

# “People smuggler” trial raises new questions about Canberra’s role in refugee deaths

Jake Skeers  
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Next month, a hearing will resume into a criminal case that has already raised significant questions about the Howard government’s role in the loss of more than 350 lives when a refugee boat sank on the way from Indonesia to Australia in October 2001. Testimony given by survivors of the tragedy has again suggested that the government was complicit in the sinking, as a result of its anti-refugee campaign aimed at winning the November 2001 general election.

On October 19, 2001, asylum seekers from Iraq, Iran, Afghanistan, Palestine and Algeria, including 150 children, died in international waters after their overcrowded fishing boat virtually disintegrated as it filled with water. Only around 40 passengers survived by clinging to the boat’s debris for 21 hours.

Despite the fact that the waters between Indonesia and Australia were under intensive Australian aerial and naval surveillance designed to detect and repel refugee boats, senior figures in the Australian political and military establishment, including Prime Minister John Howard, repeatedly insisted that Australian authorities had no clear information as to the boat’s whereabouts. They claimed, therefore, that no ships or aircraft were in a position to mount a rescue.

New evidence about the tragedy emerged on April 5 and 6, during the first two days of the committal hearing of Khaled Daoed, a 37-year-old Iraqi man accused of helping to organise the voyage of the boat, officially known as the SIEV X (Suspected Illegal Entry Vessel X (X for unknown)). The government is prosecuting Daoed on 12 “people smuggling” charges under the Migration Act related to the SIEV X drowning, principally that he sold tickets for, and helped organise, the voyage. He is also charged with similar offences relating to a boatload of 147 refugees, who landed on Australia’s Christmas Island on August 4, 2001.

Because the government has chosen not to prosecute Daoed for manslaughter or murder, the prosecution needs to produce only limited evidence to prove its case. Nevertheless, the testimony given by several witnesses has undermined the government’s claims that it had no involvement in the disaster.

Farris Kadhem, an Iraqi survivor, stood up in the witness stand and pleaded with the court to fully investigate the drowning. Kadhem’s appeal was courageous given that the government is able to deport him at virtually anytime because, like thousands of other refugees, he is living in Australia on a Temporary Protection Visa (TPV).

Kadhem recounted that while he was in the water for over 20 hours he heard a plane circle overhead. He also saw large vessels and a smaller vessel shine lights on screaming refugees before disappearing. He said: “[T]ell me what these vessels mean?” He asked whether the vessels were commercial, tourist or military.

His testimony squares with other survivor accounts that two large

ships passed them during the night, shining floodlights onto the terrible scene. Aircraft were seen and heard flying above. But none of them stopped or mounted a rescue.

Kadhem’s evidence also confirms the accounts given by other SIEV X survivors in the Arab language SBS Radio documentary *The Five Mysteries of SIEV X*. They recounted that three boats circled them closely and shone lights on them before disappearing. Akil Jazzany told SBS that when rescued the next morning by Indonesian fisherman, the fisherman told him that “there were Australian ships” in the vicinity the previous night.

The new evidence casts further doubts on the official accounts provided by the government and military chiefs. Only in July 2002 did the government release a report by Admiral Gates, which included information that on the morning of October 19, just before SIEV X sank, a surveillance aircraft had flown directly above the area where the boat was travelling. Unusually, according to the report, the plane failed to conduct the scheduled afternoon and evening flights. The next morning, the plane again flew directly above the now shattered SIEV X but reported no abnormal sightings.

Another witness in the committal hearing pointed to extensive involvement by Indonesian police in forcing asylum seekers aboard the SIEV X. Mahmoud Yussef, a former Iraqi soldier who is now living in Australia on a TPV, told the court that he observed Indonesian police, carrying pistols and medium sized guns, load refugees onto the SIEV X.

Yussef and his wife were in one of the last groups ferried to the boat near the town of Cipanas. They were among 18 who refused to board when they saw how overcrowded the vessel was. He said he saw Indonesian police officers on the beach and in the small boats that were ferrying refugees to the departing SIEV X.

The participation of Indonesian police is significant given earlier evidence of Australian government involvement in the disruption of refugee boats in Indonesia from September 2000. It is known that the Howard government’s top-level People Smuggling Taskforce discussed these disruption activities, which involved joint action with the Indonesian National Police and local operatives.

Evidence has also previously emerged that Australian Federal Police (AFP) agents paid local Indonesians to sabotage refugee boats that were departing for Australia (see: <http://www.wsws.org/articles/2002/oct2002/siev-o21.shtml>). Yussef’s evidence raises the question: was the SIEV X one of the boats that the AFP ordered Indonesians to sabotage?

The witness statement of Andrew Warton, the AFP officer in charge of the Daoed investigation, raises more questions. Warton said he believed that no one in the AFP had investigated the identity of

Indonesian police who had been allegedly regularly paid by Abu Quassey, Daoed's apparent boss in organising the SIEV X's voyage. Warton said he had "no idea" why the AFP had not asked those questions. "That's a matter well beyond my bounds," he said.

He admitted that ample evidence pointed to the involvement of Indonesian police. "Certainly, some of the witness statements contained those facts ... those allegations were certainly raised ... but the focus of the investigation was on the principal offenders."

The fact that AFP has not made inquiries into the identity of Indonesian police involved in the SIEV X drowning—an elementary part of investigating who was responsible for the deaths—suggests a possible cover-up of the links between those police and the AFP.

Another witness, 20-year-old Rami Akram, also a SIEV X survivor living in Australia on a TPV, explained that the SIEV X was never likely to arrive in Australia. Akram said the vessel's engine was smoking before it even left the Indonesian island of Sumatra and was filling with water less than one kilometre out to sea. Only a short way into the trip, Akram asked the captain if the boat would make it to Australia and was told "no". The captain's answer was hardly surprising, given that around 400 people were packed onto the SIEV X, which was only 19.5 metres long and 4 metres wide.

Survivors have previously reported that the voyage organisers and Indonesian police threatened to shoot those attempting to leave the SIEV X. Akram's testimony adds to the suspicion that the boat was deliberately organised to flounder, in order to deter other asylum seekers from trying to sail to Australia.

Just days after the sinking, in a chilling comment on SBS TV News, Immigration Minister Philip Ruddock tacitly acknowledged that the government was counting on tragedies such as the SIEV X to discourage other refugees from trying to reach Australia. It "may have an upside," he declared, "In the sense that some people may see the dangers inherent in it."

The drowning of the asylum seekers aboard the SIEV X was the culmination of the anti-refugee campaign mounted by the Howard government to prevent almost certain defeat in the 2001 federal election. The campaign had begun two months earlier when the government blocked a Norwegian freighter, the MV Tampa, from entering Australian waters to offload the 433 refugees it had rescued from drowning as their boat floundered on the way to Australia.

The fear-mongering, which depicted asylum seekers as potential terrorists seeking to enter Australia in the wake of the September 11 attacks in the United States, continued throughout the campaign. Defence Minister Peter Reith announced on radio two days after September 11 that refugee boats "can be a pipeline for terrorists".

However, a major military operation, codenamed "Relex", launched to push refugee boats back to Indonesia, initially failed in the eyes of the Howard government. Confronted by floundering or sinking boats, Navy ships had been forced to rescue passengers and take them ashore for detention. The refugees aboard one boat, dubbed the SIEV 4, were eventually rescued after the government falsely accused them of being so desperate to seek asylum in Australia that they threw young children overboard.

Notes later revealed from the Howard government's People Smuggling Taskforce indicate that the government, which was attempting to win the election by promoting itself as "strong on border protection," wanted to avoid this type of rescue occurring again at all costs. In effect, the SIEV X tragedy solved the government's problem by deterring any further refugees from departing from Indonesia before the election and for a further 18 months.

After the election, the government's claims that the SIEV X sank in Indonesian waters and that it had no knowledge of the SIEV X's movements were proven false. Evidence at a Senate inquiry into the "children overboard" scandal revealed that the government had had detailed knowledge of the boat's departure date and movements, yet failed to mount a rescue operation (see: <http://www.wsws.org/articles/2002/aug2002/sie1-a13.shtml>).

The opposition parties in the Senate, including the Australian Labor Party, eventually voted to shut down the inquiry—instead of using its powers to subpoena witnesses and force them to testify—after the Howard government blocked senior military and government figures from appearing.

The government then actively worked to prevent Quassey, the alleged organiser of the SIEV X, from providing evidence in an Australian court by supporting his prosecution in an Egyptian court. (see: <http://www.wsws.org/articles/2004/jan2004/quas-j16.shtml>). Neither the Australian authorities nor the Cairo court have released the evidence—including six large files of statements and video taped interviews—used in the semi-secret Cairo court to convict Quassey and jail him for seven years.

Daoed's current committal hearing is largely a result of public criticism that the Howard government failed to extradite Quassey. The government cited Daoed's prosecution as proof that it was attempting to bring to justice those involved in SIEV X drowning. However, it appears from statements of SIEV X survivors that Daoed, was a lesser figure than Quassey in organising the voyage. In fact, Daoed's defence in the trial is that he is not a "people smuggler", but was translating for humanitarian reasons in preparation for the voyage.

Despite the implications of the testimony given in the committal hearing, the media and the opposition parties have remained silent. Some media outlets reported briefly that Daoed's trial had commenced, but gave no indication of the significance of the witnesses' statements. These responses are a warning that, amid the preparations for the next federal election, the political and media establishment will accommodate itself to whatever methods the Howard government decides to use to achieve its political ends.



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