

Trial by media in Australian terrorism case

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Despite objections by defence lawyers, seven volumes of highly-prejudicial and untested prosecution evidence, totalling more than 5,000 pages, was tendered to the Melbourne Magistrates Court late last month in Australia's latest large-scale terrorist trial.

The only purpose of the public release was to permit the mass media to further blacken the names of the five Lebanese- and Somali-born men, who face possible life sentences if convicted. Predictable headlines depicted the men as religious zealots intent on exacting violent revenge on Australia's population for the invasions of Afghanistan and Iraq.

The media was handed access to the material even though four of the defendants pleaded not guilty, and waived their right to a committal hearing in an apparent attempt to cut short preliminary hearings that could drag on for years. The fifth defendant reserved his right to have a committal proceeding next May.

The men were arrested in highly-publicised dawn house raids on August 4, accompanied by sensational police and Labor government claims of another "imminent" terrorist threat, like the one proclaimed by the previous Howard government in November 2005.

They have been charged with "conspiring to prepare for a terrorist act". Under the draconian anti-terrorism laws introduced since 2001, this offence requires no proof of any specific terrorist plot; just a vague shared "understanding" to carry out an attack somewhere at some time in the future.

Police allege the men were preparing to storm the Holsworthy army base in southwestern Sydney with automatic weapons on a suicide mission, seeking to kill as many military personnel as possible before they

themselves were killed. Yet, the extensive police raids reportedly found no weapons, while the man accused of paying a visit to the military base in March had been in police custody since April 1, on unrelated assault charges.

Two of the men are also charged with either "preparing" to travel to Somalia, their homeland, or helping another man travel there to "engage in hostile activities". A US-backed government there is confronting considerable popular resistance, including from Islamist groups. Under the post 9/11 legislation, it is "terrorism" to support armed activities directed against any foreign government as well as against federal or state Australian governments.

Lawyers for the men requested that the court refuse a media application for the thousands of documents contained in the brief of evidence against their clients, as well as a prosecution summary. Defence counsel said releasing the documents close to a trial date, envisaged as being next April, could be prejudicial to a potential jury pool.

Some of the material was plainly irrelevant to any terrorism charge. It included statements of political and religious views that provide no evidence whatsoever of any terrorist plan. In one of the men's police interview—in which he vehemently denied any involvement in terrorism—he denounced the US, Israel and the Australian military. "Why they call us terrorists for no reason? I never kill in my life," he said. "Your army killer, yes ... why they kill the innocent people in Iraq, Afghanistan?"

Another man, in intercepted telephone conversations, expressed disdain for Australia and attributed the drought, the global financial crisis and the February

Victorian bushfires—in which 173 people perished—to a vengeful Allah.

Magistrate Peter Reardon ruled it was in the public interest for the documents to be released to allow for fair and accurate reporting. He said the public had a right to be informed. But where is the “public interest” in a trial by the media, designed only to poison, not inform, public opinion? Meanwhile, the defendants will remain locked away for months, unable to answer the unsubstantiated allegations in court.

Far from “fair and accurate reporting,” the media seized upon the most sensational statements. As usual, the Murdoch outlets were in the forefront, but they were matched by the Melbourne *Age* and the government-owned Australian Broadcasting Corporation (ABC).

“Delight at bombings, fires and drought,” ran the front-page headline on the *Age* article. It began: “A man accused of plotting a terror attack on a NSW army base joked and laughed about the deaths of two Australians in the July Jakarta hotel bombings, according to court documents.” Paragraph after paragraph followed, indicting the man for his various anti-Western opinions. Likewise, ABC television’s Lateline report highlighted the bushfires comment.

As for the presumption of innocence, that was thrown overboard. Unproven police allegations that some of the men had been secretly recorded speaking of entering a location and “taking out” up to 10 people were presented as proof of a suicide plot to storm the Holsworthy base. From what has been reported from the thousands of pages of documents, however, the evidence against the men remains circumstantial, based primarily on a series of vague and wild statements. They certainly had no weapons, no resources and no plan.

What is apparent from the police files is that the five immigrants had troubled backgrounds—sometimes involving drugs, petty crimes and police—were incensed by the atrocities being committed by the US-led forces in Afghanistan and Iraq, and became susceptible to Islamic fundamentalism.

This has been a trial by the media from the outset, with the August 4 police raids coinciding with an exclusive report of the operation in the *Australian*, prepared in advance by associate editor Cameron Stewart (see “Australia: Media promotes sensationalised ‘terror’ claims”). A sister newspaper, the Sydney *Daily Telegraph*, declared in an editorial on the same day: “Australian barracks plot signals fresh wave of terror”.

Like John Howard before him, Prime Minister Kevin Rudd did his best to inflame the atmosphere, calling a media conference to state: “The threat of terrorism is alive and well and this requires continued vigilance.”

While trampling over legal principles such as the right to a fair jury trial, the Rudd government is also seeking a pretext to further strengthen the police-state powers contained in the terrorism laws. In recent months Labor has unveiled proposed measures, including outlawing “terrorist hoaxes”, the infliction of psychological harm and “incitement” of political violence. The definition of terrorism is wide enough already to cover many forms of political dissent. Labor’s planned amendments will make it even easier for the terror legislation to be invoked against anyone considered a threat to the government’s program.

Before the end of the year, the government also plans to release a counter-terrorism White Paper that, according to a recent report in the *Australian*, will shift the focus to “home-grown” terrorism. The Labor government is bolstering the police, intelligence and legal apparatus in anticipation of rising opposition and unrest, particularly over its expanding collaboration with the US-led wars in Afghanistan and Pakistan, and its measures to impose the burden of the global financial crisis on working people through the slashing of jobs, wages, conditions and public spending.



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