Australian teenager sentenced to 12 years in prison on trumped-up terror charges

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The sentencing of a 17-year-old Sydney youth to a term of 12-years incarceration, in a hearing at the New South Wales Supreme Court last week, has once again highlighted the role of a raft of anti-democratic "terror" laws and police entrapment tactics in railroading vulnerable young people into prison.

The case is the latest in a series of high-profile terror prosecutions, which have revealed no specific terror attack or plan. As in previous cases, virtually the only evidence against the accused were his online conversations with individuals later revealed to be undercover police agents.

The boy, then aged 16, was arrested in late April 2016, on the eve of Anzac Day, Australia's public holiday that celebrates the failed World War One invasion of Turkey by British, Australian and New Zealand troops in 1915.

The corporate media responded to the boy's arrest with lurid headlines declaring that police had thwarted an imminent plot to attack Anzac Day memorial services, supposedly concocted in league with members of the Islamic State terror group.

At the time, his arrest was used by the authorities to ramp-up security measures on Anzac Day, and to whip-up an atmosphere of militarism and patriotism. Along with similar prosecutions, it was referenced by government representatives as justification for Australia's participation in the US-led bombing campaign in Syria, and the expansion of its domestic surveillance measures.

The boy's legal team initially pled "not guilty" to charges of "doing an act in preparation for, or planning, a terrorist act." As the case progressed, and a guilty verdict appeared increasingly likely, they changed their plea, apparently in a bid to secure a lenient sentence.

Despite the flimsy character of the evidence, however, the youth was sentenced last Thursday to 12-years imprisonment, with a non-parole period of nine years. He will likely spend the remainder of his teenage years, and the bulk of his 20s, in the brutal conditions associated with maximum security prisons.

Most of the proceedings were suppressed. The sentencing remarks of the presiding judge, however, cited in media reports last week, only underscored the frame-up character of the case.

The judge repeatedly stated that the boy had "contemplated an attack." The only proof that she referenced, were "communications with the [police] operatives," and "the extremist nature of the material" he had "been accessing over a period of one year."

The judge ominously cited the boy's statements, in a police interview after his arrest, indicating that "he was upset and angry with the Australian Government over its involvement in the war in Syria," as part of the evidence against him.

She also noted his "online research" into the Islamic State group, and the fact that he supported the implementation of "sharia law" and was opposed to "democracy." The references to the boy's political beliefs in his sentencing should sound a sharp warning. It is indicative of a broader turn towards politically-motivated prosecutions and the criminalisation of views that run counter to the status quo.

The youth's lawyers noted that he had not carried out any reconnaissance of a target and did not have the means to carry out an attack. The judge, however, declared that his offending was "serious."

The history of the case indicates that the boy was a long-term target of a police frame-up operation. He was placed in a government "deradicalisation" program in 2015, after a raid at his family home by Australia's domestic spy agency, ASIO, allegedly uncovered "extremist material."

Deradicalisation programs, which have been rolled out by federal and state governments across the country, are thinly-veiled attempts to expand surveillance of working-class and Muslim communities, and to cultivate

vulnerable youths as police informants (see: “Australian school principal removed for allegedly resisting ‘anti-radicalisation’ program”).

When he was placed on the program, the boy was working as an electrical apprentice. He was reportedly living in the suburb of Auburn, in western Sydney, an area with the lowest average taxable individual income in the city, according to official 2015 figures. The suburb is afflicted by widespread social problems, including child hunger, poverty, rental and mortgage stress, homelessness and high rates of unemployment.

In 2016, the boy began online conversations with two individuals, who, unbeknownst to him, were police agents. They reportedly discussed with him sourcing a gun for a terror attack. The police initially claimed that the boy had left his house to attend a meeting to collect a firearm. They were later forced to acknowledge that no meeting took place. The boy denied leaving his house.

Similar entrapment tactics have played a central role in virtually every terror case in Australia over the past two decades.

In 2004, Zeky “Zak” Mallah, an 18-year-old working-class youth from Sydney, was acquitted of terror charges after it was revealed that a police agent, posing as a journalist, had paid him $3,000 to film a video in which he allegedly threatened to attack ASIO headquarters.

In 2008, Abdul Nacer Benbrika, a self-styled Muslim cleric in Melbourne, and six of his co-defendents, were found guilty of belonging to a terrorist organisation. The primary basis of the conviction was that Benbrika had agreed to take ammonium nitrate from a police agent, and had travelled to a rural area, to watch the operative conduct a detonation.

In 2009, six men were convicted of “conspiring to prepare for a terrorist act” on the Holsworthy army base in Sydney. During the trial, it emerged that a police agent had encouraged one of them to talk about “jihad,” and had convinced him to go to the base. Three of the men were sentenced to 18-years imprisonment, on the basis of the agent’s testimony.

Police entrapment, and attempts to cultivate informants, also appear to have played a role in other murky “terrorist” incidents.

In September, 2014, two police officers shot to death Numan Haider, an 18-year-old working-class youth, in a darkened car park near a Melbourne police station. They claimed he had lunged at them with a knife during a discussion. The incident was presented by the authorities, and the media, as a failed “terrorist attack.”

It later emerged that Haider had extensive contacts with ASIO agents. He had immediately phoned them earlier in the year, after accidentally stabbing a friend. The revelation prompted the *Herald Sun* to write that it was, “not clear if ASIO had signed Haider up as an asset.”

Last year, Yacqub Khayre, who had been arrested in connection with the 2010 Holsworthy plot, was involved in a strange hostage situation in a Melbourne hotel room, which was immediately portrayed as a terrorist incident. Khayre had a history of mental illness and drug abuse. A 2009 cable from the US intelligence services, published by WikiLeaks, revealed that the Australian Federal Police had, in that year, considered recruiting Khayre as an informant.

Under Australian law, there are few defences against the entrapment methods increasingly used by police. Courts can exclude evidence that is illegally or improperly obtained, but only if they rule that the need to protect the individual against unlawful and unfair treatment outweighs the so-called “public interest” in securing conviction.

The weakening of defendants’ rights is the consequence of decades of anti-democratic “terror” laws passed by successive Labor and Liberal-National governments. A crucial turning point came in 2005, when Labor and the Greens joined with the Liberal-National government of John Howard to push through “emergency” anti-terror laws.

The legislation included an amendment to change the word, which preceded all references to terror attacks in both existing and new terror laws, from “the” to “a.” This had far-reaching implications. It meant that authorities were no longer required to prove the existence of a specific terror plot when charging and convicting an accused. Instead, they could railroad individuals to prison, often for many years, on the basis of vague references to “a” potential attack, and without any proof of a specific plan or target (see: “An exchange with the Australian Greens on their complicity in Howard’s anti-terror laws”).