

# Why was Tim Anderson Persecuted?

George Petersen

The recent quashing of three murder convictions — arising out of the Sydney Hilton bombing in February 1978 — against Tim Anderson by the Court of Criminal Appeal was a tremendous victory for Anderson and his supporters. This is the second time Anderson has beaten a major frame-up by the NSW police.

In May 1985 he and two other members of the Ananda Marga, Ross Dunn and Paul Alister, were released after serving seven year gaol terms for the 1978 'Yagoona Case' for conspiring to murder Nazi, Robert Cameron.

Anderson has been relentlessly persecuted over a 15 year period and arrested on six separate occasions:

- \* For allegedly obstructing the Indian High Commissioner, 1976,
- \* The 'Yagoona case' 1978,
- \* For refusing to leave Commonwealth premises, October 1985.
- \* For allegedly obstructing police, November 1985
- \* For the Sydney Hilton Hotel bombing, May 1989, where the psycho path, Evan Pederick, falsely confessed to planting the bomb at Anderson's instigation, and was sentenced to 20 years imprisonment,
- \* For allegedly abusing police, June 1989.

Tim Anderson tells why he was persecuted.

"The police deeply resent the failed prosecutions, in particular the Yagoona frame-up. They resent the fact that people can come out unscathed, able to criticise the system, after being attacked by the Police Special Branch, the CIB, the crown prosecutors, and even by some judges who got on to the bandwagon.

**"Generally speaking people who come out of the system have their reputations tainted by having a criminal record. I spent seven and a half years in gaol, and don't have a criminal record."**

Anderson agreed there was a connection between his case and others like the Croatian Five, jailed for 12 years in 1980 after being framed on charges of attempting to blow up the Sydney water supply, and the jailing of Lindy Chamberlain and Edward Smith, for murders they did not commit.

**"The link is that there is no accountability in the system. The techniques the police use in political frame-ups are similar to the techniques used in**

**criminal frame-ups.**

"Nobody really cares to examine convictions of thieves for thefts that they may or may not have committed. The techniques of police verbals, the use of prison informers, the presentation of biased or unsatisfactory forensic evidence, as occurred in the Chamberlain case, are the techniques honed in everyday cases.

"When circumstances lead to a political case, the same sort of techniques are used against these people. If these cases occur more often it is a lot to do with the actions of the current government in creating a climate for such cases for their own reasons.

**"In a recession you have a government talking about law and order, scapegoating people to divert attention from their own problems, and having less accountability so that the police can be more unaccountable in what they do.**

"The political police are quite notorious in New South Wales, which has the biggest Special Branch. The only two major cases they have ever run are the Croatians and ours - both of which were frame-ups.

"The Yagoona case was run entirely by Special Branch. The Hilton bombing trial was not. Both Special Branch and ASIO have completely unaccountable informants giving completely unaccountable reports. I have seen several secret reports held by ASIO and Special Branch. Their common feature is that the information contained in them is outrageously wrong; so wrong that, if anybody got their hands on them, and said, 'Just a minute, this is rubbish?', the myth of secret information would be exposed.

**"That is why ASIO and Special Branch are so insistent on secrecy. The mystique is that these secret reports are the real inside story, when the reality is that they are a lot of gossip and nonsense.**

"In the Yagoona case the police spy, Richard Seary, told his handler, Krawczyk of the Special Branch, a nonsense story that Ananda Marga intended to break into a government building in Canberra. The government acted on this report. The truth was that a member of the Ananda Marga was talking about a political stunt to run up a flag on a government flagpole, which, in any case, never happened. Seary also told a story of an Ananda Marga member having suffered injuries when he was manufacturing explosives. In fact he was injured by fireworks when he was a child. There's masses of those sorts of reports," Anderson said.

He continued by highlighting another difficulty for the accused. "Part of the problem is that courts are run by lawyers. After a case they go and have a drink with each other; and a lot of them like to remain on good terms because they might have a deal with the police and the prosecutor in the next case. It's the same with the magistrates and the judges. They have always been serviced by the prosecutors and the police.

**"When you come into court you are a foreign body. The rest of them are there day in and day out, and they treat it like a tennis match or a cricket**  
To page 15

match."

Asked why in both major cases involving him, many people with radical political beliefs doubted his innocence, Anderson replied,

**"It's the old adage that where there's smoke there's fire. My answer is that I am not lighting the fires. Without any knowledge of history it is difficult to understand why the other side has been lighting the fires.**

"There is also another factor. When I was arrested for a second time many people thought that the police must have some good evidence against me.

"It is one of those uncritical modes that people adopt, and it is very hard to escape it. You can say that you do not believe the Murdoch and Fairfax press, but every day you wake up and read the newspaper stories, and you do not turn your mind on to a critical mode for everything you read. Unless you take time out to look into media reports it is very easy to adopt the mode of accepting the media's view, because it has the backing of the state's institutions, the police, etc. Nobody can analyse every story."

**Asked if there any parallels between his trials and those in Britain of the Guildford Four, the Birmingham Six, and the Maguire Seven, Anderson said, "Yes, in the sense that all these people were blamed for the IRA bombings, and that there was an enormous amount of prejudiced reporting in the media. Then there was the pressure on the police to get convictions, and the cynical behaviour of the British police who knew, in the case of the Guildford Four, as early as 1976-77, that other people had done the bombing, and that those arrested were innocent."**

Anderson is prosecuting the informer Ray Denning for attempting to pervert the course of justice, which

includes perjury. He was asked if abolishing the government's practice of rewarding convicts like Denning for being informers would be sufficient to prevent police malpractices.

"Obviously not, but it needs to be done. The High Court has recently ruled that in trials involving confessions to the police, even if they are signed, juries must be warned that it is dangerous to accept them. In my opinion confessions should be banned altogether, but, at least, courts now recognise the dangers of injustices arising from confessions.

**"To be consistent there must be a ban on evidence given by prison informers. People in gaol are not free agents, and it is just too easy for somebody in gaol to say that another gaol inmate confessed to him, and to be rewarded by early release for doing so. The practice has reached such heights of absurdity that it is likely to collapse through its own contradictions.**

"It is like the collapse of the supergrass system in Northern Ireland in the early 1980s. The Tory government never actually abolished the system. There were a number of spectacular collapses; through embarrassment the system came to a screeching halt.

"Today, in N.S.W, there has been the collapse of high profile informers, such as Fred Manning, Darryl Cook, Lee Henderson, "The Fat Man, Mr. Smith", in the Al Grassby case, and now Ray Denning. All of those high profile cases have collapsed and the Independent Commission Against Corruption (ICAC) inquiry is going to be rather timely. It might just be the catalyst at the right time to do something.

"That is the only way that the Liberal government will do anything. They might simply be forced by embarrassment to abolish the prison informer system."

Asked whether the left should campaign in support of his demands for adequate compensation, and for a Royal

Commission, Anderson said, "Greiner has already partially acknowledged that I do have a claim for compensation, because the conservative Court of Appeal have said that I would most likely have been acquitted if the trial had been conducted fairly. As opposed to Mr. Justice Wood in 1985 at the end of the inquiry into the Yagoona case, they have squarely put the blame on the shoulders of the Crown. To that extent they recognise that the State has some responsibility to provide adequate compensation.

"The question of the police charging me on Denning's evidence is another issue. Gleeson (Court of Appeal Chief Justice) said something in the judgement about that. It might be a matter which could be referred to ICAC for investigation.

"There is also the question of the conduct of the prosecutor. Apparently, recent legislation has set up some kind of tribunal which can publicly investigate prosecutors. This is obviously another major issue.

"I do not have much faith in Royal Commissions or judges, having been through a quasi Royal Commission before Mr. Justice Wood in 1984-85, which took the best part of a year. Given the conclusions that were reached, my opinion is that it was largely a waste of time, although some interesting information did come out of it.

**"In many ways judges are the worst people to investigate the failures of their system. More than anybody else, they have a vested interest in saying that their system works, and in finding some scapegoat, a weak link in the chain, a Seary, a Denning or a Pederick. They can then blame the scapegoat, rather than blame the police, the prosecutors, and the system of justice of which they are pillars.**

"Therefore I am very wary of calling for Royal Commissions, but there are some unanswered questions which must be followed up. Probably the only

## Tim Anderson

available mechanism is ICAC. It is not that I have huge faith in ICAC, but it appears to be preferable to police Internal Affairs, the Ombudsman, or a royal commission, to find out why I was charged."

Anderson said the Campaign to Expose the Frame Up of Tim Anderson (CEFTA) had played a vital role in his release. "The basic reason for its meteoric rise was the whole history of the previous frame-up, which many people looked at, including lawyers and judges, and who said, 'How can they do this all over again?'. The unwritten horror of this case was that they were doing it all over again with a different story.

"Then came the conviction after a trial, which had seemed to go remarkably well. The conviction gave added impetus to that feeling of horror last year, and was responsible for the support of a number of prominent people, which, itself, had a snowball effect of winning more support," Anderson said.

He concluded by saying, "There are many questions that arise out of the Hilton bombing trial, for example, the political question, the question of how the current economic climate leads to law and order campaigns, and how law and order agendas are being used to pursue vendettas."

"I do not believe that this case would ever have arisen if the people responsible for the first frame-up in 1978-1985 had been accountable for what they had done. They were not held accountable. Most of the police responsible have been promoted "