

Australia: Police drop 14-month investigation into Mohamed Haneef

”Extreme pressure” to charge Haneef

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In a brief, three-sentence media release issued on August 29, the Australian Federal Police (AFP) announced it had dropped its investigation of Indian Muslim doctor Mohamed Haneef. After 14 months, at a cost of \$8.5 million, and more than a year after the only charge against him was withdrawn, the AFP simply declared that the young man was “no longer a person of interest”.

The AFP offered no explanation for its protracted operation—which, at its height, involved more than 600 federal and state police officers—or its decision to quit the case. Instead, it merely stated: “The AFP has concluded its active inquiries, although some long standing overseas inquiries are yet to be fully resolved. At the present time, there is insufficient evidence to institute proceedings against Dr Haneef for any criminal offence.”

When the AFP arrested Haneef at Brisbane airport on July 2 last year, and detained him without charge for more than three weeks, he quickly became the subject of a media witch-hunt, fed by malicious leaks from government and police sources, insinuating that he and other Islamic doctors had formed a terrorist network to plot attacks in Australia. Facing defeat at a looming federal election, Prime Minister John Howard and leading ministers seized upon the arrest to whip up new fears of terrorism.

However, the case against Haneef disintegrated in less than a month. The turning point came on July 18 last year when his barrister Stephen Keim gave to the media the transcript of a police interview with his client, allowing the public to see the lack of any real evidence against him. Two days later, the Australian Broadcasting Corporation reported that British police had denied the central AFP allegation against Haneef—that his old mobile phone SIM card had been found in the jeep that exploded into Glasgow airport on June 30.

On July 27, the Commonwealth Director of Public Prosecutions (CDPP) dropped the charge against Haneef: that by giving his SIM card to a relative in Britain he had

“provided support” to a terrorist organisation. After the young doctor had already been detained for 25 days, a prosecutor admitted in court that the SIM card had not been found in the jeep but more than 200 kilometres away in a Liverpool apartment. The prosecutor also admitted another vital “error” in the police case: Haneef had not, in fact, resided in Britain with people connected to the attack.

In a desperate effort to contain the political fallout, the Howard government (which had stripped Haneef of his work visa in order to keep him detained, even after a magistrate had granted him bail) was forced to let him return to his wife and newly-born baby in India.

Why, then, did the AFP continue its “active inquiries” for another 13 months? Why were scores of police kept on the case, with the bill rising by another \$1 million after February (when AFP commissioner Mick Keelty told a Senate estimates hearing that the investigations had already cost \$7.5 million)?

The AFP’s claim, echoed in its statement, that “overseas inquiries” were still ongoing, is preposterous. It was the British police—the only relevant overseas agency—that divulged the bogus character of the SIM card allegation.

No doubt part of the reason for the continued vendetta against Haneef lay in the anxiety of the AFP and Keelty to limit the damage to their credibility. Another motive was to obscure the Howard government’s intimate involvement in the entire affair. By being seen to pursue its inquiries after Howard’s defeat and the election of the Rudd government last November, the AFP sought to maintain the myth of an independent, politically neutral, police force.

The “inquiries” also provided a pretext for withholding information from the current official inquiry into the Haneef debacle, headed by John Clarke QC. The AFP claimed that it could not release critical material, or allow publication of its submission to the Clarke inquiry, because that would prejudice police inquiries. The AFP is still claiming that “the long standing overseas inquiries” preclude publication of its

submission.

At the same time, the supposedly sensitive nature of the AFP's documents has given Clarke and the present Rudd government a justification for keeping nearly all the evidence presented to the inquiry behind closed doors. Clarke is interviewing all witnesses in private, "in a non-adversarial setting" and, after consultation with the Rudd government, has announced that he will not even publish interview transcripts, reversing a previous undertaking to do so.

"Extreme pressure" to charge Haneef

Despite the secretive procedures of the Clarke inquiry, a revelation last month further pointed to the direct involvement of Howard and his ministers in insisting that Haneef be charged—effectively overruling the police, intelligence and prosecution authorities, who concluded that there was insufficient evidence.

The Clarke inquiry released a submission by the CDPP, which stated that its prosecutors had felt under "extreme pressure" to advise the AFP that Haneef could be charged, despite identifying "a number of weaknesses in the case and deficiencies in the evidence". The CDPP's Brisbane case officer ultimately provided the requested oral advice to the AFP on July 13, 2007, after being informed that unless he did, police would have no choice but to release Haneef, who had already been held for 11 days without charge.

Media coverage of the submission has depicted the pressure as coming exclusively from the AFP, but the context indicates that the real source was the Howard government itself. By July 13, the government was extremely anxious to have Haneef charged. There was mounting public concern, including in legal circles, that the young doctor had been detained in solitary confinement, bound and shackled Guantánamo Bay-style and interrogated for nearly two weeks without charge.

Documents previously obtained by Haneef's lawyers show that the prime minister's department had been coordinating meetings of police, intelligence, foreign affairs and immigration officials from July 4 to draw up options to keep Haneef detained, even if no charges were laid. Other documents show that on July 11, just two days before the CDPP finally agreed to Haneef being charged, Attorney-General Philip Ruddock held a meeting with senior officials of his department to discuss the Haneef case, and signed a document referred to as an "MAR summary", which was sent to the CDPP.

In another development last month, Howard's immigration minister Kevin Andrews revealed that the National Security Committee of Cabinet (NCOS) met on the morning—July 16—that he revoked Haneef's visa. Howard admitted last year that the decision to cancel the visa and consign Haneef to immigration detention was discussed and authorised by the government's highest national security body. Chaired by the prime minister, NCOS includes the deputy prime minister, foreign minister, defence minister, treasurer, immigration minister and attorney-general. In other words, all the leading figures in the government decided to keep Haneef locked away despite a magistrate's ruling that he be released on bail.

Following the AFP announcement ending the investigation of Haneef, editorials appeared in both the Murdoch and Fairfax press calling for expanded powers and terms of reference for the Clarke inquiry, including to investigate why the AFP pursued Haneef for so long. Significantly, the *Australian* editorial raised an issue "yet to be uncovered": "the extent of political pressure, if any, Mr Keelty felt from the Howard government".

However, Prime Minister Kevin Rudd has rejected calls for such wider powers, while Attorney-General Robert McClelland has declared that the Labor government has "full confidence" in Commissioner Keelty.

When the Rudd government established the closed-door Clarke inquiry in March, it effectively pre-determined the outcome, declaring that the inquiry's task was to "restore public confidence" in the counter-terrorism measures. Labor, of course, has its own record to hide. It fully supported Haneef's frame-up, right up until it unraveled, and helped introduce all the measures, such as detention without trial and far-reaching definitions of terrorism, used against the doctor.



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