

Charges against Australian “terror” suspects only raise new questions

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After being detained for five days without charge over an alleged plot to bring down a passenger plane, two Sydney men were charged on Thursday night with two vague counts of acts done in preparation for, or planning “a” terrorist act.

The laying of charges came as the federal government was increasingly under pressure to justify the detentions and the turmoil created over the past week in Australian airports by the alleged terror plot to bring down an aircraft.

The authorities now say there were two separate plans, one to blow up a plane and another to kill people using rotten egg gas.

The charges were laid two days after the release, without charge, of another man arrested when police raided six homes across Sydney last Saturday. A fourth man remains detained without charge under investigation and interrogation powers handed to the police as part of the “war on terror.”

For political purposes, the government and the police are feeding what appear to be fantastic claims to the population, via a complicit media, prejudicing any chance the two men ever had of a fair trial.

“This is one of the most sophisticated plots that has ever been attempted on Australian soil,” Australian Federal Police (AFP) Deputy Commissioner Mike Phelan told a press conference.

At his own media gathering, Prime Minister Malcolm Turnbull congratulated “our intelligence, security and police services for their outstanding work in disrupting the terrorist plot to bring down an aeroplane.”

Justice Minister Michael Keenan, who is responsible for the AFP, said the seriousness of the charges laid against the two men “cannot be underestimated.”

With their help, the media has been full of headlines such as “ISIS sent bomb parts for terror plot” and “Terror at the terminal.”

The new details, however, only raise many more questions about the alleged plots, the surveillance the men were under, and the timing of the police operation.

The charges themselves are nebulous. Khaled Mahmoud Khayat, 49, and Mahmoud Khayat, 32, are being prosecuted under section 101.6 of the federal Criminal Code. This provision makes it an offence to do “any act in preparation for, or planning, a terrorist act,” even if no terrorist act occurs and “the person’s act is not done in preparation for, or planning, a **specific** terrorist act [emphasis added].”

The two brothers can be convicted and sentenced to life imprisonment without the police having to present evidence of any specific plot or its location, target, method or timing. “Preparation” or “planning” can mean nothing more than discussing “a” possible terrorist act.

The two defendants were denied bail and are not due to face court until November 14.

The first alleged plot is that the men attempted to smuggle an improvised bomb, encased in a metal meat grinder, onto a July 15 Etihad flight from Sydney to the Middle East. Supposedly the bomb was made from “military grade explosive” sent by “a senior Islamic State operative” in Syria, via the post using an air cargo flight from Turkey.

Exactly how or why the men and their “sophisticated” ISIS handlers thought they could get a metal meat grinder through routine airport security metal detection has not been explained.

Deputy Commissioner Phelan said it was a matter of “conjecture” why this plan was aborted. For unknown reasons, he said, luggage containing the bomb was not loaded aboard the Etihad plane, although the man taking the luggage—allegedly another Khayat brother—was permitted to board the flight and leave the country.

Phelan said the moment police found out about the plot they constructed a replica of the weapon and tried to

smuggle it aboard a plane to test security. He said there had been a “100 percent success rate,” suggesting the device would never have made it onto the plane. This only underscores the implausibility of the meat grinder plan.

The second plot seems just as far-fetched. According to the police, after the men “failed” in the first plot a controller directed them to construct an “improvised chemical dispersion device” designed to release “highly toxic hydrogen sulphide.”

Better known as rotten egg gas, this compound is an unlikely terrorist weapon, and there is no record of it ever being used for that purpose. Relatively easily made and commonly produced in high school laboratory experiments, hydrogen sulphide can be lethal, but only in very high concentrations in small enclosed locations, not aircraft.

One of the academic security experts cited in the media, Professor Greg Barton, said: “Releasing hydrogen sulphide in an aircraft cabin wouldn’t render everyone unconscious.”

Commissioner Phelan declared that the gas plan was in its early stages. “I want to make it quite clear that we were a long way from a functional device,” he said. “There is no evidence at all that that device was completed.”

This only points to further questions about the nature and timing of the police operation. If the meat grinder plot “failed” and the rotten egg gas “bomb” was nowhere near completion, why were the raids and arrests conducted last Saturday, and why were they accompanied by escalated security measures that threw airports into chaos for days?

Questions about timing go back further. According to today’s *Australian* newspaper, Khaled Khayat first came to the attention of the Australian Security Intelligence Organisation (ASIO) some years ago when another brother, Tarek, went to Syria to join ISIS.

The *Australian* said Khaled was “of no interest to security authorities” after that, but reported that the “plot” began back in April when Khaled started communicating with Tarek and an ISIS “controller” via text and encrypted app messages.

It now appears that, as with so many “terrorist plots,” the participants were under surveillance. According to the *Australian*, “a foreign intelligence agency believed to be Britain’s” knew about the failed July 15 plot but waited until July 26 to tell Australian authorities. If this is true, it raises obvious questions: how and when did the overseas agency know about the plan?

If the agency knew about the plot before it took place,

why were Australian police and intelligence agencies not informed? If it only knew after the failed attempt, why wait for days to alert its Australian counterparts? And why did Australian police wait for another three days to act after they were allegedly told?

All of these details should be treated with healthy suspicion. Increasingly it appears that the police raids were timed to create a terror scare right at the point that the Turnbull government was seeking to justify a revamping and expansion of the federal intelligence agencies and police.

How this operation is being exploited politically can be seen from Turnbull’s media event yesterday. He again declared that the “terrorist plot” proved the need for the far-reaching restructuring of the police and intelligence apparatus that he unveiled the previous week, and for ongoing “relentless” measures to bolster the “security” powers and agencies.

This restructuring includes the creation of a Home Affairs super-ministry to take centralised control over a range of police and spy agencies, including ASIO, the AFP, the Border Force, and a parallel centralisation of all the civilian and military intelligence agencies under a new Office of National Intelligence in the prime minister’s office.

Further plans are now being mooted, including more intrusive security measures at airports and an extension of ASIO’s detention and interrogation powers.

None of this has anything to do with ensuring the safety of the population. Instead, terrorism scares are being exploited to try to divert attention from the deepening crisis of Turnbull’s badly divided government and of the political establishment as a whole.

At the same time, as last week’s intelligence review report indicated, a police-state framework is being established to monitor and suppress rising social and political discontent, and intensifying popular concern about Australia’s close involvement in plans for escalating US-led wars, including against North Korea and China.



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