

# Dr Mohamed Haneef

## CASE FACTSHEET : 4th August 2007



Artwork: @Andrew Wolf/Courtesy of The Age

**Dr** Mohamed Haneef is an Indian national who was, up until recently, living in Brisbane and working for the Queensland Health Service.

About a year earlier, Dr Haneef had been working in the UK and had been planning to move to Australia. He gave a used SIM card to his cousin prior to leaving the UK so he could finish up the 'free minutes' on the account and then assume control of it.

On 2nd July 2007, Dr Haneef was at Brisbane airport waiting to board a plane to India to see his wife and new-born baby daughter who had just been taken back into hospital suffering from jaundice. While at the airport, the Australian Federal Police and Queensland police members attached to the Joint Counter Terrorism Team (Brisbane) at Brisbane International Airport arrested him for allegedly "Providing support to a Terrorist Organisation", contrary to section 102.7 Criminal Code Act 1995.

Dr Haneef was held without charge under the **2005 Australian Anti-Terrorism Act** and interrogated as to his involvement in the recent UK bombing in Glasgow and the attempted bombing in London.

Twelve days later on 14th July 2007, Dr Haneef was formally charged with intentionally providing resources to a terrorist organisation, consisting of persons "Sabeel Ahmed" and "Kafeel Ahmed", being reckless as to whether the organisation was a terrorist organisation, contrary to section 102.7 Criminal Code Act 1995.

*"The investigation, the charges, the revocation of visa regardless of the outcomes of the trial are all deeply concerning and extend beyond the profession, ethnicity and religion of Dr Haneef."*

*"Laws must be just and the interference of politicians in the police and legal processes is unacceptable and has to be questioned."*

Dr Mukesh Haikerwal GP  
President, 2005-2007  
Australian Medical Association

On 16th July 2007, Jacqui Payne, a Brisbane magistrate, granted Dr Haneef bail on the charges. Later, that very same day, Minister for Immigration Kevin Andrews MP invoked his ministerial powers to revoke his visa on "character grounds" under section 501 of the 1958 Migration Act.

Since charges were laid, numerous errors in the case surfaced, two of which were put before the court by the AFP. Consequently, the DPP took the rare step of ordering a high-level review of the case.

On Friday 27th July, Mr Damian Bugg of the

DPP ordered that all charges against Dr Haneef were to be dropped as he was of the opinion that the evidence that had been collected could not reasonably lead to a successful prosecution. The immigration minister Kevin Andrews subsequently released Dr Haneef into 'residential detention', allowing him to live at a nominated address, but not to work.

On Saturday 28th July, the Immigration Department gave Dr Haneef the all-clear to leave the country and Dr Haneef chose to return to India to be with his family.

**So, is that it? Is it not all over?**

**No! Kevin Andrews continues to refuse to reverse his decision to revoke Dr Haneef's visa and has taken matters further by insinuating that Dr Haneef's actions in returning to India were "suspicious", when any concerned husband and parent in the same situation would do exactly the same thing. In a desperate and cynical attempt to salvage their credibility and to prop up the decision to revoke his visa, the Government is now attempting to fabricate a link between Dr Haneef and Al-Qaeda.**

*There is "No Evidence of a direct link between him and the group blamed for the recent failed terrorist plot in the UK"*

*There is "No evidence that Haneef had intentionally provided his SIM card to a terrorist organisation."*

Magistrate Jacqui Payne, Mohamed Haneef Bail Decision

*"In essence, it would appear that this power (ministerial power to cancel visas) is so broad that the association can be for all intents and purposes completely innocent, where someone has no knowledge, no intent or no involvement in any criminal conduct and yet if they have family ties with this person who they're associated with, they won't pass the character test."*

David Manne, Refugee and Immigration Legal Centre lawyer  
ABC Radio Interview

**How you can help...**

Write to Kevin Andrews MP, Minister for Immigration, Parliament House, Canberra ACT 2600 and demand restoration of Dr Mohamed Haneef's visa to its original status without blemish.

Get on talk radio, contact the media and demand Mr Andrews resignation. Help us support civil rights in Australia.

Civil Rights Defence meets every week to plan actions, public meetings and protests to defend civil liberties and the victims of Australia's anti-terrorism laws. Everyone's welcome: we meet at 6:30pm Tuesday nights at Trades Hall, cnr. Victoria and Lygon Sts, Carlton. Tel 0407 856628 for more info.

*"The conduct of the Immigration Minister Kevin Andrews yesterday in the Mohamed Haneef case is disgraceful..."*

*"... He has used the Migration Act powers to interfere with the criminal justice system."*

*"The Immigration Minister is willing to lend himself out as a branch of the police force and the Attorney-General is willing to take advantage of the minister's impropriety."*

Julian Burnside, QC  
17th July 2007  
Herald Sun

**Implications of the case...**

The implications this case has for Civil Liberties in Australia are massive. It is now evident that a Government minister can, with impunity and on 'advice from the federal police' imprison somebody simply for maintaining what they may interpret to be a "suspicious association".

The 2005 Australian Terrorism Act continues to be used to imprison people without charge for indefinite periods of time, when perfectly adequate provisions can be found in prior existing criminal law.

The "Character Test" as outlined in section 501 of the 1958 migration act has only ever been used after a criminal conviction has been obtained. Kevin Andrews' actions have set a dangerous new precedent by trumping the decision of the court system to grant Dr Haneef bail without a conviction by the courts.

**CIVIL  
RIGHTS  
DEFENCE**