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HD **Police ignored strong evidence showing Haneef's innocence**

BY David Marr
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LP POWERFUL evidence of Mohammed Haneef's innocence has emerged at the Old Bailey in London, evidence the Australian Federal Police and the Commonwealth Director of Prosecutions appear to have ignored in holding the Gold Coast doctor for questioning last year and then charging him with a terrorism offence.

The case against Dr Haneef always centred on allegations that his second cousin Sabeel Ahmed, a doctor practising in England, was part of a terrorist organisation. But in the Old Bailey on Friday Mr Justice Calvert-Smith accepted there was "no sign" of Ahmed "being an extremist or party to extremist views".

TD Evidence for this has been in the hands of British police from the early days of their investigation into failed car bombings carried out by Ahmed's brother Kafeeel last year. But it only saw the light of day in the Old Bailey last Friday.

Its publication raises difficult questions for Australian police and the Commonwealth DPP.

Kafeel was inept. Having tried and failed to explode bombs in two Mercedes-Benz parked outside London nightclubs in June last year, he headed north to carry out a suicide attack on Glasgow airport. As he drove a Jeep Cherokee packed with gas cylinders towards this last destination, he sent his brother by SMS the access codes to an email message.

The Glasgow attack was over - another failure - and Kafeel was dying of burns that covered most of his body by the time his brother opened the email.

It was a confession and plea for forgiveness with Kafeel revealing he was not busy on climate change but engaged in jihad.

"This is the 'project' that I was working on for some time now," he told his brother. "Everything else was a lie. And I hope you can all forgive me for being such a good liar. It was necessary ..."

Hours later, when Sabeel was arrested in Liverpool, police seized the laptop that eventually led them to this jihad confession. While they were stripping his computer, Sabeel followed his brother's instructions to try to convince the police Kafeel was away on a field trip in Iceland.

For these lies and for failing to show police the email, Sabeel pleaded guilty last Friday to a charge of withholding information about terrorism. He was sentenced to 18 months imprisonment but released over the weekend to be deported to Bangalore.

Not stated in court was how long it took police to find the jihad confession. A source in Britain who has followed this story closely has told the Herald that police in his home town of Liverpool say they had the email's text within 72 hours.

And they didn't need Mr Justice Calvert-Smith to tell them it showed Sabeel was never part of Kafeel's plans.

On the other side of the world by this time, the Ahmeds' second cousin Dr Haneef was spending his third day in the Brisbane watchhouse after being taken into custody trying to leave Australia. He was being held without charge under tough new laws that allow terrorism suspects to be detained indefinitely for questioning. Australian police were focused on an old SIM card the doctor had left with Sabeel which they believed was somehow involved in Kafeel's failed bomb plots. Both police and the Commonwealth DPP were undeterred by the discovery at some point during

Dr Haneef's detention that this was not true.

Nor were they deterred by the jihad confession even though it showed Sabeel was not in league with his brother Kafaeel. Leaving an old SIM card with the Liverpool doctor could carry no sinister meaning. With the jihad confession email, the police case against Dr Haneef ran into the sand.

"Inshallah by the time you get this message I should have achieved one of the two goals by the will of Allah," the email begins. "I sincerely apologise and pray that you forgive me for keeping this from you. It was for your safety and for the sake of the project. ..."

Dr Haneef's defence team was unaware of the email evidence. His solicitor Peter Russo told the Herald yesterday: "We weren't shown any documents from the UK in any of the material we saw."

Dr Haneef was held for 11 days before being charged on July 14 last year with recklessly assisting a terrorist organisation by giving Sabeel his SIM card. The charge was dropped a fortnight later.

The police won't discuss the Old Bailey revelations. Yesterday police media directed the Herald to a statement by the Federal Police Commissioner, Mick Keelty, in March welcoming the Clarke inquiry into the Haneef case: "To ensure the integrity of the AFP's co-operation with the inquiry, the AFP will not be providing any further public comment on the matter until it is completed."

Until the publication of the email last week, the most embarrassing question police and the Commonwealth DPP had to face at the inquiry was: "When did you learn the SIM card was not involved in Kafaeel's attempts to detonate car bombs in London and Glasgow?" Now they face two far harder questions that go both to their competence and good faith: "When did you read the jihad confession email?" And "Why did you ignore it?"

Mr Keelty told a Senate Estimates inquiry in February that \$7.5 million had so far been spent employing 600 security officials to work on the Haneef case. He says the police investigation of Dr Haneef continues. No date has yet been set for the commencement of the Clarke inquiry, which is due to report in September.

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Questions about the Haneef affair that won't go away

Monday, 14 April 2008

Greg Barns writes:

When Dr Mohammed Haneef was arrested in July last year on suspicion of involvement in botched terrorist attacks in London and Glasgow one of the main allegations against him was his links to his cousins in the UK, Sabeel and Kafael Ahmed.

Haneef, so the AFP thought, had given Sabeel a SIM Card, which they alleged was found in Glasgow (it was later found in Liverpool) where Kafael botched a suicide bombing. Mick Keely announced on July 14 at a media conference in Canberra that Haneef was to be charged because he "was reckless about some of the support he provided to that group, in particular the provision of his SIM card for the use of the group," Keely said.

Now we know, courtesy of English judge Justice Calvert-Smith in a sentencing hearing in London last Friday, that Sabeel Ahmed was not, as the AFP had alleged, part of a terrorist organisation and that there was "no sign" that Ahmed was "an extremist or party to extremist views."

And how do we know this? Because within 72 hours of UK Police arresting Sabeel on June 30 last year they found an email which Kafael sent to him. That email revealed to Sabeel for the first time that his brother was involved in a terrorist plot and his brother begs forgiveness for the fact that he has never told Sabeel about his terrorist activities.

In short, by July 3 2007 the UK Police had information in the form of an email which clearly and unequivocally showed that Sabeel Ahmed was not a party to any terrorist plot. And this email completely undermines the charge laid against Haneef-- he gave his SIM Card to someone who was part of a terrorist group!

Haneef was arrested at Brisbane airport on July 2. The AFP kept going to the court to get extensions of time to hold Haneef and on July 11 Adrian Sims, an AFP Officer, made a Statutory Declaration in which he said that the AFP wanted to detain Haneef longer because there "is a continuing need to collate and analyse information sourced from overseas authorities and every day new matters come to the attention of the AFP that require investigation."

Sims further noted that a "senior UK officer has arrived in Australia to assist with the current Australian investigation and any alleged links with the UK." Not only that, but Sims said that two AFP officers arrived in the UK on 5 July to "work cooperatively with the UK authorities in relation to this matter."

There are a number of serious questions that the AFP and the Brisbane office of the DPP needs to answer about the Sabeel email. They are predicated on the reasonable assumption that such a crucial piece of evidence would have been seen by the Australian officers working with their UK counterparts.

Firstly, why was Haneef charged with recklessly giving support to a terrorist organisation, if the AFP or the DPP knew about this email?

Secondly, if the AFP and DPP knew about this email why wasn't it shown to Haneef's legal advisers?

Finally, if the AFP knew of this email when it went to the court requesting extensions of time for detaining Dr Haneef, or when Dr Haneef applied for bail, why did it not reveal the email to the court?

These questions demand answers because they go to the heart of the integrity of the criminal justice system.

Haneef was innocent all along, but Australian police ignored evidence

April 14th, 2008 - 11:37 am ICT by admin -

By Neena Bhandari

Sydney, April 14 (IANS) Indian doctor Muhammad Haneef was innocent all along, according to evidence emerging at the Old Bailey court in London, but the Australian Federal Police and the Commonwealth Director of Prosecutions ignored the evidence to continue his incarceration. The 28-year-old was charged with recklessly providing support to a terrorist organisation by giving his mobile phone SIM card to his cousin Sabeel Ahmed, one of the men accused in the botched British bomb attacks.

On Friday, in the Old Bailey, Justice Calvert-Smith accepted there was “no sign” of Sabeel Ahmed “being an extremist or party to extremist views”. Sabeel did plead guilty to a charge of withholding information about terrorism. He was sentenced to 18 months imprisonment but released over the weekend to be deported to Bangalore.

A source in Britain has told the Sydney Morning Herald that the police in Sabeel’s home town of Liverpool had his brother Kafael Ahmed’s jihad confession email text within 72 hours, which showed Sabeel was never part of Kafael’s plans to detonate car bombs in London and Glasgow airports.

It was around this time that the Ahmeds’ second cousin Haneef was spending his third day in the Brisbane watchhouse after being arrested at Brisbane airport on July 2, hours before boarding a flight to India.

The Australian Federal Police (AFP) and the Commonwealth Director of Prosecutions (DPP) continued with terrorist charges against Haneef though they knew that Sabeel was not involved in his brother Kafael’s plans. Haneef’s legal team were not shown Kafael’s emails.

The bungled terrorism investigation by Australian police into Haneef’s case is still costing the taxpayer a whopping Australian \$8 million (\$7.2 million). There are nine Australian federal police staff working full time on Haneef’s case.

Australian Federal Police Commissioner Mick Keelty and Attorney-General Robert McClelland were recently in Britain for talks with their counterparts on cooperation in security, intelligence and terrorism investigations and the case of former Gold Coast registrar Haneef, who eight months ago returned home to Bangalore.

Former Immigration Minister Kevin Andrews had cancelled his work visa, just hours after a magistrate granted him bail on July 16, 2007, ensuring his continued incarceration. The charges against Haneef were eventually dropped and he returned home last year.

In December 2007, the new Immigration Minister Chris Evans reinstated his visa after the Labour Government came to power.

A judicial inquiry to probe the handling of the failed terrorism case against Haneef is expected to start this month.