

Australian police framed up 13-year-old autistic boy on serious terrorism charges

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The belated release of a transcript from a Melbourne Children's Court has shed further light on the filthy methods repeatedly used by the Australian federal and state police and intelligence agencies to manufacture terrorism and other serious charges against targeted victims.

An intensive joint police-intelligence operation was authorised at the highest levels of command. Undercover officers deliberately enticed a 13-year-old boy on the autism spectrum into making lurid suggestions of taking terrorist actions. The police then jailed and charged him with serious terrorism offences that could have seen him imprisoned for up to 15 years.

The entire affair demonstrates how far the police-intelligence apparatus, backed to the hilt by Labor and Liberal-National Coalition governments alike, will go to frame-up highly vulnerable people, even children. The purpose is to generate terrorism scare campaigns and justify the barrage of unprecedented "anti-terrorism" and other draconian laws introduced over the past two decades.

This week it was finally reported that last October a Children's Court magistrate ordered a permanent stay on the prosecution of the boy, allocated the pseudonym Thomas Carrick (TC). Magistrate Lesley Fleming said there was "no other way to protect the integrity of the system of justice administered by the court."

In other words, the magistrate concluded that to proceed with the case would have caused public outrage, discrediting the judiciary as well as the police and intelligence apparatus in the eyes of the public.

Magistrate Fleming presented the shocking Joint Counter Terrorism Taskforce (JCTT) operation against the boy, whom they knew had an IQ of 71, as an egregious aberration by the Australian Federal Police (AFP), the Victorian state police and the Australian Security Intelligence Organisation (ASIO).

Yet the entire operation, codenamed Bourglinster, was specifically authorised by the most senior AFP and ASIO leadership. It was a highly-secret "controlled operation," conducted under laws that permit police and intelligence officers to commit crimes themselves in order to provoke and entrap victims.

Chat logs seen by the Children's Court noted a number of disturbing actions by two undercover agents, identified only as OCO1, who posed as a 24-year-old Muslim man, and OCO2, who adopted the persona of a more extreme person located overseas. These included:

- OCO1 encouraged TC to use encrypted messaging platforms like Telegram.
- OCO1 frequently tried to steer TC towards ISIS [Islamic State] related topics, despite TC largely wishing to talk about food, girls, school, aviation and football.
- OCO2 told TC that he would make "a good sniper or suicide

bomber."

• OCO2 encouraged TC to learn more about an ISIS-linked stabbing attack at a supermarket in New Zealand in September 2021.

• OCO2 told TC that making a bomb or killing a member of the AFP was a "good plan."

In April 2021, TC's parents had gone to a police station to seek help with their son, concerned that he had become fixated with ISIS-related videos online and had asked his mother to buy bomb-making ingredients such as sulphur and acetone.

Instead, three months later the police and ASIO did the exact opposite. The JCTT launched Operation Bourglinster, while misleading the parents into thinking it was an assistance program to counter his seeming attraction to extremism.

TC's parents provided Victoria Police access to their son, their home, his phone, his mother's phone and to personal information about his school and psychologist.

Meanwhile, the first operative, OCO1, chatted with TC on 55 of the next 71 days, including during breaks at school and late at night. There were 1,400 pages of online chats between the pair, magistrate Fleming found.

The operation proceeded in the full knowledge that TC was susceptible to being tricked into statements that could be used against him. A psychologist warned that the boy's "verbalisations need to be considered within the context of his ASD [autism spectrum disorder] and possible cognitive impairment.

"One of the key diagnostic criteria for ASD is highly restricted, fixated interests that are abnormal in intensity or focus."

The JCTT cynically waited until TC turned 14 to move against him, because that is the age of full criminal responsibility set by the anti-terrorism laws imposed since 2002.

In October 2021, a member of TC's supposed "therapeutic" team, along with two members of Victoria Police, performed an unlawful search of TC's address, under the subterfuge of his "deradicalisation" program.

During this search, a knife was reportedly found in TC's room. TC was arrested and charged with two terrorism offences. One was intentionally being a member of an organisation, namely, Islamic State, knowing that the organisation was a terrorist organisation, contrary to section 102.3(1) of the federal Criminal Code (Cth). The other was advocating terrorism, contrary to section 80.2C(1) of the Criminal Code.

These offences carry maximum penalties of 10 years in prison, and five years respectively.

Regardless of his disability, TC spent three months in custody before he was granted bail in October 2022. An earlier bail was

revoked because he allegedly failed to comply with conditions.

AFP deputy commissioner Ian McCartney, appearing before the federal parliamentary joint committee on law enforcement on Monday, said he had authorised the operation and justified it. McCartney claimed it was a “set of exceptional circumstances” that required a “controlled operation” to “protect the community.”

McCartney testified: “It did get to the stage and the decision was made jointly between the AFP, ASIO and Victoria Police that the threat—the real threat—had escalated to such a level that we had to take action.”

How an autistic child under constant surveillance constituted a real threat, McCartney did not explain.

McCartney said the AFP accepted the magistrate’s ruling and there were a “range of reviews” into the matter. No credence can be given to this. The record shows that such operations occur frequently. The latest publicly available AFP controlled operations annual report, for 2021-22, listed 103 controlled operations in those 12 months alone.

Magistrate Fleming said in her ruling: “The community would not expect law enforcement officers to encourage a 13-14 year old child towards racial hatred, distrust of police and violent extremism, encouraging the child’s fixation on ISIS...”

“The conduct engaged in by the JCTT and the AFP falls so profoundly short of the minimum standards expected of law enforcement offices that to refuse this [stay] application would be to condone and encourage further instances of such conduct.”

In reality, the use of undercover agents (agents provocateur) to covertly entrap victims into doing or saying things that can be used to lay serious criminal charges is standard practice in Australia, as it is internationally.

Moreover, entrapment is not a legal defence. Judges can, and often do, permit evidence created by such means to be used to convict people in the so-called “public interest” in securing convictions.

One police entrapment case after another

Over the past two decades in particular, since the declaration of the “war on terror” to justify the US-led invasions of Afghanistan and Iraq, similar operations have been used to conduct one major “terrorism” trial after another.

This was initially exposed in the first real test of the anti-terrorism laws. In 2005, a Sydney jury threw out terrorism charges laid against a young unemployed worker, Zeky “Zak” Mallah. An orphaned child from an Islamic background, he was only 18 when a police-ASIO operation against him began in early 2002.

After a 13-day trial, Mallah, then 21, was found not guilty of preparing to storm government offices and shoot dead intelligence or foreign affairs officers in a supposed suicide mission. Together with ASIO, the New South Wales state police had conducted a classic entrapment exercise. A detective posed as a journalist to lure Mallah into making violent threats by offering \$3,000 for his story.

This had been accompanied by sensationalised and uncritical coverage of the police case. Rupert Murdoch’s *Daily Telegraph*, for example, described Mallah’s activities as a “chilling plot.” Under these conditions, before being acquitted, Mallah spent 16 months in jail, mostly in solitary confinement.

And 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 to a lesser charge of making a threat against a Commonwealth officer.

Among the other known cases, in 2008, Muslim cleric Abdul Nacer Benbrika and six of his 11 co-defendants were convicted of being members of an unnamed terrorist organisation after a police infiltrator offered Benbrika cheap ammonium nitrate. Police secretly filmed Benbrika when the undercover agent took him to a remote hilltop to show him how to detonate an ice-cream container of the explosive. That is, the only explosion presented as evidence in the trial was one conducted by a police provocateur for the clear purpose of entrapping the cleric.

In 2009, five Lebanese and Somali-born men were charged with “conspiring to prepare for a terrorist act” against the Holsworthy Army Base in Sydney. During the trial, it emerged that a police infiltrator incited one of the defendants to talk about “jihad” and then convinced him to visit the army base. Three of the accused were sentenced to 18 years’ jail, based on the evidence provided by the police agent.

In 2014, 22-year-old Brisbane man Agim Kruezi was arrested and charged with recruiting people to join ISIS in Syria, but the person he allegedly recruited was an undercover police officer.

In 2016, evidence emerged that a 16-year-old boy arrested in Sydney, on the eve of the annual Anzac Day war commemorations, on the vague charge of “acts in preparation for, or planning a terrorist attack” was another victim of police entrapment.

These are just some of the outrages of the “war on terrorism.” In other notorious cases, David Hicks and Mamdouh Habib were incarcerated at length in the US military “black hole” at Guantanamo Bay before being exonerated; Melbourne man Jack Thomas was tortured into making incriminating statements; 21-year-old student Izhar Ul-Haque was illegally kidnapped and interrogated by the police and ASIO, and the police “evidence” against Gold Coast doctor Mohamed Haneef was exposed as false.

Each case was politically driven, with successive Coalition and Labor governments declaring that the arrests proved that ordinary Australians faced the constant danger of terrorist attack. The underlying agenda is the introduction of a police-state framework, with far-reaching attacks on basic legal and democratic rights, that can be used more broadly as political disaffection grows over the escalating pro-US war moves and declining living conditions.

As the public outcry over the operation against TC indicates, however, there is widespread disgust with this agenda. That hostility needs to be informed by a clear-sighted understanding and opposition to the entire capitalist order itself.



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