

Australian government authorises forced interrogation of refugees

By Mike Head
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Australia's Labor government has given the go ahead for forced interrogations of asylum seekers who have arrived in the country by boat. Australian Crime Commission (ACC) chief executive John Lawler told the *Australian* this week that his agency has already conducted 31 compulsory questioning sessions in the past 18 months and plans to hold more before the end of the year.

Created in 2002—supposedly to fight serious organised crime—the ACC has extraordinary coercive powers. It can summon people for questioning and charge those who do not answer questions or are judged to be not telling the truth, with a maximum punishment of five years' jail. These provisions overturn centuries-old principles against self-incrimination and detention without trial.

This star chamber-style regime normally operates with great secrecy. It is illegal for someone who has been questioned to disclose information about the summons, the hearing or anything said during questioning, to another person. Even their lawyers are similarly gagged.

Lawler's decision to cast aside this shroud of secrecy and go public with his revelation, which was featured on the *Australian's* front page on Monday, is clearly part of a concerted campaign by the Labor government and sections of the media to stop refugees reaching Australia.

For the past year, the government has resorted to increasingly reactionary measures to halt refugee arrivals, including the proposed deportation of asylum seekers to Malaysian detention centres. Now, the ACC's powers are being utilised to intimidate asylum seekers in the name of combating so-called "people smuggling."

"People smuggler" is a term devised by Australian

governments over the past two decades to demonise all those who assist refugees, fleeing oppression in their homelands, to get on boats to sail to Australia. Since 2007, the Labor government has made "people smuggling" offences, first introduced by the previous Liberal government, some of the most serious in the criminal code, increasing the maximum penalties to 20 years' imprisonment.

Both the ACC and the Australian Federal Police (AFP), which works closely with it, refused to confirm or deny that asylum-seekers not suspected of "smuggling" had been interrogated. Almost certainly, however, vulnerable refugees have been threatened with jail if they did not answer questions about who organised their voyages. In effect, asylum seekers are being compelled to testify against anyone who helped them get to Australia. Such interrogations could also expose themselves, family members and friends to possible prosecution under the "smuggling" laws.

Home Affairs Minister Jason Clare immediately backed the use of the ACC, citing arrests made in the past 15 months. His spokesperson said: "The AFP has made 15 arrests related to people-smuggling, and the ACC's hearings played a part in a number of those arrests." His comments suggest that the government was directly involved in the decision to publicise the ACC's operations, for its own political purposes.

For several months, the *Australian* and other media outlets have been conducting a witch hunt against alleged "smugglers," accusing the government of not doing enough to hunt them down, deport any found to be living in Australia, and prosecute those, including refugees themselves, accused of raising money for asylum seekers' fares.

Refugee advocates voiced grave concerns that asylum seekers were being subjected to high-pressure

interrogations. Marion Le, a Canberra-based migration lawyer, commented: “How many people do understand that star chamber system? I think any encroachment on people’s civil liberties and democratic rights is really worrying. There’s no checks and balances on those people conducting those interviews.” Pamela Curr from the Asylum Seeker Resource Centre said asylum seekers would be shocked when questioned by authorities with similar powers to those of the repressive governments they had fled.

The ACC interrogations of refugees highlight the broadening scope of the police-state powers created since 2001 in the supposed “war on terrorism.” Refugees, a highly vulnerable group, have become political targets of these powers.

The ACC was established in 2002, after the previous Howard government convened a “security summit” of federal, state and territory leaders. Liberal-National and Labor governments alike approved the introduction of anti-terrorism laws to give the AFP and the Australian Security Intelligence Organisation (ASIO) unprecedented powers, including to secretly detain and question people without charge.

Similar “coercive powers” were also handed to the ACC, in the name of combating “serious” or “organised” crime, including corruption, narcotics and money laundering. In 2002, the governments of the day claimed that the ACC’s draconian powers would be constrained by strict limits on its capacity to divulge the information it extracted to other authorities. Those assurances soon proved false.

Earlier this year, the Gillard government pushed through laws allowing the ACC to share its information with other federal and state police and intelligence forces, overseas spy and law enforcement agencies, and major corporate entities, such as banks and telecommunications providers. The ACC was also authorised to feed information to federal and state ministers, and members of parliament, facilitating close collaboration with the political and corporate elite in orchestrating witch hunts.

This is under conditions where the political and security establishment is preparing for heightened social and political unrest as the global economic crisis produces deeper budget cuts, job losses, inequality and social distress Britain (see: “In wake of British riots, Australian government preparing for youth unrest”).

The unleashing of the ACC against refugees underscores the readiness of the ruling elite to resort to draconian measures, tearing up basic legal and democratic rights.

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