



RELATIVE PEACE
Haneef with wife
Firdous and daughter
Haniya in his
Bangalore home
last week

EXCLUSIVE BY CLAIRE SCOBIE **MAIN PHOTOGRAPH BY** JAGADEESH NV

Mohamed Haneef's family is telling him not to return to Australia, at least not until the AFP has completed its investigation into his alleged terrorist ties. Meanwhile, his lawyers are getting ready to sue for compensation.

DOCTOR'S DILEMMA

FOR DR MOHAMED Haneef, it's the damage to his reputation that hurts the most. When the Indian doctor was first interrogated last July, he told police: "I don't want to spoil my name and my profession. That's the main thing." Today his career is in tatters. The tag, "former terror suspect", accompanies his title. In an exclusive interview from his home town of Bangalore, he tells *The Bulletin*: "This label makes me feel bad. It's not true. I had nothing to do with terror." For his solicitor, Peter Russo, it is the ultimate damage: "A million dollars is not going to erase that."

As the government inches towards the judicial inquiry into Haneef's bungled case, whispers of compensation grow louder. "Any compensation won't happen until after the inquiry," says Russo. "Part of the mix would be compensation for his career ... and what happened to him."

Senior defamation barrister Stephen O'Meara says Haneef could expect to receive the maximum amount in damages available for defamation – if he sued. "Being labelled a terrorist is about as serious as it gets," O'Meara says. "Being called a murderer or a paedophile used to be as bad as it got, but terrorist is now just as odious." But, O'Meara says, since changes to Australia's defamation laws last year, any payout would be capped at \$250,000 plus CPI. Additionally, he could get about \$200,000 for 20 days of unpaid legal fees, some \$32,500 for six months' loss of earnings and the contents of his Gold Coast apartment.

"I've lost everything," says Haneef, who I meet at a downtown hotel. Wearing a pressed shirt and cufflinks, his hair cropped from his recent

pilgrimage to Mecca, Haneef is friendly if diffident, his English stilted.

"I've lost my job, my career. Any western country I would like to go to do my further studies, there would be a question, I would say, about this issue." Reluctant to name a figure, he says only that he'd "be grateful if the government consider this issue of compensation to help pay some damages that have been done".

The damages begin with the "furniture, appliances" of his Southport apartment that were never returned. According to the apartment block manager, Steve Boscher, they were "covered in stuff and irretrievable". "During the investigation, the police painted fingerprint powder from ceiling to floor," says Russo. Many of Haneef's personal effects – prayer hat and book, computer, medical notes – were also taken by the AFP.

It was at the end of the Hajj rites in Mecca, on December 21, that Haneef heard the Federal Court's unanimous decision that he was free to return to Australia. "I was really elated. All these days I've been praying to get my name cleared. It was a victory not only for me but for the entire [Muslim] community." Prevailing ideology, he says, means that Muslims are stereotyped as "terrorists or terrorist sympathisers whether they are found guilty or not, just because they are Muslims". Through his victory, he hopes such stereotyping will "be changed".

Accompanied by wife Firdous Arshiya and his mother, his Mecca journey "was a complete dream come true". A devout Muslim who prays five times a day, he went there to show his "thanks to Allah". He also hoped to put last year's ordeal behind him.

Haneef's family are urging him "to get on with a job, to get on with

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MOHAMED HANEEF ON THE COURT RULING THAT HE WAS FREE TO RETURN

Feds under the bed

The AFP's own inquiries are helping stall the government decision on Haneef's future.

TECHNICALLY, MOHAMED HANEEF is free to return to live and work in Australia. Immigration Minister Chris Evans announced last week the government would not challenge a Federal Court decision restoring his 457 temporary work visa. The visa had been cancelled last year by then immigration minister, Kevin Andrews.

Queensland Premier Anna Bligh has said Haneef would be welcome to return to a job in the state's hospital system. But Haneef's lawyer, Peter Russo, says he's reluctant to return until the Australian Federal Police complete their investigations and give him a full clearance. The AFP confirms there is a continuing investigation, but says it would be inappropriate to comment on what that investigation involves.

Haneef says he would welcome any compensation offered by the new Australian government. No offer is likely until after an inquiry into the affair reaches its conclusion and makes any recommendations.

Prime Minister Kevin Rudd committed his government to an inquiry following the election, but the nature of the inquiry is still to be determined. "Arrangements for the establishment of the inquiry are still being considered, including the timing," a spokesman for Attorney-General Robert McClelland told *The Bulletin*.

At the same time, the AFP has already launched its own investigation into co-operation with intelligence agencies, including ASIO. It was set up in November following widespread criticism of the AFP over its handling of the Haneef case and its investigations into Sydney medical student Izhar ul-Haque.

FACING REALITY

Police released this photo, right, of Haneef at his arrest last July; below, a crumpled figure in the paddy wagon being driven from the Brisbane watchhouse; far right, fielding questions in his Bangalore home



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MOHAMED HANEEF ON THE FORMER IMMIGRATION MINISTER

normal life". Since his return he hasn't worked. As the dutiful eldest Indian son, who must support financially his mother, brother, sister and wife, it's tough. He's now reliant on his family and in-laws.

The 28-year-old can't settle because he wants to return to Australia, to work again "for Queensland Health, for the Gold Coast Hospital and to live on the Gold Coast". It was there, after "all the hard work of studying", that he had found a comfortable niche as a registrar. Persuading his family to go back is another matter. "I have to see it through my mother's eyes and assure her that there won't be any more traumatic experiences, and for my wife as well. That is hard." He falls silent. "For the family, it was devastating."

When his wife heard his name had been cleared, she told him: "You're not going [back] at any cost." Haneef says: "She's been adamant about that. She doesn't trust the situation." She's right not to. Russo can't advise him to return to work until he "receives the all-clear from the [AFP]".

The AFP say Haneef is still under investigation. "I don't know what kind of stuff they are investigating," he says. "They had me there for 27 days. They had whatever was available in front of them. They didn't have even a single stuff out of it against me." He wants "the AFP to come clean on this issue. They have to make comment publicly that there won't be any other issues surrounding this matter if I return to Australia."

The doctor's main hope is that a public inquiry will shed light on what happened behind the scenes between the police and the then Howard government. An inquiry may take another six to 12 months, Russo says. He also fears that, because the AFP is conducting its investigation, "documents held by the police will disappear. It's all fine for [AFP chief Mick] Keely to be saying he's doing this inquiry, but what safeguards are being put in place?" Meanwhile, Haneef's life is on hold. If he stays in India, he will "have to start from scratch". He's contemplating work in the Gulf region.

He sees himself as a scapegoat, "victimised by the Australian authorities and police" under John Howard's stringent anti-terrorism laws. Says Russo: "They [the Coalition government] wanted Mohamed to be a terrorist. They needed Mohamed to be a terrorist."

It is this "politicising" of the case that concerns Haneef, who himself believes anti-terrorism laws are needed. "But they should be [used] on the legitimate basis and not on imagined threats - not just using this weapon of terrorism for the benefit of gaining votes, of getting to power."

As to the former immigration minister: "I don't hold any ill-will towards Kevin Andrews personally. I don't know what he holds towards me." He displays a remarkable lack of bitterness. Frustration, disappointment, yes. And his deepest anxiety is over the label "former terror suspect" which gets bandied around in the press.



"While I should be grateful to the Australian media for their incessant support," he says, "it's up to the media to get back with the normalcy of deleting these things whenever they refer to me and this topic."

HANEEF WAS charged with recklessly providing support to a terrorist organisation by giving a mobile phone SIM card to his second cousin Sabeel Ahmed in connection with the failed Glasgow bomb attack on June 30 last year. Nearly a month later, the charges were dropped. "There wasn't a valid charge to start with," says

Russo. "The system doesn't allow for damages when charged with a criminal offence but Mohamed was not charged with a valid charge – so it's difficult to put an amount [for compensation] on it."

From his arrest on July 2 at Brisbane airport, Haneef co-operated with authorities. "I was ready to answer the questions [from the police]. Whatever they had, I was willing. It was I who initiated to call the police officer in Britain to know what had happened [about the SIM card]."

Such details came to light only after Haneef's lawyer, Stephen Keim SC, released the AFP transcripts to the media. It marked a turning point in the case, revealing the police inconsistencies. Haneef tells me he doesn't want to answer questions like why he had a one-way ticket to Bangalore. As to whether his family advised him to leave on July 2, "my family didn't advise me. I was coming on that day anyway".

When I ask why his father-in-law bought the one-way ticket, his patience gives out. "I don't want to dwell on this subject again. I don't want to prove my innocence again – everything is in the media."

Haneef says he was returning to India to see his wife and newborn daughter, Haniya Kulthum. He intended to return to Australia a week to 10 days later and was going to buy his own return ticket. His family would follow after: his wife – and mother – already had a visa. "We were planning to get my daughter's visa separately."

Instead, Haneef's world was turned upside-down. "He's a resilient chap, but it's a fairly traumatic experience for a professional person, going about his life, to be plucked out of the mainstream and stuck in solitary," says Russo. Haneef spent 12 days in a Brisbane watchhouse, designed to hold people, says his solicitor, "for 24 or 48 hours max".

He spent his time reciting verses from the Koran, "doing my prayers and believing in them". He breaks into Arabic before translating: "All

you who believe, seek help in patience and prayers/Verily, God is with those who are patient."

Although he suffers no nightmares, he still gets "the traumatic feelings of that [time]". It's the events of July 16 that haunt him. It was the day he was both given his freedom and denied it. Brisbane magistrate Jacqui Payne granted Haneef bail after finding no evidence that he'd provided his SIM card to a terrorist organisation. Within hours, Kevin Andrews revoked Haneef's work visa on "character" grounds, claiming that he "has, or has had, an association with persons involved in criminal conduct, namely terrorism". This decision was later overturned by the Federal Court.

"That day, I broke into tears – the only time. In spite of having got the bail and the court getting me out, I was still in custody and had this fear whether I would be treated as a real criminal. How would I be treated? How would I cope?"

Rather than go to Sydney's Villawood detention centre, Haneef chose to stay in Brisbane and was sent to a correction centre. He was taken in a paddy wagon: a crumpled figure, shoeless, in prison "browns". On the first day, the psychiatrists and nurses assessed him for suicide risk. "I was given this no-tear [clothing] to wear, so I don't take my life away. I didn't feel good at all." He was then shifted to a cell with a television. His face brightens. "I watched the news all the time. I found out what was going on."

On the news, he would have seen his 24-year-old wife thrust into the international spotlight. "She portrayed amazing enterprise when dealing with the media as well as portraying my innocence to the world," he says, softening visibly. "It was a very hard time for her ... She had to undergo all these traumas within days of giving birth." Two weeks later, Haneef was released. He flew back to a hero's welcome in India. In Bangalore, he's still treated as something of a celebrity.

TWO DAYS AFTER our first meeting, I visit Haneef after Friday prayer at his home in the city's south. The new apartment is simply furnished, with just two gold and black pictures on white walls: a chapter from the Koran and a portrait of the door of the Kaaba, Islam's holiest shrine. Dressed in an ivory-coloured *kurta*, Haneef is watching the Test cricket match in Perth and playing with his seven-month-old daughter.

Firdous arrives, her head covered by a white scarf. She smiles shyly and gives me her hand but doesn't talk. (According to Muslim custom, a wife does not speak on behalf of her husband if he is able to speak for himself.) As soon as the photos are taken, she disappears.

The couple had an arranged marriage in November 2005 after Haneef passed his physician exams in the UK – making him a good match for Firdous, who comes from a wealthy Bangalore family. Haneef's own background is lower middle-class. Not long after the wedding they moved to Liverpool in England, where Haneef had a contract at the Royal Liverpool Hospital.

Contrary to an earlier police allegation, Haneef says he never lived with Sabeel Ahmed in Liverpool. Ahmed, he says, was "a happy-go-lucky type of person ... very professionally orientated, doing his PhD. Academically he was very [good], I knew that, but I never had any sense of radical thoughts with him." Their last contact was on June 26 via an internet chat room. Ahmed congratulated his cousin on the birth of his daughter.

When Haneef heard about the Glasgow bombing only days later, it was "really a shock". The cousins' parents, who Haneef has visited, "are still in disbelief". When I ask if it's difficult seeing Ahmed's parents, he becomes defensive. "Just meeting someone on social grounds is not a crime, I would say."

Haneef is at a loss as to why Muslim professionals like his cousins have become radicalised; but to him, it's very clear. "Islam is the one religion on the Earth which denounces terrorism in all forms. It denounces clearly if you kill an innocent person, it's as if you are killing a whole humanity, not a single person." He pauses. "There is no relation between the word terror and Islam. 'Islam' means peace." ●