Australia: New evidence of political manipulation in Haneef case

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Last month's release of the long-delayed public version of the Australian Federal Police (AFP) submission to the Rudd government's inquiry into the failed "terrorist" prosecution of Dr Mohamed Haneef has provided new evidence that senior ministers of the former Howard government were involved in his detention and charging last year.

Despite its heavily censored character, the submission adds several further jigsaw pieces to an increasingly undeniable picture: the federal government, aided and abetted by state Labor governments, sought to railroad an innocent young man to jail on a serious terrorist charge in an effort to resuscitate their "war on terror".

Facing defeat in the 2008 federal election, the government seized upon a supposed Australian connection to unsuccessful bomb attacks in London and Glasgow, insisting the police had evidence that Haneef was linked to those responsible.

As soon as the doctor was arrested at Brisbane airport on July 2 last year, the prime minister, attorney-general and AFP began an insidious media campaign, suggesting that he and other Islamic doctors had formed a terrorist network to plot attacks in Australia. Prime Minister John Howard declared that the arrest was a wake-up call to the Australian public: "There are people within our midst who would do us harm and evil if they had the opportunity of doing so."

Haneef was detained without charge for nearly two weeks, then formally charged with providing resources—an old mobile phone SIM card—to a terrorist group, an offence that could have seen him jailed for 25 years. But the case quickly disintegrated after his barrister, Stephen Keim SC, gave to the media the transcript of a police interview with Haneef. For the first time, the public could see the lack of any real evidence against the young man. 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. A prosecutor admitted in court that the SIM card had not been in the jeep, and acknowledged another vital "error" in the police case: Haneef had not, in fact, resided in Britain with a second cousin who was allegedly connected to the attack.

Earlier this year, the Rudd government sought to repair the damage done to the "war on terror" by the Haneef debacle. It set up a closed-door inquiry, headed by retired judge John Clarke QC, with a brief to "restore public confidence" in the anti-terrorism measures.

In part, the AFP submission to the inquiry confirms what was already known from the submissions of the CDPP and the Queensland Police: that the decision to charge Haneef was taken by a senior AFP officer, Ramzi Jabbour, after speaking to his superiors in Canberra, overriding the unanimous view of the federal and state police involved that there was not enough evidence.

Jabbour's action was highly irregular, because decisions to charge are usually made by the arresting officers. The questions remain: To which AFP commanders did Jabbour speak? Did these commanders receive their instructions from government ministers? The AFP submission provides no details.

However, the document does reveal that the AFP briefed Attorney-General Philip Ruddock in writing no less than six times during Operation Rain—the codename for the operation against Haneef. The submission omits to say when the briefings occurred or what they contained. The AFP also briefed the National Counter Terrorism Committee, a high-level government-police-intelligence coordinating body, 13 times. Whatever their precise content, the frequency of these briefings points to intimate

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political involvement in the entire affair.

The submission claims that the charge was laid on the legal advice of the CDPP, bluntly rejecting the CDPP's own submission, which declared that its prosecutors had felt under "extreme pressure" from the AFP to accede to the laying of a charge. Yet the AFP acknowledges that by the time the charge was laid on July 14, it had already received information from the British police that the SIM card—the basis of the charge—was not in the Glasgow jeep.

Police now concede they knew the card was still with Haneef's second cousin Dr Sabeel Ahmed in the British city of Liverpool. For the first time the police also admit they knew there was evidence that "at uncritical face value" showed Dr Ahmed was not part of any terrorist plot. One such crucial piece of evidence was an email to Sabeel Ahmed from his brother, Kafeel, which demonstrated that Sabeel (and therefore Haneef) had no prior knowledge of the London and Glasgow attacks.

The submission fails to explain why this material was withheld from the public, the courts and even the CDPP until the case fell apart. Instead, the AFP continues its belligerent defence of its conduct against Haneef, insisting that the anti-terrorism laws, including those permitting detention without trial, were "appropriately applied". The document pointedly emphasises that despite vocal public opposition to the laws, the legislation was passed with bipartisan support in parliament.

The AFP also lashes out at those who helped expose the police lies. The submission denounces Haneef's legal team for releasing the interview transcript, citing concern that terrorism cases were being "tried in a court of popular opinion". It accuses the media of making "uninformed criticism" of the police operation.

At the same time, the submission makes yet another bid to blacken Haneef's name, claiming that when police raided his apartment they found a brochure published by an organisation that had been banned by some countries. The brochure contained a reference to "the brutal invasion and occupation of Afghanistan and Iraq, the killing and murder of our brothers and sisters and the brutality of British and American foreign policy". The submission does not name the organisation or say in which countries it is banned. But the views ascribed to it about the invasions of Afghanistan and Iraq are held by millions of people in Australia and around the world.

The AFP adds that on Haneef's laptop the AFP found audio files of lectures delivered by an author "linked to al-Qaeda" who "expresses a militant view of jihad". Again, the author is not named, nor is any context to the remarks provided. Haneef's lawyers have pointed out that neither the brochure nor the lectures were raised with Haneef by the police during his arrest and detention.

According to the lawyers, the AFP is continuing to withhold thousands of documents that could reveal more about the conduct of the case against their client. The AFP is currently fighting a renewed Freedom of Information application by the lawyers to force the release of this material.

AFP commissioner Mick Keelty has rejected various media calls for his resignation over the revelations, reiterating that he has the support of the Rudd government to complete his term of office, which is scheduled to last until 2011. Regardless of Keelty's personal fate, the real issue is the way in which the entire political establishment, including the Labor Party and the mainstream media, joined the witch hunt against Haneef.

Since the Rudd government came to power nothing has fundamentally changed. Even though popular opposition to the "war on terror"—including the persecution of Haneef, Jack Thomas, David Hicks and Izhar ul-Haque, the wars in Afghanistan and Iraq, and the horrors of Guantanamo Bay and Abu Ghraib—was a central factor in Howard's defeat, the Labor government has repeatedly stated its determination to maintain the same "hard-line" approach.

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