

**Submission
No 35**

**REPUTATIONAL IMPACT ON AN INDIVIDUAL BEING ADVERSELY
NAMED IN THE ICAC'S INVESTIGATIONS**

Name: Mr Alan Jones

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**To Tanya Davies MP
Chair,
Committee on the Independent Commission Against Corruption,
Parliament of NSW,
6 Macquarie Street, Sydney NSW 2000.**

Re Charif Kazal

Dear Tanya Davies,

I write willingly and purposefully in relation to Charif Kazal, a good man who has been fighting extraordinary injustice, at the hands of ICAC, for too many years.

There have been any number of requests to the Berejiklian Government based on findings by reputable judges in relation to the innocence of this man. It is a paralysing indictment of a government that is supposed to respect the innocence of all its citizens that not a syllable of apology has been offered to Charif Kazal, branded by ICAC, yet his innocence has been confirmed by independent people of repute.

There are many instances where the Berejiklian Government has betrayed its citizens on the fundamental issue concerning their proven innocence. Of course, the shareholders of Nu Coal are but one example – assets confiscated by statute from individual citizens whose innocence is unchallenged and in spite of endless representations made, personally, to Gladys Berejiklian, the rights and entitlements of these people are ignored.

Charif Kazal is a further case. The former Acting ICAC Inspector, John Nicholson, indicated that the treatment of Mr Kazal was typical of ICAC – evidence in support of him was never aired and ICAC refused to accept numerous assessments of the Kazal case by the NSW DPP which concluded there was insufficient evidence to prosecute Charif Kazal. Sadly, and to her infinite shame, Gladys Berejiklian has been told all of this many times in writing. She has done nothing. She knows that Mr Kazal has submitted his case to the UN Human Rights Council, arguing that ICAC had breached conditions contained in Article 41 of the International Covenant on Civil and Political Rights. His argument correctly stated that, “Coupled with the lack of an exoneration protocol, investigated persons are left in a unique position. Their lives are substantially affected as if they are guilty of a crime, but they are left without the fundamental mechanisms of the presumption of innocence, the right to appeal and the protection provided through procedural and evidentiary processes within the criminal justice system.”

I know that the UN Human Rights Council gave the Federal government six months to respond to Mr Kazal’s case. I understand the Federal government advised the UN it needed a further three months to comply. The failure of government at all levels to support, defend and affirm Mr Kazal’s innocence is moral cowardice of the highest order.

A 2015 review of ICAC by the then ICAC Inspector, the late David Levine, recommended the establishment of an exoneration protocol to allow people found corrupt by ICAC, but not convicted in the courts, to have their names removed from the ICAC website. Mr Kazal’s name remains on the website, branded by ICAC.

Michael Baird, when he was Premier, gave the assurance, "If anyone has been wronged by ICAC, ICAC will be held accountable." Gladys Berejiklian promised in 2018 that, "Our ICAC Committee is looking at ways in which we can ensure that people who have been through the process, and exonerated, somehow get justice." Nothing has happened.

I trust that the deliberations of your Committee will address and repair the appalling reputational damage done to Mr Kazal.

I am happy to speak of the outstanding character of this man and my belief in his unchallengeable integrity.

I know it's a cliché, but I hope it still has relevance – justice delayed is justice denied.

Yours sincerely,

Alan Jones AO

Broadcaster & Columnist

Sky News Australia, The Australian & The Daily Telegraph