

Bipartisan backing in Australia for indefinite detention of “terrorist” prisoners

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In its first political initiative since barely scraping back into office at the July 2 election, the Australian government has accelerated the drafting of laws to permit the indefinite incarceration of prisoners convicted of terrorism-related offences, after they have served their sentences.

Prime Minister Malcolm Turnbull called a joint media conference with Attorney-General George Brandis on Monday to declare that they had asked the state and territory governments to “ensure post-sentence preventative detention legislation can be introduced quickly.”

Turnbull further announced that one of the first items to be pushed through the new parliament will be the Counter-Terrorism Legislation Amendment Bill (No. 1) 2016. This will allow 12-month control orders—which can include tracking devices or house arrest—to be imposed on children as young as 14 who, in Turnbull’s words, “have been identified as being involved in terrorism-related activities.”

The Bill also contains a new offence of “advocating genocide.” Turnbull said this was needed “to further respond to the negative impact on our community of people who preach hate.” According to previous comments by Brandis, this provision is designed to target organisations that actually oppose terrorism but allegedly “advocate extremism” or “incite hatred” toward other groups.

The opposition Labor Party immediately offered “in principle” support for the measures, underscoring its wider pledge to cooperate with the Liberal-National Coalition government to try to stabilise the parliamentary order after millions of people voted against all the major parties during the election.

The state and territory governments—both Coalition and Labor—unanimously agreed to the indefinite

detention laws last December, but Turnbull has now chosen to dramatically demand that the drafting of the legislation be expedited.

The latest legislation will add to a barrage of “anti-terrorism” laws introduced by successive Coalition and Labor governments over the past 15 years, setting sweeping precedents, such as detention without trial, that erode fundamental legal and democratic rights.

Once again, the political establishment, assisted by the media, is promoting terrorism scares to justify draconian measures to bolster the repressive powers of the police-intelligence-judicial apparatus in the face of rising social and class tensions.

At their media conference, Turnbull and Brandis confirmed that “post-sentence preventative detention” effectively means locking prisoners away for life, regardless of the severity of their particular offences or their original terms of imprisonment.

According to Turnbull: “This legislation will enable additional periods of imprisonment for terrorist offenders who have served their sentences but are still judged to present an unacceptable risk to the community.” How this “unacceptable risk” would be determined, the prime minister did not explain, except to say that it would be a “court-supervised process with regular reviews and reassessments.”

Such “preventative” imprisonment orders require no proof of any intent to commit any other offence. They further overturn the principle of no detention without trial (*habeas corpus*)—a longstanding doctrine to protect against victimisations and frame-ups.

Governments around the world have seized upon recent terrorist attacks in Europe, the Middle East and the US as a pretext for police-state measures. In France, the “state of emergency” has already been used against protests and strikes by workers fighting the corporate

assault on social and working conditions. Australia is no different.

Turnbull declared: “The global terrorism threat environment is growing more challenging. The recent attacks in Nice and Orlando show an increase in the frequency and severity of terrorism in the West or against Western interests.” He claimed that the new measures would “give our security agencies the tools they need to keep Australians safe.”

Successive Australian governments bear direct responsibility for helping to foster Islamic extremist militias. US-led invasions and wars, in all of which Australia has participated, have devastated the Middle East, killing hundreds of thousands of people and sending millions fleeing their homes. Only last week, Turnbull announced an expansion of Australia’s military involvement in Iraq.

Moreover, the US and its allies have armed and funded Islamic extremist outfits, including Al Qaeda and Islamic State, as part of the regime-change operations spearheaded by Washington in Libya and Syria. In Australia, governments have created the worsening job prospects, glaring inequality and police victimisation of immigrant youth that enable Islamic fundamentalists to appeal to disaffected young people.

No details of the indefinite detention laws were provided at Monday’s media conference. Brandis declared they would apply to prisoners who “fail to be rehabilitated as a result of a penal sentence.” There would be “a process informed by medical and psychological assessment and “patterns of behaviour while in custody” and “willingness to participate in rehabilitation programs while in custody.”

Almost certainly, any prisoner who refuses to cooperate with the authorities, such as by becoming an informer or undercover agent, will remain incarcerated. This regime, will apply retrospectively to 13 men currently in prison and more than 25 young men and teenagers awaiting trial.

Turnbull and Brandis sought to downplay the implications for basic legal rights by referring to laws already in place in some states to indefinitely detain repeated child sex offenders and prisoners convicted of serious violence offences. These laws have resulted from previous hysterical scare campaigns against “paedophiles” and “violence” over the past two decades.

The latest measures will go even further because none of those convicted or charged with terrorist offences in Australia have actually committed a terrorist act. They have been mostly accused of “preparing” or “conspiring” to conduct an attack, invariably on tenuous evidence, under provisions that require no proof of any specific plot—not even location, time or method. Moreover, the definition of terrorism is so broad that it can cover many forms of political protest where any damage results to property.

Since the still-unexplained 9/11 attacks in the US in 2001, there has been a continual ratcheting-up of the resources and powers of the police, intelligence and military agencies. The latest legislation will be this government’s sixth “tranche” of terrorism laws since 2013, on top of about 50 bills pushed through from 2002 onward.

This ever-expanding terrorism legislation is being used to establish an authoritarian framework. Already, there are now six types of detention without trial, electronic surveillance of the entire population via online metadata, and dual nationals can be stripped of their Australian citizenship by executive order.

These measures contain criminal offences and powers that extend well beyond the immediate targeting of highly vulnerable Islamic youth, supposedly linked to Islamist extremists in the Middle East. The “security” powers are being prepared for wider use throughout the working class as economic conditions worsen and Australia’s involvement in US-led wars intensifies.



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