

# Australian Federal Police defend decision to expose “Bali 9” to Indonesian death penalty

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5 May 2015

At an hour-long media conference yesterday, Australian Federal Police (AFP) Commissioner Andrew Colvin and two deputy commissioners defended, in the face of public anger, the AFP’s decision in 2005 to place young suspected Australian drug couriers in the hands of the Indonesian authorities in the “full knowledge” that they could face the death penalty.

Colvin refused to apologise for the AFP’s decision, which led directly to last week’s brutal execution by firing squad of two Australian citizens—Andrew Chan and Myuran Sukumaran—and declared that the “harsh reality” was that the AFP would do the same again in the future.

The media conference was an attempt at damage control, breaking the AFP’s silence in response to the justified outrage of Australian workers and young people at the killing of Chan and Sukumaran, along with six others—four Nigerians, a Brazilian and an Indonesian—who were all refused clemency by Indonesian President Joko Widodo.

What emerged from the media event, however, were blunt declarations to justify the AFP’s actions, combined with efforts to whitewash the actual role of the AFP.

“No, I don’t believe we owe them [the families of the Bali 9] an apology,” Colvin stated in response to a journalist’s question. “We can’t apologise for the role that we have to try and stop illicit drugs from coming into this community.” Earlier, Colvin emphasised: “This is the harsh reality for Australians who go overseas and become involved in serious crimes.”

Colvin effectively took the same line as Widodo, who has set a quota of 20 executions this year, on the supposed basis of combatting drug addiction in Indonesia, in a bid to cultivate a base of support among

a right-wing nationalist and Islamist constituency. In reality, the widespread drug problems in Indonesia, Australia and globally are rooted in deep social crises, and definite corporate interests.

The wealthy business operators, who dominate the multi-billion dollar drug trade internationally in cahoots with elements of the police, remain immune from arrest. They prey on the desperate situations of the poor, usually young people, who act as couriers. Despite claiming that the Bali 9 arrests allowed police to crack a “major syndicate,” Colvin refused to deny journalists’ assertions that the syndicate’s suspected “kingpins” remain at large.

Colvin stressed the alleged necessity for the AFP to collaborate closely with police forces around the world, regardless of whether they retain the death penalty. He refused to provide details of which countries were involved, but pointedly stated that they included “some of our most significant partners like the US.”

Deputy Commissioner Leanne Close revealed that in the past three years alone, the AFP had received requests for information “more than” 250 times “in relation to matters that may involve the death penalty” and only refused “about 15” requests.

The AFP chiefs sought to counter the continued objections of Lee Rush, the father of one of the Bali 9, Scott Rush, that he alerted the AFP to the drug smuggling plan before the group left Australia for Bali, and was reassured that his son would be prevented from departing. Instead, the AFP handed his information over to the Indonesian authorities, and advised them to “take what action they deem appropriate.”

Colvin and Deputy Commissioner Michael Phelan insisted that they already had intelligence on the Bali 9 group, and therefore did not rely solely on Lee Rush’s anguished bid to stop his son from taking part. Yet the

commissioners also claimed that the AFP lacked the evidence needed to prevent any of the group departing from Australia.

This is clearly false. AFP affidavits tendered for a failed 2006 Federal Court challenge by Lee Rush confirmed that the police had the power to stop his son at the airport because he was on bail at the time and barred from leaving Australia. In fact, an AFP officer created a PACE “passport” alert to halt Scott Rush’s departure.

In order to divert from this evidence, Phelan yesterday claimed that Rush was “linked” to two further travel alerts as well, based on other police intelligence. Phelan inexplicably insisted none of these alerts authorised the AFP to actually stop anyone from departing.

The Federal Court backed the AFP in refusing to disclose any of the documents showing how and why those decisions were made, including a secret “Memorandum of Understanding Between the Government of the Republic of Indonesia and the Government of Australia on Combating Transnational Crime and Developing Police Cooperation.”

Clearly, a calculated decision was made to place the group in the hands of the Indonesian regime. Phelan declared: “We understood—and I’ll be clear, and I’ve been saying this now for the best part of ten years—that decision was made in the full knowledge that we may very well be exposing those individuals to the death penalty. I’ve said that before and it’s not a position that the AFP has stepped away from.”

The commissioners made clear that today’s AFP guidelines remain practically the same as those in place in 2005. They said the only differences were that a senior officer must now make a “case-by-case” assessment and that ministerial approval is required where a person is being detained, arrested, charged or convicted with an offence that carries the death penalty. In the past, ministerial approval was only required where a person was already charged and convicted. This adjustment increases the involvement of governments in such decisions.

Commissioner Colvin denied that the Bali 9 suspects were sacrificed in the interests of bolstering relations with the Indonesian security agencies. “The idea that we shopped these Australians into this situation because we wanted to try and curry favour in relation to

other investigations is fanciful and offensive,” he declared.

In reality, the AFP’s actions were backed by both the Howard government and the Labor Party opposition, in the interests of strengthening strategic and military ties with the Indonesian administration of President Susilo Bambang Yudhoyono, which had been strained by Australia’s 1999 military intervention into East Timor to secure control of the breakaway Indonesian province’s oil and gas resources.

Australian Foreign Minister Alexander Downer lauded the Yudhoyono government in 2006 after four of the Bali 9’s sentences were increased to the death penalty. “We actually urged the Indonesians to be tough on drug trafficking,” he stated. “We are grateful to the Indonesians for being tough on drugs; it’s just that we don’t support capital punishment.” Following Downer’s comments, Labor Party leader Kim Beazley backed the government and the AFP. “We are in the business of supporting them,” he said.

Today, the crocodile tears of the Abbott government and the Labor opposition over the fate of Chan and Sukumaran, are just as cynical and hypocritical. Last Friday, three days after the men were executed, Foreign Minister Julie Bishop stated: “It’s time for us to seek to move on ... I think we need to look at the long-term future of the relationship.” Prime Minister Tony Abbott endorsed her remarks a day later.

Today’s editorial in the *Australian* also sought to “move on.” After praising the AFP for supposedly “clearing the air” about the Bali 9 case, it declared that the AFP’s conduct in 2005 had “the legitimate effect of helping to bolster co-operation between law enforcement agencies in both nations.”

These responses point to the major strategic considerations involved. For Canberra’s political and security establishment, and its partners in Washington, Indonesia is a crucial linch pin in the US military and economic “pivot” to Asia to encircle and confront China.



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