Australian terror raids provide pretext for police-state laws

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The domestic agenda behind last week's massive police raids on homes in Sydney and Brisbane was made clear over the weekend by the leaking to the media of selected features of the extraordinary package of "anti-terrorism" laws that the Abbott government plans to unveil in parliament this week.

Australia's largest-ever police-intelligence raids, conducted on homes in Sydney and Brisbane, not only sought to justify the government's announcement, just days earlier, of the dispatch of troops and war planes to join the renewed US-led war in the Middle East. They were also used to activate existing "preventative detention" powers and justify the introduction of further police-state provisions.

By claiming that the so-called Islamic State of Iraq and Syria (ISIS) was "within days" of carrying out a beheading in Australia, the government has revived the sham "war on terror" that has been utilised from 2001 to overturn fundamental legal and democratic rights.

As the supposed beheading plot began to look increasingly dubious—the Australian Federal Police (AFP) admitted it was not "100 percent sure" of the kind of violence allegedly being prepared—police commanders revealed that at least three people were secretly held under preventative detention orders.

This marks the first use of such orders, which were introduced in 2005 after an equally dubious, terror "alert" by the previous Howard government. People can be detained under these orders for up to 14 days at a time, on the grounds that the police believe "there is a threat of an imminent terrorist attack."

These orders negate the centuries-old principle of *habeas corpus* —no detention without trial. Detainees have no right to know why they have been imprisoned. Orders are made in closed-door hearings using secret evidence without the detainee's knowledge. They are held incommunicado, effectively unable to challenge their incarceration or alert the public. Anyone, including family members, who reveals that the person has been detained, can be jailed for five years.

Throughout the weekend, Attorney-General George Brandis fed the media with glimpses of even more far-reaching measures. No details have been released, even though the legislation is expected to be tabled on Wednesday. The outlines of the bill were announced last month, but Brandis has now revealed several draconian provisions.

* A new offence—punishable by up to five years' jail—will outlaw "advocating terrorism," defined as "intentionally counsel, promote, encourage or urge the doing of a terrorist act," even if that act never occurs. This dramatically widens the power to charge anyone accused of expressing verbal support for terrorism, which is defined in sweeping terms that can extend to traditional forms of anti-government protest.

Brandis declared that "hate preachers" would "face the consequences," generating Sunday tabloid headlines like "Hate preachers face jail" designed to fuel anti-Muslim scare-mongering. At the same time, Brandis emphasised that "this is a law of general application, it's not directed at any section of the community," underscoring its potential to be used more broadly.

* Australian Security Intelligence Organisation (ASIO) agents will have expanded powers to kill or maim suspects, supposedly in self-defence or to protect someone else. A previous restriction on using deadly force only if there was no alternative way of detaining someone will be removed.

* Police will have greater powers to secretly search premises, arrest suspects or impose control orders—another form of detention without trial. To

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arrest someone, police will only need to “reasonably suspect,” not “reasonably believe,” that the person committed an offence.

* Travel to designated areas, even entire countries, will be prohibited unless people can prove they are going for certain purposes regarded as legitimate—effectively reversing the onus of proof in a criminal trial. The government will also have the power to suspend passports for three weeks without notice.

Another deeply anti-democratic measure, to compel Internet and phone companies to keep all telecommunications and social media data for two years so the police and intelligence agencies can trawl through them, has been hived off to a separate bill, to be tabled later. This scheme will facilitate the mass surveillance conducted by the US-led global network, as exposed by National Security Agency whistleblower Edward Snowden.

It further emerged that an earlier tranche of terrorism laws, tabled in July, gave intelligence agents civil and criminal immunities that would allow them to torture detainees, including by drugging, sensory bombardment and sleep deprivation, provided that no one was killed or seriously injured.

Brandis branded that revelation “arrant nonsense” because “this is not something that any Australian government agency, no matter what the circumstances, would ever do.” In reality, ASIO and the AFP have already relied on statements obtained via torture, as was proven in the case of Jack Thomas in 2006.

The attorney-general said the enhanced immunities would allow undercover ASIO officers to penetrate terrorist cells and join in illegal activities, including conspiracy, to maintain their “credibility” within the group. This only points to the expanded use of ASIO and police provocateurs to incite targeted individuals into making statements that can be used as evidence of terrorist intentions, as happened in previous Australian terrorist cases.

Brandis said the government was confident of bipartisan support for the new bill, after a “positive meeting” last Friday with Labor Party deputy leader Tanya Plibersek and shadow attorney-general Mark Dreyfus. There is no doubt that Labor will back the laws, perhaps with a few cosmetic “safeguards,” as it has already done via a bipartisan parliamentary committee report last week on the government’s initial package of legislation, which included powers to secretly take over entire computer networks.

During Labor’s two terms of office, from 2007 to 2013, it retained and boosted the police-state framework erected under the earlier Howard government.

The political unity also extends to the Greens, who propped up the last Labor government. Leader Christine Milne has backed the government’s raising of the official terrorist alert level and called for the restoration of AFP policing at Hobart airport.

The only hint of criticism within the political establishment came from two right-wing populist senators, David Leyonhjelm and Bob Day, who demanded a change of wording on the immunities provision to prohibit torture, a demand that Brandis today said he would accept.

Votes on the legislation will take place with parliament itself under a heightened police presence. On the orders of Abbott, who insists that the nation faces its “most serious ever” security challenge, AFP officers will patrol inside the building as well as externally, creating a sense of emergency.

The Abbott government is exploiting this highly-orchestrated terrorism scare campaign to divert the widespread hostility to its May austerity budget and acute social tensions produced by the protracted assault on jobs, wages and living standards. Far from protecting the public from terrorism, its measures, like all the others introduced over the past decade, are building up the repressive powers of the state apparatus to suppress the social and political unrest triggered by the program of war and austerity.

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