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

BY David Marr  
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LP POWERFUL evidence of Mohamed 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 Kafeel 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 Kafael. 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 Kafael'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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