



Associate Professor Sharon Pickering
Monash University

Senior Visiting Fellow
University of New South Wales

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(Keelty, 2007)

Haneef and Counter-Terrorism Policing

One of the biggest challenges we face is the acute need to manage risk. We must balance the needs of preventing an incident from occurring against the need to have gathered as much evidence as possible to ensure successful prosecution. As a result, we intervene in terrorist matters earlier than we normally would in other criminal investigations. This sometimes means the subsequent prosecutions can be difficult and protracted because we are dealing with the elements of conspiracy which often relies on circumstantial evidence.”
(Keelty speech to Sydney Institute, Jan 2008).

**“The courts, too, are going to need to change the way they view evidence, witnesses and forensics. In a prevention environment the courts will be dealing with larger numbers of inchoate crimes, or crimes that are prevented at a very embryonic stage of execution”
(Keelty, 2007)**

“Traditionally, government, media and the Australian public have measured the AFP’s success on the basis of the number of successful prosecutions we achieve or the numbers of crime we solve. It’s time to determine new measures of success. Measures that recognize success in the prevention of crime.” (Keelty 2007)

“Quite properly the risk associated with acts of terrorism has been reflected in legislation that recognizes that the consequences of a terrorist act on Australian soil are significant and everything possible should be done to prevent that occurring. This legislation reflects the need to prevent and to intervene in the early stages of terrorism related behavior as an appropriate response to the level of threat or risk created by terrorism.” (QPS submission to Haneef Inquiry at 1.3)

"The reality is we are not mushrooms, and we shouldn't be treated like that." (Premier of Queensland, Peter Beattie, *Sydney Morning Herald*, July 21, 2007)

“The element of secrecy is characteristic of the environment in which terrorism investigations are conducted. In almost every terrorism investigation there will be international linkages or involvement – whether direct or indirect. Often, some of the material we access during the course of an investigation belongs to foreign countries and it is made available to us with strict caveats preventing its public release in Australia.” (Keelty, p 20).

“It’s not been an easy time for investigators. There has been intense media scrutiny of the investigation, which is understandable, but could have been more help if we didn’t have as much speculation about certain aspects of the investigation, whether they were politically driven, or otherwise. I can assure you that the investigation...has been driven by the evidence and by the facts and by the inquiries emerging both out of Australia and out of the UK.”

(14/7/07)

“An aspect to the investigation that has also helped has been the use of a national security hotline. Members of the public have been using the hotline during the course of the investigation and we thank them for their assistance in providing information to us.” (14/7/07)

“There are aspects of this case that I feel needs explanation. One is the length of time for the detention of Dr Haneef is something we had to work our way through. It was a question of balancing human rights, balancing the needs of the community and the needs of the organization to establish the facts.”14/7/07

“During these investigations, law enforcement agencies strive for best practice and effective interoperability to ensure optimal protection of the Australian community, which is paramount. The AFP both understands and accepts that community expectations on all counter terrorism investigations are high.”(13 March 2008)

“The AFPA contends more needs to be done by the Federal Government to ensure a healthy perception of operational independence is held by the public into the operational activities of the AFP. It was the experience of the AFPA that various entities, particularly the media, sought to link the AFP investigation of Dr Haneef with the electoral prospects of the then Federal Liberal Government. To put it bluntly, a terrorist within our midst was perceived to enhance the then Governments ‘strong on national security’ mantra and thereby increase their electoral chances. There is no doubt that such a perception, to some degree, has the ability to damage the reputation of the AFP as an impartial and reputable policing organization. Such a public perception is also fully capable of degrading the AFP’s ability to gain support from the public. Public contribution of information can be critical particularly in the case of CT investigations.” (2008, p3)

“3.12 Detective Superintendent Hogan was present when Senior Investigating Officer, Jabbour had a telephone conversation with his senior AFP management and heard Senior Investigating Officer articulate during his conversation that the QPS view was that there was insufficient evidence to charge Dr Haneef.

3.13 Detective Superintendent Hogan was then advised by Senior Investigating Officer Jabbour that he was going to charge Dr Haneef” (QPS, 2008, p9)

“There has been significant misreporting on many aspects of this case”, Commissioner Keelty said. “It is neither practical, nor the role of the AFP, to correct every wrong assertion or piece of speculation that has been put forward”. 22 July 2007

“The reporting and speculation surrounding this information highlights the difficulties associated with the public release of the AFP record of interview before it could be presented to the court. When misinterpreted or taken out of context – and in the absence of other material that will be placed before the court – this has the potential to undermine the court process.” (23 July 2007)

“The continuing attempts by Dr Haneef’s defence team to use the media to run their case is both unprofessional and inappropriate and the AFP has raised this aspect with the Queensland Legal Services Commission. The release of this information has generated a great deal of misinformed and speculative reporting which has forced the AFP to take the extraordinary steps to correct the public record.” (22 August 2007)

“For most people, their sole source of knowledge regarding the AFP’s counter terrorism investigations is the mass media. As such it would be perfectly understandably if they – mistakenly – held the belief that the AFP has failed the Australian community in this regard...There has been a discernable shift towards campaigns being run in the media to engender support for accused persons or persons under investigation”

“We must urgently ask: how will his experience be internalized by an audience of young Australian Muslims who can effortlessly look at Haneef and see a reflection of themselves? The most potent feature of Haneef is the frightening ordinariness of his conduct, contrasted with the extraordinary manner of his treatment.”