five police lies, starting with the allegation that Haneef had lived at a house in Liverpool, England, with his second cousins, Sabeel and Kafeel Ahmed, who were initially implicated in the botched attacks in London and Glasgow. In his police interview, Haneef made clear this was never the case.

A police statutory declaration also said Haneef knew a person named “Bilal”—presumed to be Bilal Abdulla, who was in the jeep that crashed into Glasgow airport, ultimately killing Kafeel Ahmed—and refused to provide any information about him. But Haneef told the investigators that he had met a man named “Bilal” and provided information about him.

Police did not tell the courts that before trying to leave Australia on July 2 last year, Haneef had tried to return the telephone calls of a British detective who was investigating the British attacks. Nor did police reveal that Haneef’s newborn daughter had just been readmitted to hospital in India, suggesting a legitimate reason for his return.

Finally, the police did not mention an email from Kafeel Ahmed to his brother Sabeel, apologising for lying to his brother about his involvement in the attacks. The email, which was known to British and Australian police soon after the Glasgow explosion, made it clear immediately that Sabeel had no knowledge of the attacks.

That last piece of information disintegrated the charge against Haneef—that he had “provided support” to terrorism by giving Sabeel his mobile phone SIM card when he left Britain in 2006. Given that Sabeel had no connection to terrorism, leaving him the card could not possibly constitute “support” for a terrorist act.

The most spectacular police lie of all was that the SIM card was found in the jeep that exploded in flames at Glasgow. In fact, the police knew that the card was located more than 200 kilometres away in Sabeel’s Liverpool flat.

The long list of police fabrications and distortions cannot possibly be explained away as bungling. The documents obtained by Haneef’s legal team demonstrate that the entire operation was spearheaded by the Howard government, with the police and other agencies under intense political pressure to produce allegations that would justify locking Haneef away throughout the 2007 election campaign.

The Rudd government’s “vigorous” opposition to opening up the Howard government’s record to full public view highlights its complete bipartisan support for the entire sordid affair.



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