

Haneef detention: Minister spits in face of judiciary

Locking up Dr Haneef in immigration detention spits in the face of an independent judiciary, Civil Liberties Australia said today.

The Gold Coast (Queensland) doctor who had been charged with supporting terrorism, by 'recklessly lending a SIM card to terrorists', had been released by a magistrate on \$10,000 bail.

He was to report to police three times a week, and his passport remained suspended.

Within hours, Immigration Minister Kevin Andrews revoked Dr Haneef's 457 visa, allowing him to work in Australia, and ordered police to take the doctor into custody for locking up in Villawood detention centre.

According to Minister Andrews, Dr Haneef was innocent in the eyes of the law, but had failed Mr Andrews' "character test" on the basis of a "conversation" Mr Andrews had with Australian Federal Police.

CLA says Mr Andrews' action is detention by whispers.

It is a bureaucratic guilty verdict by a Minister with a deplorable record of not respecting the democratically-made laws of Australia.

CLA says that Mr Andrews and the Federal Government have obviously lost touch with the idea of the separation of the powers of the judiciary, executive and the legislature.

"To draw an inference from an unproven criminal allegation to make a bureaucratic decision spits in the face of the independence of the judiciary," CLA media spokesperson Max Jeganathan said.

"Dr Haneef has an unblemished employment history and no criminal record.

"The Minister for Immigration has given no reason to question his character and, until otherwise proven in a court of law, his status in this country should not be interfered with by a government who would fail a Year 10 legal studies test on the independence of the judiciary," he said.

This was scare politics by an increasingly repressive regime that prioritised opinion polls above respect for the rule of law, CLA CEO Bill Rowlings said.

“Rarely is a government anywhere in the world so driven that it undermines the very legal cornerstones of democracy to further promote fear and prejudice in the community.

“This is tampering with respect for the rule of law in Australia,” he said.

The government was seriously challenging the independence of our judges and courts, he said.

“A magistrate makes a careful decision, after two days’ consideration, that there’s no reason on the police evidence that Dr Haneef should even be detained.

“The same day, a government Minister, on the basis of a conversation with police, decides that this doctor should be locked up because of a secret character deficiency apparently unknown to the court because it was obviously not provided by police in evidence.

“Australia used to be a country where, if you were charged, you were innocent until proven guilty.

“It used to be a country where the police had to prove you were guilty on evidence...not by whispers behind the back of the court.

“Attorney-General Ruddock and Prime Minister Howard both promoted – in the media in the past week – Dr Haneef’s right to be considered innocent until proven guilty.

“Why have they allowed Immigration Minister Andrews to clearly demonstrate that he believes Dr Haneef is guilty until proven innocent.

“Either they were telling lies in what they said last week, or they are lying low now and not pulling an out-of-control Minister into line.”

Mr Rowlings said Mr Andrews had a track record of being a danger to the democratic laws of Australia: now no customary legal provisions appeared to be safe from his peculiar belief that he alone could dictate what the laws of the nation should be.

“Mr Andrews was the man whose Private Member’s Bill overturned the Northern Territory’s Euthanasia law 10 years ago. He is no respecter of democratic rights – apparently, from his track record, quite the reverse.”

Civil Liberties Australia calls on the Australian Government to honour the Australian legal system, and to reverse the presumption of guilt against Dr Haneef.

“This is an enormous attack on the liberty of one man, whose right to the presumption of innocence is representative of the rights of all Australians,” Mr Rowlings said.

“If this government can ignore the law and the legal system over Dr Haneef’s presumption of innocence, it has no respect for Australian law, and can and will in future ignore the rights and liberties of Australian citizens.”

Ends Ends Ends

Contact Max Jeganathan 0414 663 972

Civil Liberties Australia A04043

www.cla.asn.au

Box 7438 FISHER ACT 2611