View Point

Co-operate or else! AFP thuggery for a white Australia

By BAKCHOS

"98 The evidence of the ASIO conduct, considered alone, would be sufficient to establish oppressive conduct within the section. But the oppression was continued, in my view, by the conduct of the AFP. Mr Gordge's presence at the interviews was a clear signal to the accused of the inextricable link between ASIO and the AFP and an implicit reminder that he should not depart from anything already said. The conversations with him at the end of the interview on 7 November and when he came to AFP headquarters on 10 November continued the thrust of the message communicated by ASIO at the first meeting: co-operate or else." (Adams J in R v Ul-Haque [2007] NSWSC 1251)

The purpose of criminal law is to foster the protection of human interests by forbidding and thus preventing conduct that threatens substantial harm to the individual, the public or the collective (society).

The United States Model Penal Code defines criminal conduct as being that which "unjustifiably and inexcusably inflicts or threatens substantial harm".

If we accept this definition, how then can it be argued that the Australian Federal Police either directly or indirectly communicating to a suspect that they must "co-operate or else" have not acted in a way that may inflict or threaten substantial harm to that individual?

Then [Australian Federal Police] Officer Gawel said, "Izhar, you're a medical student and I think third year is a very important year for medical studies and you wouldn't want to miss third year medicine would you? And we can make life very difficult for you and your family, and if you don't co-operate with us, you're not going to be able to continue your studies." (R v Ul-Haque at Para 110)

Fortunately for Mr Ul-Haque, Adams J found that this conduct was oppressive and ruled that evidence gathered by the Australian Federal Police using intimidation tactics such as "co-operate or else" was inadmissible in his case.

This leaves a much more fundamental issue unaddressed, that of the total disregard for the 'rule of law', something the Australian Federal Police have demonstrated time and again since their inception in 1979.

Allegations of oppressive conduct by the Australian Federal Police are not limited to the Ul-Haque case. Three witnesses involved in Julian Moti's extraction, two Solomon Islands' police and a former immigration official, allege that they were threatened with loss of employment if they testified in the stay of proceedings case that was heard before Justice Deborah Mullins of the Queensland Supreme Court in 2009.

Solomon Islands' police officer Sam Kalita testified that he was appearing in defiance of a threat made by his superiors that if he testified he would be fired.

Kalita accompanied Moti on the flight from Honiara to Brisbane on 27 December 2007. He further stated that he and Selwyn Akao, the police officer who transported Moti from his Honiara residence to the airport, were confronted by the Solomon Islands' Deputy Police Commissioner Walter Kola and Honiara Police Commander Nella Mosese and told that they "would be fired" if they gave evidence and were specifically directed to "stay out of the Moti case".

It needs to be remembered that the Solomons' police are now being trained and equipped by RAMSI, which many see as a foreign occupying force.

The AFP and oppressive and racist conduct

Blak and Black is about exposing the hypocrisy of the Australian myth of a 'fair go for all' and shining a light on the entrenched and institutionalized racism that is modern Australia.

In a recent article The strange case of Bill Johnson, a study in neo-colonial hypocrisy, I looked briefly at the circumstances surrounding Mr. Johnson and his involvement in an alleged plot to murder former Solomon's Prime Minister Sogavare.

The case against Johnson came to an end after members of the Australian Federal Police interfered in the police investigation of the Solomon Islands.

Such interference can only be viewed as a further example of the Australian Federal Police meddling in the sovereignty of an independent nation to further Australia's neo-colonial interests in the Pacific.

Before I go on it is worth noting that Mr Johnson is an Australian citizen of Anglo-European extraction, aka a 'white' Australian, considered 'white' enough to be given "diplomatic protection" and "consular assistance".

This despite the fact that one of his co-accused was none other than former Solomons' police sergeant Edmund Sae, on the run since escaping from a Solomons' jail before he could be tried for the February 2003 assassination of former police commissioner Frederick Soaki.

Mr Sae is also accused of murdering a second police officer following his escape. It is believed that he has remained in hiding in the jungles of Malaita Island, where Mr Johnson lived prior to being accused of plotting to assassinate Prime Minister Sogavare.

It is also worth noting that RAMSI failed to find Mr Sae even though it had conducted several well-planned searches of the island.

An interesting point of comparison is the assistance given by Australia to Mr Johnson, a man accused of plotting with a double murderer to assassinate a democratically elected head of state and what happened to Julian Moti QC, who is also an Australian citizen, but of Fiji-Indian decent.

The genesis of Moti's troubles go back to late 2004 when then Australian High Commissioner to the Solomon Islands, Patrick Cole, asked the Australian Federal Police to look into criminal charges that had previously been brought and finalized in Vanuatu.

Cole's request to the Australian Federal Police coincided with Australia's efforts to persuade the Solomons' government to not appoint Moti as Attorney General.

Prior to this Moti had a long history as an opponent of Australian neo-colonial operations in the South Pacific.

He was also identified by Australia as a potential threat to RAMSI, the Australian-dominated occupying force first deployed to the Solomons in 2003.

The Australian Federal Police investigation into the Vanuatu charges intensified in mid-2006, on the back of Moti's then pending appointment as Attorney-General under the government of Prime Minister Manasseh Sogavare, the target of the Johnson allegations.

Johnson allegedly conspired with a double murderer to assassinate a democratically elected Prime Minister of a foreign state and was given all the support Australia could muster, which was not insignificant given that Australia dominates RAMSI, which was and remains an occupying force in the Solomon Islands.

Moti by contrast was kidnapped from his home in the Solomon Islands, marched onto an awaiting plane to be flown directly to Brisbane, where he was arrested by the Australian Federal Police on arrival.

As an interesting aside, according to documents produced under subpoena by the Commonwealth in the Queensland Supreme Court proceedings brought by Moti, his Excellency Patrick Cole, Australian High Commissioner to Honiara at the time of the Moti affair noted that:

Some Ministers [in the Solomon Islands government] want to appoint JM [Julian Moti] to be our Attorney-General. Naturally I'm trying to block it.

How can these words be read as anything other than the actions of an imperial administrator backed by a foreign occupying force, dictating 'desired' political outcomes to a colonial possession?

The same source documents produced by the Commonwealth also reveal that Cole had further noted:

"The consequences [of Moti QC being appointed Attorney-General for the Solomon Islands] could be disastrous for Australians and Australia's interest and RAMSI".

While Moti was being forcibly 'chaperoned' to Australia under the directions of the Solomons' imperial master, Australian High-Commissioner Cole, who like all good imperial lackeys, was himself acting under instructions from Canberra, a senior Australian Federal Police officer in Canberra (known as "Aussie") sent a cable to his colleague, Australian Federal Police officer Bond, in the Solomons, congratulating him on a "job almost well done".

Colonel Roko Ului Mara

A further point of comparison is the difference in Australia's treatment of former Fijian Army Commander Ratu Tevita Uluilakeba Mara, who was 'rescued' by the Tongan Navy while escaping from Fiji where he was awaiting trial on charges of uttering seditious comments and inciting mutiny.

Like the Solomons, Fiji is a sovereign state; unlike the Solomons, Fiji refuses to bend to Australia's neo-colonial and racist aspirations in the Pacific.

In the case of Moti and his removal from the Solomons, Australia used its imperial occupying force to dictate a political outcome to one of its imperial possessions.

I wonder how the imperial master will respond to the extradition request Fiji has lodged with Australia for the return of Colonel Roko Ului Mara? Will Australia uphold the 'rule of law' or will it again resort to the 'gunboat diplomacy' of the 19th Century and ignore the rights of those states Australia considers part of its 'backyard'?

Apart from any of the other issues raised in this short analysis, it is beyond question that Australia has treated Moti, an Australian citizen of Fiji-Indian extraction, differently and less favourably than it has Johnson, an Australian citizen of Anglo-European extraction.

This again gives rise to a question I have posited several times before on Blak and Black: who really are citizens of Australia?

If Australia treats its citizens differently, based on racial origins, then Australia really has begun to plumb the depths of racial segregation and hypocrisy.

If for no other reason, this alone, should be cause for the Pacific to turn its back on a racist Australia and embrace a more inclusive future elsewhere.

For more visit this website; http://blakandblack.com/2011/06/21/co-operate-or-else-afp-thuggery-in-the-pursuit-of-a-white-australia/

Letters to the editor

Write to Solomon Star, PO Box 255 Honiara or email: solstar@solomon.com.sb

Futsal champ

DEAR EDITOR – Its interesting to read in the Island Sun newspaper where a former soccer rep has raised concern over the current Futsal champ which is currently underway in Honiara.

I guess such tournament should be played in a court and not on the grass.

There have been promises to support Futsal with the building of their own playground.

But it saddens me that the current champ is being played on a grass turf.

Why not hire the Maranatha Hall near Burns Creek which is big enough to host such competition.

Or are there any reasons why it was played on the grass.

I'm a direhard Futsal supporter and would want something good for them.

It's a pity we failed to support this code of game when they are the ones lifting our name in the region and even the world.

Some food for thought.

Geoff Ned Kalson
KGVI

Thanks ANZ

DEAR EDITOR – Just a small word of thanks to ANZ for their announcement yesterday. Its good to see one of the commercial banks taking this move to remove the account fee.

I'm a long time customer and have seen the monthly charges which one of them is the account keeping fees.

While I cannot do much about these charges, I just have to go along with the deductions every month because it's a business.

But the latest announcement is a bonus for customers and may be a loss as well for the ANZ somehow.

Anyway the sacrifice made by the bank to remove the charges should be applauded.

So thank you ANZ for doing this because some of us average income earners where every dollar counts.

I hope this is will be maintained for a long time. I will remain with you.

ANZ customer
Chinatown