

# Australian government deserts young man due to hang in Singapore

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A young Australian man will almost certainly be hanged in Singapore at 6 a.m. this Friday after the Australian government made it plain it was prepared to sacrifice his life to bolster its economic and strategic relations with the anti-democratic south-east Asian regime.

Despite pleas from around the world, Van Tuong Nguyen, 25, will be executed under Singapore's mandatory death penalty for drug trafficking, including those people caught working as "mules".

Over recent weeks, tens of thousands of people, including school students and community groups, in Australia have taken part in "candles of hope" rallies, signed petitions, sent SMS messages and written letters, pleading for a halt to the execution. In Singapore, where public assemblies are forbidden and the government-controlled media has suppressed reportage and discussion, hundreds have nevertheless attended protest meetings. In one instance, authorities censored an anti-hanging art exhibit, removing all references to Nguyen.

In the face of the groundswell of support for the young man, Australian Prime Minister John Howard and his key ministers have engaged in hypocritical hand wringing—claiming to oppose the execution, but not even lodging a formal diplomatic protest to Singapore. On Monday, they finally ended the pretence, declaring that there was nothing further they could do.

Foreign Affairs Minister Alexander Downer ruled out mounting a challenge in the International Court of Justice (ICJ), Howard dismissed calls for a minute's silence across Australia to mark the execution and the prime minister confirmed that he would not alter his plans to attend a cricket game in Canberra on Friday.

Even then, Howard claimed to be doing the "decent" thing by ending the "false hopes" of Nguyen's family. "There does come a time when the most decent, honest thing I can do is to express the view that I am now, that I do not believe that the Singaporean Government will be moved to change its mind."

An Australian citizen of Vietnamese descent, Nguyen was arrested at Singapore's Changi Airport almost exactly three years ago, on December 12, 2002, after being found in possession of 396 grams of heroin. He admitted attempting to smuggle the narcotics between Cambodia and Australia and agreed to cooperate with the authorities, including the Australian Federal Police, in the hope of avoiding the noose.

Nguyen has been on death row since March 2004 after being convicted under Singapore's Misuse of Drugs Act, which carries a compulsory death sentence for anyone found guilty of trafficking in more than 15 grams of heroin. Singapore's high court rejected his appeal on October 20 and the country's president S.R. Nathan, dismissed a clemency plea the very next day.

The young man's case is a particularly tragic example of the way in which many poor people become drug couriers, taking huge risks for relatively small payments from narcotics syndicates. He agreed to carry the heroin in an effort to pay off debts incurred by his identical twin brother, Khoa, stemming from drug problems. The family has struggled financially since arriving in Australia from a refugee camp in Thailand, where Nguyen and his brother were born.

While claiming to sympathise with Nguyen and his distraught family, Howard spelt out Canberra's attitude most bluntly on November 20. He described Nguyen's plight as a "desperately sad case", but then said it would not "contaminate our bilateral relationship with Singapore". His comment underscored the primary calculation that has been made in corporate, political and media circles from the outset—popular support for Nguyen must not be allowed to disrupt Australia's lucrative business, geo-political and military links with Singapore.

In an attempt to cover the government's tracks, Downer on Monday tabled in parliament a list of 30 occasions on which Australian representatives had raised Nguyen's case with Singaporean ministers. Two things, however, stand out about the list. First, no senior Australian minister said a word until almost a year after Nguyen was arrested, by which time he had already been charged with an offence carrying the mandatory death penalty.

A senior Singaporean defence lawyer, Subhas Anandan, said the time for Australia to intervene was back in December 2002, before Nguyen was formally charged. Anandan had represented a German woman, Julia Bohl, who was originally charged with a capital offence over drug crimes but had her sentence commuted to five years by a plea bargain.

More fundamentally, not once has the Australian government issued a formal protest in any diplomatic forum or court, either against Nguyen's death sentence or capital punishment itself.

Over the past month, Howard has had the opportunity to raise Nguyen's case in two international gatherings—on the floor of the Asia Pacific Economic Cooperation (APEC) Forum in South Korea and at the (former British) Commonwealth Heads of Government Meeting (CHOGM) in Malta—but decided not to do so. Instead, he held friendly talks with Singapore's Prime Minister Lee Hsien Loong, the son of Lee Kuan Yew, Singapore's founding prime minister and continuing "Minister Mentor".

At the time when Howard was meeting with Lee in South Korea, Nguyen's mother received an official letter from Singapore, advising her of the date and time of her son's execution.

Over the past week, Howard and Downer have rejected out of hand expert legal opinion that Australia could take the case to the ICJ.

Nguyen's lawyer, Lex Lasry, QC, received advice from barrister, Dr Christopher Ward, who practices in international law and has experience at the international court, that Australia could apply to the court to halt the hanging, with or without Singapore's acceptance of the court's jurisdiction.

In his written opinion, Ward stated: "Australia and Singapore are parties to each of the United Nations Narcotic Conventions. Each of those conventions contains a clause permitting recourse to the International Court of Justice." Other international law experts, including Sydney University's professor Don Rothwell, said the narcotic convention and other treaties signed by Singapore would allow Australia to obtain an emergency injunction to stop the execution. Rothwell cited three "death row" cases heard by the court in the past seven years, each against the United States.

But after apparently scouring the globe for a contrary opinion, Downer said he had received advice from Cambridge international law professor James Crawford that there was no basis to take the case to the court. Downer declared there were no more legal avenues left and "only a miracle" would save Nguyen's life. Yet, Attorney-General Philip Ruddock admitted that Australia had not even formally demanded that Singapore accede to the international court's jurisdiction.

The motivations behind the Howard's government's callous inaction are clear. As a financial and trading hub for regional and global capital in South East Asia, Singapore is Australia's largest trading partner in the region, with two-way exports and imports currently worth \$10.6 billion annually. Singaporean investment in Australia is substantial, involving companies such as Optus, Singapore Airlines and CapitaLand, Singapore's Government Investment Corporation, which owns hotels, and Temasek, which holds a stake in the airline Qantas. These corporate ties were cemented by a Free Trade Agreement signed between the two countries in 2003.

Canberra also places high value on its military and security links with the Singaporean regime. The two governments conduct joint military exercises and their police and intelligence agencies work intimately together as part of the "war on terrorism". Diplomatically, Singapore maintains close relations with the region's major powers—the US, Japan and China—and recently assisted Howard in gaining a belated invitation to the new East Asia Summit.

If Howard were in any doubt as to the stance he should take, Monday's editorial in the *Australian*, Rupert Murdoch's national daily, spelled it out. Pouring scorn on calls by broadcaster Mike Carlton and others for economic sanctions and consumer boycotts against Singapore, it said: "Are our economic relations with Singapore a mere bagatelle that we should be prepared to sacrifice on the altar of a feel-good moral gesture? Hardly. Singapore is our largest trading partner in the region, and the eighth-largest of all, with annual two-way trade of well over \$10 billion. Around a quarter of a million Singaporeans visit here each year, and they are a huge market for our elite schools and universities."

Significantly, the editorial noted that Singapore was an "authoritarian" society, but a "successful" one. Since the British granted Singapore self-government in 1959, Lee Kuan Yew's Peoples Action Party (PAP) has made the country a virtual one-party state. The PAP has ruled through a mixture of electoral payoffs and the systematic suppression of even the most moderate political opposition. Local big business and the major powers have backed the PAP for decades as a guarantor of economic and political stability.

Its drug laws are part of the PAP's wide-ranging draconian

measures. Singapore has retained the notorious Internal Security Act (ISA), instituted by the former British colonial administration, which can be used to arrest and detain people without trial virtually indefinitely on the vague grounds of national security.

Nguyen is far from the only citizen being sacrificed on the altar of the financial and strategic interests of Australian capitalism. The Howard government has likewise wiped its hands of responsibility for the nine young people—dubbed the Bali Nine—currently facing the death penalty in Indonesia on similar heroin trafficking charges. In that case, the drive to boost ties with Jakarta saw the Australian Federal Police effectively hand the nine over to the Indonesian police. David Hicks is another victim. After almost four years in Guantánamo Bay, he remains incarcerated without trial in the interests of the government's close ties with the Bush administration.

According to Amnesty International, Singapore, with a population of just over four million, is believed to have the highest per capita execution rate in the world. By best estimates—given that secrecy surrounds the official statistics—more than 420 people have been executed since 1991, the majority for drug trafficking.

But for the Howard government to offer any criticism would call into question its relations with two other death penalty regimes—the Stalinist bureaucracy in China and the Bush administration in the US.

Based on public reports available, Amnesty International estimates that at least 3,400 people were executed by Chinese authorities during 2004, although the true figures are believed to be much higher. In the same year there were 59 executions in the US, bringing the total to 944 since the use of the death penalty was resumed in 1977. More than 3,400 US prisoners remain on death row and US President George W. Bush has personally presided over 152 executions—when he was governor of Texas.

The death penalty was abolished in Australia in the 1970s. But the Howard government, which came to office in 1996, has never issued any condemnation of its use by its key trading partners.

Only two years ago, in August 2003, Howard exploited the trials of the October 2002 Bali bombers to call for a "debate" on capital punishment. While he claimed to oppose it for "pragmatic" reasons, he used the occasion to appeal to a right-wing constituency that has periodically clamoured for its return. "I respect the fact that a lot of people are in favour of the death penalty, a lot of people who are close to me are in favour of the death penalty.... They are not barbaric, they're not insensitive, they're not vindictive, they're not vengeful."

As some media commentators have observed, Howard has been playing "dog whistle" politics throughout the Nguyen affair—seemingly opposing this particular execution but carefully courting this pro-death penalty base. In all their statements, Howard and his ministers have scrupulously avoided any condemnation of capital punishment per se.

Amid the countdown to Van Nguyen's state murder, the federal parliament is preparing to pass the Anti-Terrorism Bill 2005, which contains provisions—such as "preventative" detention without trial, house arrests and sweeping sedition laws—that would not be out of place in Singapore.



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