

# Australian government exploits “people smuggler” conviction to continue SIEV X cover-up

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With typical cynicism, the Howard government seized upon the conviction of a man on “people smuggling” charges last month to continue its whitewash of the October 2001 sinking of a refugee boat that cost the lives of 353 men, women and children. The overloaded vessel sank between Indonesia and Australia in international waters that were under intensive Australian military surveillance.

After a carefully-orchestrated trial, designed to exclude any evidence about the possible complicity of Indonesian and Australian authorities in the tragedy, Khaleed Daoed was convicted on June 8 for helping to organise the attempted voyage from Indonesia to Australia. He was sentenced last week to nine years prison.

Howard government ministers portrayed the jury’s conviction of Daoed in the Queensland Supreme Court as providing closure to the tragedy. Justice Minister Chris Ellison said it proved that the government was bringing people smugglers to justice. Attorney-General Philip Ruddock, who was immigration minister at the time of the tragedy, told Australian Broadcasting Corporation (ABC) radio that “those responsible ought to be held accountable, and that’s what we’ve been determined to ensure happens”.

In reality, acting on the government’s behalf, prosecutors charged Daoed with “people smuggling” under the Migration Act, not with the manslaughter or murder of the drowned refugees. This led the judge to prohibit evidence on the causes of the deaths, which would have opened up the trial to legal and factual issues concerning possible official involvement in the sinking of the boat, dubbed the SIEV X (Suspected Illegal Entry Vessel X [X for unknown]). (See “Australia: ‘People smuggler’ trial highlights cover-up of refugee deaths”.)

Moreover, prosecutors limited the witnesses, so that even less evidence was presented about the tragedy than at Daoed’s committal hearing. For example, at the preliminary hearing, Farris Kadhem, an Iraqi survivor of the disaster, recounted that a plane circled above the floating survivors and boats shone lights on them, before leaving the area. This testimony cast further doubts on government claims that Australian naval ships and air force planes, which were hunting and intercepting refugee boats in the area, had not detected the SIEV X (see “‘People smuggler’ trial raises new questions about Canberra’s role in refugee deaths”).

The Howard government belatedly initiated charges against

Daoed after criticism of its unwillingness to extradite Abu Quassey, the alleged Egyptian-born organiser of the SIEV X voyage, from Indonesia. The government later assisted the Egyptian government to convict Quassey in a semi-secret Cairo court and imprison him for over five years in Egypt, where he is unlikely to provide evidence about who was responsible for the deaths (see “Australian government continues cover-up of refugee deaths”).

Despite its limited scope, testimony at the Daoed trial confirmed claims of high-level Indonesian police and government involvement in the SIEV X voyage. Given Canberra’s close intelligence and operational links with the Indonesian security apparatus, it seems inconceivable that Indonesian officials did not alert their Australian counterparts to the boat’s departure (see “‘People smuggler’ trial highlights cover-up of refugee deaths”).

Following the Daoed trial, numbers of refugee advocates have renewed calls for an inquiry. Nevertheless, the Howard government continues to block any investigation into the disaster and the numerous unanswered questions about its knowledge of, and involvement in, the boat’s fate.

Sue Hoffman, a member of the West Australian Refugee Alliance, who travelled to Daoed’s trial with family members of the victims of the SIEV X, said they were “happy but not ecstatic” about the result of the trial. “It doesn’t bring their families back and their futures are still uncertain,” Hoffman said.

Hoffman read a statement by Mohammad Hashim Al-Ghazzi, who lost his wife and three children and another 10 members of his extended family. The statement declared: “The trial was very sad and hurt us deeply. We lost life, future, truth, dignity—everything gone. Nothing will bring back our family.”

Many survivors’ family members living in Australia fear speaking out against the government because it has placed them on Temporary Protection Visas, which can be easily terminated.

Hoffman called for a judicial inquiry into the tragedy. “This is no political stunt. 353 people died, 146 of them were kids. It needs an inquiry,” she told the Australian Broadcasting Corporation (ABC). “To my knowledge there hasn’t been any serious investigation into the level of involvement of the Indonesian police, whether it was a few renegade Indonesian police, exactly what was the situation.”

Rosemary Hudson of the Uniting Church told the ABC that a

Royal Commission, which could compel witnesses to testify, was necessary. “I think we’ve got a lot of allegations and some things that are unanswered,” she said. “Certainly Australia had notice of this boat coming, and the actions that we took subsequently to that really do need to be investigated.”

Rupert Murdoch’s *Australian* immediately sprang to the government’s defence, branding those calling for an investigation as bizarre conspiracy theorists. “[T]he conspiratorialists did not miss a beat and were calling for a royal commission within minutes of Daoed being sent down,” its editorial declared. Under the heading “Justice, at last, for the victims of Siev-X”, it echoed the claims of Ellison and Ruddock, insisting that “those responsible for Siev-X have now been brought to justice”.

The only official “investigation” of the SIEV X tragedy arose from a Senate committee inquiry into the government’s lies during the 2001 election campaign that refugees on another boat, labelled SIEV 4, had thrown their children overboard in a bid to compel the Australian navy to rescue them.

Three navy commanders who appeared before the “Certain Maritime Incident Committee” supplied contradictory evidence about the SIEV X disaster. Initially, Rear Admiral Geoffrey Smith testified that, despite the blanket surveillance, the navy knew nothing about the boat’s location until three days after it sank.

By the time the third navy officer—Admiral Chris Ritchie—testified, the government had reversed its explanation for the failure to rescue the boat. Defence officials admitted to receiving at least nine intelligence reports about SIEV X and its intended or actual departure between October 10 and October 22, 2001. The Navy also admitted that the boat had been under constant surveillance for nearly three months before it sailed. The official line then became that the authorities had received too much information about the SIEV X of an inconclusive nature to mount a rescue (see “Did the Australian government deliberately allow 353 refugees to drown?”).

The government prevented the relevant cabinet ministers, government officials and key military figures from testifying before the Senate committee, and opposition senators refused to subpoena the witnesses. Ultimately, with the Labor Party’s support, the government shut down the committee without any of the major contradictions in its evidence being probed.

Months later, in October 2002, the committee’s *Certain Maritime Incident* report produced a whitewash. Backed by a majority of Labor, Greens and Australian Democrats senators, the report concluded that “the committee cannot find grounds for believing that negligence or dereliction of duty was committed in relation to SIEV X”.

Since then, evidence has accumulated implicating the government, and it has become clear that it withheld central evidence from the Senate committee. In particular, an October 23, 2001 Department of Foreign Affairs cable to Prime Minister John Howard about the SIEV X disaster was not released until February 2003. This cable confirmed that the government knew the precise details of the SIEV X voyage and drowning within five days of the sinking, yet claimed to know too little about the disaster to mount a rescue.

It also indicated that members of the SIEV X crew were

contacting Indonesia via radio—communications that were probably intercepted by Australia’s Defence Signals Directorate. The details in the cable, including the exact number killed in the disaster, the chronology of the trip and the number of lifejackets, could not have come from survivors as the government has claimed. There must have been another source of intelligence.

In December 2002 and October 2003, while doing little to publicise them, the Greens, Democrats and Labor passed four motions in the Senate about the SIEV X. The resolutions asked the government to open a judicial inquiry into its people smuggling operations in Indonesia, and to release its list of those who died on the SIEV X from its “confidential” source. The motions also raised concerns about inconsistencies in the government account of the SIEV X sinking, but did not outline those inconsistencies.

The opposition senators knew the government would brush aside these calls, but did nothing to re-open the Certain Maritime Incident inquiry.

In October 2004, in the lead-up to last year’s federal election, the inquiry was reconvened to hear evidence from Mike Scafton, a senior advisor to former Defence Minister Peter Reith. Scafton testified that he told the prime minister during three phone calls that claims of refugees throwing children overboard lacked substance, yet Howard continued to repeat the lies throughout the 2001 federal election campaign.

The re-opened hearing highlighted the fact that even as the opposition parties were passing the four Senate motions on SIEV X, they were in a position to re-open the inquiry into the tragedy and subpoena high-level witnesses, but chose not to do so.

In fact, throughout the 2004 election, Labor backed the government’s efforts to bury forever the SIEV X tragedy by not mentioning it once during the entire six-week campaign.



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