

Howard government abandons Australian citizen sentenced to death in Singapore

Rick Kelly**26 October 2005**

Nguyen Van Tuong, a 25 year-old convicted drug trafficker, is expected to be executed by Singaporean authorities within the next four weeks. The Australian citizen has been abandoned by the Howard government, which has made no genuine effort to save the young man from the hangman's noose. From the outset of the case, Canberra's overriding concern has been to maintain good relations with its Asian ally.

Nguyen was arrested December 12, 2002, in Singapore's Changi Airport, after he was found in possession of 396 grams of heroin. The man, then 22, admitted to attempting to smuggle the narcotics between Cambodia and Australia, and in March 2004 was convicted of drug trafficking. Despite the fact that Nguyen was not attempting to bring the drugs into Singapore his offence carried the mandatory penalty of death by hanging. Unlike other countries in the region, Singaporean law allows no mitigation in sentencing for those carrying narcotics through transit.

On October 21, Singaporean President S.R. Nathan formally rejected an appeal for clemency; only a decision by the Singaporean cabinet can now prevent Nguyen's execution.

The case had largely been overshadowed in Australia by media coverage of other drug related prosecutions of Australians: Schapelle Corby, convicted in May of smuggling marijuana into Indonesia, and the "Bali Nine" trials of alleged heroin traffickers currently underway in Bali. An element of racism has also been evident in the media's presentation of Nguyen's conviction. Julian McMahon, one of the lawyers representing the man, questioned whether the press "will give the same sort of weight to [Nguyen's] case that you would give if he were a beautifully attractive Anglo-Saxon young lady."

Scrutiny of the Howard government's response has intensified however, with Nguyen's death now imminent. On October 23, Kim Nguyen, mother of the convicted man, held a press conference shortly after she returned from a visit to her imprisoned son. "I'm asking everyone to help us ... please, the government of Australia, help us," she pleaded. "I know my son is scared about what is going to happen to him, and it hurts my heart."

Canberra has made no effort to do anything beyond again asking for clemency and notifying the Singaporean government of Australia's official objection to the death penalty. This

ostensible opposition to capital punishment lacks all credibility, given the Howard government's public utterances on other international incidents. As Mark Baker commented in the *Age*: "What is left of the [anti-capital punishment] principle when one day Australia's government cheers the death penalty for Bali bombers, on another its police assist in sending accused drug runners [the Bali Nine] to face the death penalty abroad and the next it tries to argue against a hanging on humanitarian grounds?"

No-one in the government has issued any serious or principled outcry over the state murder of an Australian citizen. The whole affair is clearly regarded as something of a diplomatic irritant, soon to be extinguished along with the young man's life.

Prime Minister John Howard and Foreign Minister Alexander Downer have played down the possibility of the Singaporean government acceding to demands for clemency. "I really do feel terribly sad about this but I honestly, to be frank about it, am not sure that there's much else we can do," Downer told ABC Radio. "I certainly am going to get back to the [Singaporean] foreign minister and tell him that we're very disappointed with this decision and we'd like them to reconsider. But I have to say, Singapore executes I'm told about 30 to 40 people a year for drug trafficking and the case here is an open and shut case."

The government's claim that there is nothing more that it can do was rejected by Nguyen's lawyers. "I think there is a lot more the Australian government can do," Lex Lasry, QC, said October 24. "I think this is the time in fact to be doing twice as much as they previously have." The lawyer also condemned the government for its public pessimism. "The diplomatic channels are open as long as our client is alive. There is absolutely no reason why this decision can't be changed. I urge the Australian government to take the view publicly that this young man's life is valuable and is a life that should be saved."

The Howard government's refusal to place any real pressure on its Asian ally has had the full support of the Labor Party, which has rejected any criticism of the government's handling of the case. "[T]he actions taken by Mr Downer and the government up until now in their response to this case I think have been very good," Kevin Rudd, shadow minister for

foreign affairs, declared. “I think the Australian government has behaved in this matter entirely appropriately, as we have as the alternative government.”

Singapore is an effective one-party dictatorship, and enforces a series of repressive laws and punishments against both foreign nationals and its own citizens. As far as the Australian government—and the opposition—is concerned Singapore’s frequent support for Australia’s imperialist interventions in the Asia-Pacific region, and its importance as a trading partner, means that the need for close diplomatic relations overrides any human rights concerns.

One of the hallmarks of the Howard government’s rule has been the repeated sacrifice of the lives of Australian citizens in the interests of advancing the strategic and financial interests of Australian imperialism in the region. Schapelle Corby and the Bali Nine have been abandoned to their fate in order to help mend ties between Canberra and Jakarta; and the government has given the Bush administration its full support in locking up Mamdouh Habib and David Hicks in Guantánamo Bay.

Downer’s claim that Nguyen’s conviction was an “open and shut case” was aimed at preventing the development of any popular support among ordinary people in Australia for the condemned man. While Nguyen has admitted to the drug smuggling offence, his arrest and trial were marred by numerous flaws that may have prevented his conviction had the case been fought in another jurisdiction.

Mark Baker covered Nguyen’s arrest and trial for the *Age*. Reviewing some of the legal shortcomings of the case he wrote: “The Singapore judges ignored evidence that the arresting and investigating police had themselves broken the law by denying Nguyen Australian consular support before he was interrogated, and had failed to secure the evidentiary drugs that showed significant and unexplained variations when weighed at different times. No action was taken against a senior police officer who gave contradictory testimony.”

The government has sought to use the Nguyen case, together with the Bali Nine trials, to bolster the so-called war on drugs. As with the “war on terror”, one of its central goals has been to consolidate and develop ties between the Australian government and the police and military in various repressive South-East Asian regimes.

“People have to understand that when you go to another country and commit a crime against the laws of that country, you’re punished according to the laws of that country,” Howard warned.

The prime minister’s attempt to place the blame for Nguyen’s pending execution solely onto the young man himself serves a definite political purpose. By making the question strictly one of “personal responsibility”, Howard hopes to suppress any examination of the social and economic imperatives behind the drug trade.

The government’s response to the immense social problem of drug addiction has nothing to do with protecting the interests of

ordinary people—least of all the direct victims of the drug trade. Those convicted of involvement are almost always those at the lowest levels of the multi-billion dollar business, while the real organisers and beneficiaries typically remain free.

A genuine response to the drugs crisis would have to begin by addressing fundamental social issues—such as the conditions of social inequality, deprivation, and cultural backwardness that give rise to the demand for narcotics. Questions of unemployment, indebtedness, and poverty would similarly have to be engaged in order to explain why so many people, predominantly young and working class, are prepared to act as drug “mules”—taking extraordinary risks, usually for very little financial gain.

These social issues have been tragically evident in Nguyen’s case. He and his twin brother were born in a Thai refugee camp, before moving as babies to Melbourne with their Vietnamese-born mother. She was reportedly forced to sell the family’s possessions to survive, and worked nights as a seamstress to provide for her children. Nguyen later finished school, enrolled in business studies classes, and worked as a salesman. According to the *Sunday Mail*, his problems began when he was forced to borrow \$25,000 from a friend to cover his twin brother’s legal fees stemming from affray and drugs charges. Nguyen also took responsibility for his brother’s \$12,000 debt, which was reportedly borrowed from loan sharks.

Desperate for money, Nguyen agreed to act as a drug “mule” for a heroin syndicate. He had no prior criminal record. When caught with the drugs in Singapore, he immediately confessed to the authorities, after which he attempted to repeatedly bash his head against the search-room wall. Nguyen has since expressed remorse for his actions, and has voluntarily provided information to the Australian Federal Police about the trafficking network, despite the risks this poses to his family’s safety.

In the end none of this is likely to count for anything. Barring an unexpected reprieve, Nguyen will soon be executed—the victim of the barbaric penalty of capital punishment practised by a repressive regime, and of the Howard government’s calculated indifference to his fate.



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