

# Australia: Former Rudd and Gillard Labor governments also accused of paying “people smugglers”

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Prime Minister Tony Abbott and his senior ministers refused again throughout parliamentary question time yesterday to either confirm or deny the allegation that Australian officials recently paid six “people smugglers” to return 65 refugees to Indonesia against their will. Government representatives answered every attempt by the Labor opposition to score political mileage from the scandal by insisting that they would not comment on “security, intelligence or operational matters.”

In a cynical manoeuvre, the Labor Party attempted to censure Abbott for refusing to deny the charges. Just how cynical quickly became apparent following the parliamentary session, when journalists began probing whether similar payments had been made to “people smugglers” when Labor held office from 2007 to 2013. Fairfax Media declared this morning that it had been told by “multiple sources” that Labor had, indeed, authorised such payments. It reported that “instances include paying members of syndicates for information about the operations of the syndicate, or to dissuade them from launching boats.”

According to Fairfax sources, “paying members of people-smuggling networks including boat owners and crews goes back to about 2010 under the then Rudd government.”

When questioned, the spokeswoman for opposition shadow immigration minister Richard Marles invoked the same pretext offered by the Abbott government for its refusal to answer the charges. “It’s unlawful,” she declared, “for the government or the opposition to divulge security or intelligence information.”

Claims are now being published that the payments go back far further, to the conservative Howard Coalition government, which held office from 1996 to 2007. It was former Prime Minister John Howard who initiated the brutal “border protection” regime that has been aimed, ever since, at preventing refugees from exercising their democratic right to claim asylum in Australia.

Former diplomat Bruce Haigh wrote in today’s Fairfax

Media that “it is thought” that, under Howard, “payments were made in Indonesia to those who controlled the people-smuggling trade, namely senior local army, navy and police officers.”

A speech delivered in 2012 by Nick Warner, head of the Australian Secret Intelligence Agency (ASIS), in which he referred to how the agency had “disrupted people-smuggling syndicates and their operations,” is being re-examined in light of leaks that it was ASIS officers who most likely made the payments. ASIS has been granted sweeping immunity from prosecution for acts it commits overseas that would be illegal within Australia—such as bribing people-smugglers not to transport refugees into Australian waters, or paying them to take their passengers to another location.

For all the arrogant bluster of Abbott and his ministers that they would continue to “do whatever it takes” to “stop the boats,” the fact is they stand accused of serious crimes under Australian, Indonesian and international law.

Citing Nicholas Cowdrey, former director of public prosecutions in New South Wales, Australia’s largest state, Fairfax Media reported today that payments could “breach section 73 of the Commonwealth Criminal Code which prohibits people smuggling and carries a penalty of up to 10 years’ jail.”

Cowdrey told reporters: “Subject to sufficient admissible evidence of the actions being available, I am also of the view that offences could be charged.”

Other legal experts, such as Australian National University professor in international law Don Rothwell, also pointed to section 73 as the provision under which the government would be guilty of committing a crime.

Indonesian police are conducting their own investigations into breaches of Indonesian law. In indications of a developing diplomatic row between the two countries, Indonesian vice president Jusuf Kalla told journalists: “Bribery is of course not according with the ethics of international relationships... that could turn out to be human

trafficking as well, right?”

Indonesian foreign minister Retno Marsudi has rejected the refusal of the Australian government to answer whether payments were made. “Actually,” she stated, “it’s not difficult for Australia to answer my question from Saturday regarding the issue of payment, and not to distract the issue.”

Sources in both Australia and Indonesia have now named the Australian ship that intercepted the 65 refugees as the patrol boat HMAS Wollongong. It appears that an Australian official named “Agus,” who allegedly paid the six crew members \$US5,000 each in cash to take the asylum seekers back to Indonesia, was not a naval officer, but moved between the Wollongong and a customs ship, indicating he worked for ASIS.

All the claims made by Abbott, his government, and the entire Australian political and media establishment, including Labor and the Greens, that the country’s inhuman refugee policy has been necessary to “save lives,” by preventing refugees from making dangerous sea journeys, have been exposed as bald-faced lies. In this latest incident, the refugees were taken off a well-supplied and apparently seaworthy ship, en route to New Zealand, forced onto two smaller vessels with limited food and fuel, and abandoned near a remote Indonesian island. One of the boats ran out of fuel, forcing its passengers to cram onto the remaining one. It struck a reef, forcing the refugees to swim for as long as 90 minutes to reach land.

Every action of the Australian authorities placed the lives of the 65 refugees in danger, not to speak of trampling on their fundamental right, under international law, to claim asylum from New Zealand.

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The United Nations High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, denounced Australia’s treatment of refugees in Geneva on Monday, declaring “I am bewildered by the hostility and contempt for these men, women and children that is so widespread among the country’s politicians.”

Australia has also been singled out for condemnation in the recently published Amnesty International report, *The Global Refugee Crisis: A Conspiracy of Neglect*. The report declares, referring to the incarceration of refugees on far-flung Pacific Islands, that the “deliberately harsh, humiliating conditions at the Australian-run detention facility were designed to pressure asylum seekers to return to their country of origin, regardless of whether or not they were refugees.” (See: “Global refugee crisis worst since World War II”)

What has risen to the surface is just one aspect of the

criminal policy of “border protection,” under which politicians, intelligence agencies, the military, and customs and immigration officials conspire to deny asylum seekers their lawful rights. The entire premise of the policy—that force can be used to prevent asylum claims from being made on Australian soil—constitutes a flagrant violation of international law. It is now clear that it has also involved sordid dealings and pay-offs to bribe “people smugglers” to stop their human cargo from boarding boats or to return them to Indonesia after they have set out for Australian waters.

Many hundreds, if not thousands of people, have lost their lives at sea as a result, including cases where strong evidence points to Australian authorities knowingly desisted from rescuing sinking vessels, allowing refugees to drown as a salutary message to others intending to make the journey.

Those asylum seekers who have managed to reach Australian territory, including women and children, have been forced to languish, often for years, in offshore prison camps on Manus Island in Papua New Guinea or Nauru and prevented from making any claim for settlement in Australia.

The persecution of refugees is driven by the most predatory and reactionary motives. From the time the Howard government launched the “border protection” regime, it has been used as a smokescreen for the wholesale surveillance and militarisation of the waters to the north of Australia, along with massive intelligence operations in Indonesia and elsewhere in South East Asia. At the same time, successive governments, both Labor and Coalition, have used it domestically to fan xenophobia against asylum seekers, in lockstep with manufactured and hysterical claims of ongoing terrorist dangers.

The political climate of state-sponsored fear has been used to justify not only involvement in US-led wars and intrigues around the world, but also the introduction of draconian anti-terror legislation that has given immense powers to the intelligence and police agencies and shredded fundamental democratic rights.

The tacit admission that successive Liberal and Labor governments have been bribing people smugglers in order to prove that they have successfully “stopped the boats,” demonstrates that they will stop at nothing, including blatant criminality, to pursue their agenda.



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