

Australia: Top police claim no operational role in Sydney siege

Richard Phillips
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Lawyers representing senior police commanders in the state of New South Wales (NSW) have insisted that the officers had no direct role in the 16-hour Lindt café siege in central Sydney in December 2014. The self-serving assertions are part of ongoing efforts at the NSW coroner's inquest to prevent any exposure of the official lies about the "ISIS terror attack."

Over the past two months, police lawyers have been fighting off demands from the lawyers of hostage victims Tori Johnson and Katrina Dawson for Police Commissioner Andrew Scipione, his deputy Catherine Burn and Deputy Commissioner Jeff Loy to testify.

Police barrister Ian Freckelton QC rejected these calls, telling the inquest in early July that the commissioners "did not give any orders, directions or provide any guidance or advice in respect of the conduct of the siege on the day ... We cannot identify any forensic utility to you in hearing from them."

To claim that NSW's most senior officers had no role in the huge police operation surrounding the café siege, which was deliberately inflated into a major international terrorist incident, is absurd. Deputy Commissioner Burn is specifically responsible for counter-terrorism in NSW.

In fact, the inquest had already established that Burn phoned assistant police commissioner Mark Jenkins, who was in charge of the police's Forward Operations Command from about 9.30 p.m. on the night of the siege. Seven minutes later, Jenkins was contacted by Commissioner Scipione. The two men reportedly discussed the possibility of a deliberate action plan—a full-scale police assault on the café.

The café siege was not a terrorist attack, but a hostage-taking incident by a mentally unstable individual, who was well-known to Australian intelligence and police and already facing serious criminal charges. While Man Haron Monis claimed to be acting in the name of ISIS, he had no connections to any terrorist group.

Rather than defuse the siege, the Abbott Liberal-National coalition government, backed by the Labor Party and the

corporate media, exploited the situation to set in motion an already-prepared national anti-terror operation.

Within 90 minutes of Monis taking hostages in the Lindt café at 9.44 a.m. on December 15, the population was subjected to a non-stop, all pervasive barrage of newspaper, television and radio coverage, hysterically portraying the incident as a full-scale terrorist attack. These deliberate lies were broadcast globally.

Central Sydney was locked down, thousands of people were evacuated and hundreds of heavily-armed police and military personnel were mobilised, including in the states of Victoria and Queensland, hundreds of kilometres away.

The siege ended the next day at 2.14 a.m. when heavily-armed police stormed the building after Monis shot the café manager Tori Johnson. Monis and Katrina Dawson, were killed and four others wounded in the hail of police bullets.

Since it began in early 2015, the NSW inquest—one of three official inquiries into the incident—has taken evidence in four separate blocks. The first examined Monis's personal history, the second his bail on sexual assault and accessory to murder charges, the third heard "in camera" testimony from the Australian Security Intelligence Organisation (ASIO) about its relations with Monis, and the fourth focussed on the NSW police response to the siege.

In April this year, when the inquest turned to the NSW police operation, lawyers for the police argued that any examination of their actions should be held behind closed doors. In the face of widespread public suspicion and many unanswered questions, this proved untenable. The coroner ruled there should be open testimony but all issues dealing with police "methodology" should not be made public.

The coroner, on the recommendation of his senior counsel Jeremy Gormly, has issued 80 non-publication orders—40 since April. These directives have ensured the suppression of the names of all but a handful of the most senior NSW police officers involved. The coroner also reduced the number of witnesses called to testify about police operations, from 40 to 17.

Testimony thus far has been given by anonymous NSW

police negotiators, members of the anti-terror squad that stormed the café, senior officers in charge of the operation and witnesses called by lawyers for the Johnson and Dawson families.

While tightly restricted, the evidence extracted from police witnesses by the hostage family lawyers has thoroughly undermined official statements made during the siege by senior state police and NSW Premier Mike Baird that negotiations were being conducted by “world class” negotiators.

It was a lie. There were never any direct talks with Monis, who had offered several times to release some of the hostages if he were given an ISIS flag, the siege officially acknowledged as an ISIS attack and he permitted to have an on-air conversation with Prime Minister Tony Abbott. Monis later asked for the street lights outside the café be turned off.

None of these limited demands, which were suppressed by the media under police orders, was negotiated. Moreover, hours of recordings between negotiators and the hostages—from the beginning of the siege at 9.44 a.m. until 1.16 p.m.—and hand-written notes have been supposedly lost or destroyed. One of the negotiators attempted to justify this extraordinary lapse by telling the coroner he was “not real good with technology.”

In testimony last month, international negotiation experts—Dr Andrew Brown and British Police Chief Superintendent Kerrin Smith—commissioned by the Johnson and Dawson family lawyers, criticised the NSW police for not making any serious effort to negotiate with Monis.

Brown noted that no attempt was made to open talks on any of Monis’s demands and suggested several obvious options that could have been used. Previous evidence has revealed that several lower-ranking police officials called for some of Monis’s demands to be granted in order to defuse the situation. These suggestions were over-ruled by senior officers.

Smith said “someone with a personal or professional relationship with Monis” could have been used to try and secure direct communication. But as the inquest has heard, NSW police categorically rejected offers from people who knew Monis and whom he trusted. These included Keysar Trad, two of Monis’s previous lawyers—Michael Klooster and Manny Conditis—and the Grand Mufti of Australia.

The lack of negotiations was not a mistake or due to incompetence, but a decision taken at the top levels of the state apparatus and government. The last thing that the state and federal governments wanted was for the siege to end quietly with Monis arrested. Such an outcome would have immediately called into question the huge “anti-terror” operation that was set in motion. It would also have led to a

criminal trial in which the unstable Monis could have blurted out details of his relations with ASIO and the police.

The “terrorist attack” was very convenient politically. It came in the wake of the federal Coalition government’s decision to send Australian military forces to the new US-led war in the Middle East and the introduction of a swathe of new anti-terror laws. A previous “terrorist scare” in September 2014 involving 800 police and ASIO agents in early morning raids in Sydney had been exposed. Lurid claims of a planned beheading turned out to be based on the discovery of a plastic sword.

The concerted efforts to limit any public questioning of the police operation are above all aimed at preventing any exposure of the political machinations that were going on behind the scenes in Sydney and Canberra. If top NSW police officers are cross-examined then their discussions with ministers, state and federal, as well as communications with military, intelligence and federal police, could come to light and raise the issue of them all being called to testify.

Two weeks ago the coroner, in response to the continued insistence of the Johnson and Dawson family lawyers, finally directed that Scipione, Burn and Loy should publicly testify. The three were due to appear on August 2–3 but the inquest was suddenly adjourned when Gormly, senior counsel assisting the coroner, said he had “forgotten” to give the family lawyers a dossier of crucial police documents.

The dossier included emails, SMS texts and handwritten notes, as well as “cabinet-in-confidence” material from Deputy Commissioner Burn when she personally addressed the NSW cabinet following the siege. The inquest is now due to resume in mid-August, when the commissioners are scheduled to appear.



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