

# Australia: “People smuggler” trial highlights cover-up of refugee deaths

## SIEV X survivors give evidence

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The trial of an alleged “people smuggler” in the Brisbane Supreme Court has highlighted a number of unanswered questions about the Australian government’s involvement in the sinking of a refugee boat in October 2001, in which 353 people died.

Government prosecutors have alleged in the trial, which began last month, that Khaleed Daoed, a 38-year-old Iraqi, was one of the organisers of the voyage of the overcrowded boat, known as the SIEV X (Suspected Illegal Entry Vessel X [X for unknown]).

Prosecutors also alleged that Daoed organised the voyage of another boat, called *Yambuk*, which landed 147 refugees on Australia’s Christmas Island on August 4, 2001. Daoed and two brothers, known as Maysam and Maysar, are alleged accomplices of Abu Quassey, whom survivors accuse of masterminding the SIEV X journey.

The Howard government’s prosecution is in line with its continued cover up of the events that occurred both before and after the SIEV X sinking. Daoed has been charged with “people smuggling” under the Migration Act, not with the manslaughter or murder of the drowned refugees. The more serious charges would have opened up the trial to legal and factual issues concerning the Australian authorities’ knowledge of and responsibility for the deaths.

Under the “people smuggling” offences, the prosecution need only produce limited evidence, principally that Daoed sold tickets for, and helped plan, the voyages.

Justice Philip McMurdo opened the trial by declaring that the SIEV X deaths were irrelevant to the case, and the evidence should be confined to the people smuggling charges against Daoed. McMurdo specifically warned the jury to put aside any political or personal views they had about the government’s immigration policy and the general situation facing refugees in Australia.

The Howard government has consistently blocked any serious investigation into the SIEV X tragedy. Despite its denials and stonewalling, damning evidence has come to light implicating it in the deaths. The government had detailed knowledge of the SIEV X’s departure date, movements and dangerous

overcrowding, but failed to mount a rescue operation. The boat sank in an area under intensive Australian aerial surveillance (See “The tragedy of SIEV X: Did the Australian government deliberately allow 353 refugees to drown?”).

There is even evidence that the government may have been involved in the organisation and sinking of the boat, including evidence that Australian Federal Police (AFP) agents paid local Indonesians to sabotage refugee boats departing for Australia (See ““People smuggler’ trial raises new questions about Canberra’s role in refugee deaths”).

In the days after the tragedy, Immigration Minister Philip Ruddock (now attorney-general) pointed to a possible government motive when he said the deaths of 353 people “may have an upside ... in the sense that some people may see the dangers inherent in it [seeking asylum in Australia]”.

The SIEV X sank amid a vicious anti-refugee campaign mounted by the Howard government before the November 2001 federal election. In an unprecedented military operation, codenamed “Relax”, the government deployed the navy, the air force, the federal police and the intelligence services to detect and repel refugee boats travelling to Australia from Indonesia.

In the case of a boat dubbed the SIEV 4, however, the Navy felt obliged to rescue the refugees after their boat sank. In an attempt to demonise the SIEV 4 passengers, the government falsely accused them of throwing their young children overboard.

Notes that emerged later from the government’s People Smuggling Task Force, which oversaw Operation Relax, indicate that the government wanted to avoid another rescue like that of the SIEV 4 at all costs. In effect, the SIEV X tragedy solved the government’s problem by deterring any further refugee boats from departing from Indonesia.

Daoed’s account of events is crucial given that Abu Quassey, the Egyptian-born alleged ringleader of the SIEV X voyage, has been locked away in an Egyptian prison for five years. Quassey has been effectively shielded from providing evidence in an Australian court, by the Howard government’s actions in supporting his prosecution in a semi-secret Egyptian court.

Moreover the government has refused to release the evidence

it gave to the Cairo court to prosecute Quassey. Now that he is behind bars, Quassey is unlikely to be questioned about his knowledge of the alleged AFP-sponsored sabotage of refugee boats or other potentially embarrassing questions about the SIEV X (See “Australian government continues cover-up of refugee deaths”).

The only “investigation” of the SIEV X tragedy that has ever taken place occurred as part of a Senate committee inquiry into the government’s “children overboard” lies.

The government blocked key military figures and government bureaucrats from testifying to the committee and, with support from the Labor Party, managed to shut down the inquiry without any witnesses being subpoenaed under Senate powers. The committee’s report, backed by a majority of Labor, Greens and Australian Democrats Senators, whitewashed the entire SIEV X affair.

Many of the approximately 40 survivors of the SIEV X sinking, as well as family members of those who died, have attended Daoed’s trial, hoping to discover who was responsible for their loved ones’ deaths and why no rescue was organised. Witnesses from Finland, New Zealand and across Australia have testified.

Three men who each lost between 8 and 14 members of their extended families flew from Perth to Brisbane to hear evidence at the trial. One of the men lost his wife, his children, his sister-in-law and her children in the drowning. So great has been the emotional stress that two of the six witnesses who testified in the first week of the trial broke down in the witness box, and one man later collapsed in the foyer of the Supreme Court and was taken to hospital.

Despite the trial’s limited scope, witnesses provided further evidence that the SIEV X operation had high-level support from Indonesian authorities. Karim Al-Saaedy, an Iraqi now living in Finland, told the court that the organisers of the SIEV X voyage dined with a major Indonesian official before the boat set sail.

Al-Saaedy and other Iraqi refugees were invited to breakfast with Quassey at a high-priced hotel in October 2001. Al-Saaedy said Quassey introduced him to the head of the Indonesian coast guard for the island of Sumatra, from where the SIEV X was to depart.

According to Al-Saaedy, Quassey had said: “This officer is in charge of the coast and the Indonesian police are with us. Just give us some time and, God willing, we will be moving”.

Al-Saaedy, who lost his son when the SIEV X capsized, recounted that on the night of the voyage Indonesian police dressed in uniform picked up over 400 refugees at their hotel.

Ali Ismail Kahrachman, a 33-year-old Iraqi survivor, said Daoed had asked him and others to settle the remainder of their accounts early, rather than at the conclusion of their voyage, because the organisers needed to buy food and because “we need to collect money to give to the coast guard”.

Given Canberra’s close intelligence and operational links

with the Indonesian security apparatus, this evidence adds to the implausibility of the Howard government’s claims that it had insufficient evidence of the SIEV X’s voyage to mount a rescue. It seems inconceivable that Indonesian officials did not alert their Australian counterparts to the boat’s departure.

Numbers of survivors testified that the boat was dangerously overloaded and that Quassey, Daoed and the Indonesian police went to extraordinary lengths to make sure the passengers were crammed on the boat.

Al-Saaedy recounted that refugees had been tricked into believing the boat would be safe. “The boat was the opposite of what they described,” he said. One family jumped overboard after seeing its condition.

Sadeq Razaq Al-Abodie, an Iraqi refugee who now lives in Finland, testified that the SIEV X was so crowded that it sat low in the water even before it departed. “Inside the boat it was hard for people to breathe,” he said. He recalled that women and children were progressively ferried in a motor boat to the SIEV X before the men were loaded. Once aboard, it took him over an hour to move through the crammed boat to find his wife and two-year-old child.

Al-Abodie’s wife died in the tragedy, but his daughter, Kauthar, survived—the only child out of 150 on the boat to get through the ordeal. Al-Abodie told the court that tickets for the voyage cost up to \$1,000 for adults, but children received free passage.

Hadar Qeiaswand, an Iranian refugee, testified that when the small motor boat transporting the refugees to the SIEV X turned back without unloading, Daoed threatened to shoot the passengers.

Daoed pleaded not guilty and took the witness stand to deny being employed by Quassey. He swore that, as a refugee himself, he was helping his fellow asylum-seekers with their day-to-day living needs and acting as a go-between. The trial is expected to conclude this week.



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