The case of Zaky Mallah and the witch-hunt against the Australian Broadcasting Corporation

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Over the past week, the Abbott government and the corporate media have mounted a ferocious campaign against the Australian Broadcasting Corporation (ABC) for permitting Zaky Mallah, a young Islamic man who was acquitted by a jury of terrorism charges in 2005, to ask a prepared and vetted question on its "Q&A" television current affairs program.

Last Sunday, Communications Minister Malcolm Turnbull elevated the witch-hunt, both against the ABC and Mallah himself. Interviewed on the ABC's "Insiders" program, Turnbull declared that "Q&A"'s producers committed a "shocking mistake." He backed Prime Minister Tony Abbott's charge that the ABC "betrayed" Australia.

Turnbull issued a thinly-veiled threat to cut the ABC's funding, and to invoke section 8 of the ABC Act, which allows, him as the relevant minister, to issue a statement of policy to the ABC board. Turnbull also blackguarded Mallah, insinuating that he was wrongly acquitted of terrorism.

"You know, this is somebody who had pleaded guilty to threatening to kill ASIO officers," Turnbull declared. "He'd been charged with terrorist offences—acquitted, but he had bought a gun; he'd bought 100 rounds of ammunition; he'd done a number of other things, which appeared to be preparatory for a terrorist incident."

Turnbull's remarks underscored the very point of the question that Mallah asked on "Q&A". Mallah's question related directly to the Abbott government's plans to strip citizenship from alleged "terrorists" or supporters of "foreign fighters" via ministerial decree, without any criminal conviction by a court of law.

As a man acquitted by a jury, after being framed-up on two terrorism charges, Mallah was uniquely qualified to ask a question about the implications of handing such unfettered power to the government. By the time of his trial, he had already spent 16 months in jail, mostly in solitary confinement. For much of the time he was locked in a cell for 22 hours a day, denied contact visits and brought to court hearings in shackles.

On "Q&A", Mallah commented: "As the first man in Australia to be charged with terrorism under the harsh Liberal Howard government in 2003, I was subject to solitary confinement, a 22-hour lockdown, dressed in most times in an orange overall and treated like a convicted terrorist while under the presumption of innocence.

"I had done and said some stupid things, including threatening to kidnap and kill, but in 2005 I was acquitted of those terrorism charges. What would have happened if my case had been decided by the minister himself and not the courts?"

Contrary to false media reports about the government "backing down" on these plans, the Australian Citizenship (Allegiance to Australia) Bill tabled last week lists two methods for the immigration minister to revoke a person's citizenship, thus depriving them of every other basic democratic right, without any criminal trial.

First, the minister could deem that an individual "renounced" citizenship by allegedly participating in specified terrorist-linked activities. Second, an individual would "cease" to be a citizen by "fighting for" or being "in the service of" any organisation listed as "terrorist" by the minister. A third method of revoking citizenship would require a criminal conviction, but that could be for a minor charge, such as "destroying or damaging Commonwealth property."

These powers would allow the government to strip citizenship from people on the basis of untested "information" supplied by the intelligence agencies, without any right to know or challenge the allegations against them.

The government's anti-democratic intent was blurted out by one of Abbott's parliamentary secretaries, Steve Ciobo, a panellist on the "Q&A" program. He told Mallah: "I would be pleased to be part of a government that would say that you're out of the country as far as I'm concerned."

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Mallah was later permitted by "Q&A" host Tony Jones to respond to Ciobo's provocative declaration, saying its contempt for legal rights illustrated why some young Muslim men might join ISIS. Mallah, who supports American-backed Islamist groups in Syria fighting to overthrow the Assad government, has a public record of opposing ISIS.

The government and media denunciations of the ABC and Mallah are all the more revealing because of the classic methods of police entrapment and media-government witch-hunting that were employed against the unemployed young worker.

In 2003, Mallah became the first person in Australia to be charged under the barrage of post-2001 "terrorism" laws. He became one of the main examples cited by Prime Minister John Howard's Liberal-National government and the media of the alleged dangers of terrorism striking home in Australia.

Many media outlets assisted the frame-up by providing sensational and uncritical coverage of the police case. Rupert Murdoch's *Daily Telegraph*, for example, described Mallah's activities as a "chilling plot."

Despite the official and media hysteria, however, in April 2005, after a 13-day Supreme Court trial, a Sydney jury threw out two terrorism charges laid against Mallah. His acquittal dealt a blow to Howard's government, which had fomented a terrorist scare atmosphere for the 2004 federal election.

The charges against Mallah were based on preposterous claims that then 19-year-old teenager had planned to storm an office of either the Australian Security Intelligence Organisation (ASIO) or the Department of Foreign Affairs and try to shoot dead officials in a supposed suicide mission.

The jury accepted the young man's testimony, and the argument of his lawyers, that he had made false threats of violence in a bid to gain media publicity, after being enticed into making lurid claims by an undercover police agent posing as a journalist. According to the prosecution, the police provocateur offered Mallah $3,000 for his story, after saying that the price he could obtain for the material depended on how graphic Mallah's threats were.

Prosecutors alleged that Mallah intended to take hostages and "kill at least two" federal agents. His supposed motive was revenge for Foreign Minister Alexander Downer's seizure of Mallah's passport in 2002 and a desire to stop the government's "spying on" Australian Muslims. However, when a video made by Mallah was played in court, it contained no mention of taking hostages or killing officers.

During the trial, Mallah's barrister, Phillip Boulten SC, pointed out that his client's "bizarre plan" could never have worked. Mallah had carried out no reconnaissance of the buildings he had threatened to blow up, and the rifle he had bought earlier, for his own protection, was unsuitable for such an attack, due to its length.

The jury rejected the charge that Mallah had "prepared to commit a terrorist act" by attempting to sell a videotape, a three-page statement and photographs to the police spy. The jury also dismissed a second charge of "preparing" a terrorist act, based simply on the ground that Mallah had a .22 calibre rifle and 97 rounds of ammunition. Mallah testified that he bought the rifle for protection after his home was broken into.

Even though the jury concluded that Mallah's threats to maim officials were not serious, the presiding judge sentenced him to 30 months' imprisonment after Mallah pleaded guilty, as part of a plea bargain that the police vindictively rejected, to a lesser charge of "threatening to cause harm" to a Commonwealth officer.

Justice James Wood imposed the heavy sentence despite acknowledging that Mallah had been led on by the media. Justice Wood said it was "regrettable" that the *Daily Telegraph* and another Murdoch paper, the *Australian*, together with the Nine television network and radio networks, had given Mallah "an entirely undeserved and unnecessary exposure," encouraging his imagination to run wild.

Mallah's acquittal on the terrorism charges amounted to a damning exposure of the dirty undercover operations conducted by ASIO and the federal and state police forces. These methods of provocation and entrapments have assisted successive governments, with the help of a complicit media, to stoke fears of terrorism in order to justify the predatory US-led wars joined by Australia in the Middle East and the imposition of police-state powers domestically.

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