

Former Australian police chief testifies in Bali Nine appeal

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27 September 2010

Looking distinctly uncomfortable, the former chief of the Australian Federal Police (AFP), Mick Keelty, appeared in an Indonesian court on September 16 as part of a last-ditch appeal to save a young Australian, Scott Rush, from death by firing squad. Keelty told the court that Rush was from a “good family” and was only a “minor player” in the drug trafficking scheme that led to his arrest in April 2005 along with eight others—the so-called Bali Nine.

But the decision by Keelty and other AFP officers to lend Rush a hand during these last-gasp proceedings only accentuates the role the AFP played in putting Rush and two of his associates on death row in the first place.

Rush and his co-accused—then all aged between 18 and 29—were arrested in Bali during an attempt to smuggle heroin into Australia by strapping the drug to their bodies. The nine would not have been arrested in Indonesia, nor would they have been sentenced to death or long prison terms, had the AFP not provided the Indonesian police with detailed information about the group’s plans and encouraged them to arrest the group *before* its return to Australia. The Australian government’s priority was to assist the Indonesians in making high-profile drug arrests, thus ensuring closer police and military ties with the Indonesian elite. Close ties with Indonesia have long been pivotal to Australia’s strategic and economic interests in the Asia-Pacific region. To this the lives of nine young Australians were always incidental.

The appeals heard in Bali this month are the final stages of an arduous legal process. Originally only two of the nine, Andrew Chan and Myuran Sukumayan, were sentenced to death, but courts later imposed the death sentences on four others following their appeals for sentence reduction. Three of those new death

sentences were later reversed—the exception being that of Rush. Chan, Myuran and Rush have all made final appeals and if these fail only a presidential pardon will save them from the firing squad.

The death penalty was abolished in Australian federal law in 1973, a stance reflected in AFP guidelines prohibiting the police from giving foreign authorities assistance in possible death penalty cases. In the case of the Bali Nine, however, the AFP gave the Indonesians a list of everyone they suspected would be involved in the smuggling scheme as well as their known travel and accommodation arrangements. The AFP told the Indonesians to “take whatever action they deem appropriate”. The AFP even advised the Indonesians about the order in which they should arrest the drug couriers.

The Australian media has focused on Rush not only because he faces death despite his minor role (Chan and Sukumayan, though also small players, were apparently the scheme’s immediate organisers) but because Rush’s father, Lee, contacted the AFP prior to his son’s departure for Bali and asked the organisation to prevent him going. Despite evidence that the AFP promised Lee Rush that his son would be stopped at the airport in Australia, the AFP let Scott Rush and the other young Australians travel to Bali, unaware they were being watched.

In 2006, Lee Rush brought court proceedings in the Federal Court of Australia against Keelty and the AFP, alleging they breached a duty to Scott Rush and his family. The AFP denied any such duty. Justice Paul Finn dismissed the case, concluding that “while it was a foreseeable and likely consequence of [the information the AFP provided to the Indonesians] that the [Bali Nine] would be arrested in Indonesia and in that sense be exposed to harm in the sense of being put at risk of

the death penalty, there is again no material at all which could objectively incline me to the proposition that the likelihood of that harm was other than a possible consequence of what was in the circumstances a valid exercise of official power.”

The AFP’s cold-blooded actions are not lessened by Keelty’s decision to give evidence on behalf of Rush, who was 19 at the time of his arrest. In court this month, Keelty said that in his opinion “Rush did not know or understand what the roles of the other people [in the smuggling scheme were].” In fact, 35 years of police work had taught Keelty that “it is often the case that people like Scott Rush are enticed into the enterprise for the wrong reason”. He said he could not give details but said he thought that Rush had been “trapped”. There is evidence that Rush was an addict. However, Keelty did not try to justify or explain what the AFP had done and expressed no misgivings.

Successive Australian governments—Coalition and Labor—have left the Bali Nine, including those facing death, to their fates. At the time of the arrests, Labor backed the then Howard government and the AFP. Labor opposition leader Kim Beazley said the arrests were a pity but that “all Australians have got to understand that our security... is very heavily bound up in the relationships that the federal police have established with police forces around the region... We don’t want to make a political issue of this. We in the opposition are not in the business of making things hard for them [i.e., the government and the AFP] on this. We are in the business of supporting them.”

A great deal is at stake for Australian capitalism in preserving close relations with Indonesia. Not only is Indonesia a significant trading partner and destination for Australian investment, but as a key country in the Association of South East Asian Nations (ASEAN) it has backed Australia’s push for inclusion in key Asian forums. Successive Australian governments maintained close ties with the Suharto dictatorship until its fall in 1998. Following sharp tensions over the 1999 Australian-led military intervention in East Timor, the Coalition government, with the Labor opposition’s backing, worked to rebuild relations under the banner of the “war on terror”. Amid sharpening rivalry between the US and China in Asia, both Washington and Canberra regard Jakarta’s support as crucial to US efforts to undercut Beijing’s influence in the region.

It is in this context that the current Labor government has been silent on the impending execution of Rush, Chan and Sukumayan, effectively abandoning any pretence of opposition to the death penalty. The conventional justification for that silence—that the condemned lives will be in even greater danger if the government or opposition publicly intervenes—is increasingly threadbare. In 2005, a young Australian man named Nguyen Tuong Van was executed in Singapore after pleading guilty to a trafficking offence. Both the Liberal government and the Labor opposition, claiming that their involvement would not assist, stood idly by. The Gillard Labor government is doing the same in relation to those presently condemned. Claims of Indonesian “sensitivity” to any intervention are no more than a smokescreen for Canberra maintaining close relations with Indonesia’s ruling elites.



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