Terrorist caught in legal crossfire

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THE Australian Government has been called on to release legal advice it relied on to strip terrorist Neil Prakash of his citizenship as a diplomatic stoush with Fiji intensifies.

Fiji Prime Minister Frank Bainimarama broke his silence on the stand-off over the Islamic State recruiter, saying the Melbourne-born Prakash “cannot come here because he does not qualify”.

It came after it was revealed Home Affairs Minister Peter Dutton’s office argued against advising other nations, including Fiji, before the Citizenship Loss Board ruled Prakash and four other terrorists be stripped of their Australian citizenship.

Labor frontbencher Jason Clare said Mr Dutton should release the legal advice the government relied on to determine whether Prakash, who has never stepped foot inside Fiji, was a citizen of that country.

“I don’t want to see this bloke as an Australian citizen. I’d rather see him as a citizen of the afterworld,” Mr Clare said.

“But Peter Dutton’s the minister here and he’s got a responsibility to make the decisions according to the law, to make sure he gets them right.

“It looks from what the Fijian Prime Minister’s just said ... Peter Dutton’s stuffed up.”

Constitutional law experts said yesterday it was unclear whether Prakash, who was born to a Fijian father, was a Fijian citizen.

Dual citizens were banned in Fiji under its 1997 constitution, but a 2009 “Citizenship Decree” states the law no longer applies. Professor Anne Twomey, a constitutional law expert at the University of Sydney, said Fiji’s two constitutions and the 2009 decree made it difficult to assess whether Prakash was ever a citizen of the country.

“It would be helpful if the Commonwealth (of Australia) could produce its legal advice to clarify the situation,” Prof Twomey said.

Treasurer Josh Frydenberg said yesterday the Citizenship Loss Board found the 27-year-old Prakash was a Fijian citizen and the government was acting to keep Australians safe.

“Australia will remove the citizenship of these dual nationals who are engaged in terrorist activities,” he said.

Mr Bainimarama said Prakash was not a Fijian citizen and the country would never allow him to enter the nation.

“At any rate, he is a terrorist and a member of ISIS. We don’t entertain them nor do we accommodate them.”