

From:

To: [Legal and Constitutional, Committee \(SEN\);](#)

Subject: Addendum to submission re people smuggling

Date: Tuesday, 23 March 2010 8:52:48 PM

Questions that the committee need to ask themselves and be honest about.

1. Is the poor Indonesian fisherman who gives an Afghan refugee a ride from Indonesia's Lombok Island more dangerous than the prison system in Indonesia where refugees are beaten, locked up in rat infested prisons and denied all legal rights or are deported?
2. Is the person in Pakistan who makes a false document for that Afghan refugee to fly to Indonesia in the safest possible way more dangerous than Pakistan where Afghans are deported, beaten, shot, regularly killed, deported, denied all legal rights and the right to citizenship?
3. Is the truck/bus/car driver or donkey owner or the guide who pays bribes to help the Afghan refugee to escape the Taliban/Pashtun tribal warlords more dangerous than the warlords or Taliban?
4. Is there any evidence ever to suggest that the three groups above coerce, procure or buy and sell the refugees, if not why does the committee continue the farce that this is people smuggling?
5. Have the groups above been responsible for the torture, persecution, bombing, killing, maiming and other atrocities or have they simply provided transport away from those atrocities?
6. Have the transport providers who helped the 5 million Iraqis leave a war we started been responsible for the killing or responsible for saving the lives of 5 million refugees? Are the transport providers more dangerous to the refugees than the violence and Al Qaida because that seems to be what the committee is saying yet the statistics tell a different story.
7. How about the drivers who help Iranian dissidents to escape the Mullahs who object to democracy, homosexuality, make up and any number of other things that Iranian refugees need to escape - like the people who helped a well known family escape Iran only to have their child driven to the point of catatonia in Woomera and Villawood and cost the taxpayers millions to fight their claims and \$400,000 in compensation.
8. Do the committee suggest that every country jail every person who helps a refugee escape? Do the committee think all refugees should stay in their own countries like this country did with the Jewish refugees?
9. What is the point of this childish whining about refugees arriving when others arrive from dozens of different countries, many of them pay to cross borders without documents until they can find a place to get documents. Do you want to jail everyone who helps them on their way?
10. Or is the sinister truth that this government and opposition have

no interest in upholding our own laws just so long as not one refugee ever gets here?

According to the ongoing record by the British groups there are now 1.4 million Iraqis dead, 2 million widows, 5 million orphans and 5-6 million homeless people. Did the transport providers for the refugees do that?

According to the UN report 300,000 Tamils were herded into concentration camps by the Sri Lankan government, about 40,000 civilians were slaughtered in the last months of the conflict and today over 180,000 are still homeless while even Sinhala we have sent home have disappeared. Did the so-called people smugglers do that?

The senate have failed in their objectivity by constantly harking back to the people who died on SIEVX but never once coming up with an alternate method of transport. Will the government send jumbo jets? Will the government provide thousands of visas to those who have escaped the atrocities listed above? Will the government provide decent housing in Indonesia's prisons that we are paying for and why doesn't the government ever address the issue that the refugees only seem to be "smuggled migrants" under the protocol when they exercise their rights to apply for asylum in Australia.

What is it you want refugees to do because almost every refugee on the planet has to pay a "smuggler" or family member to help them escape persecution and as the Afghans who have arrived here have a 100% acceptance rate because we blew their country to bits on the say so of George Bush aren't the committee simply playing into the hands of the persecutors and tormentors?

How does punishing transport providers fit with Article 31 of the refugee convention? Where in the convention does one form of transport be deemed to be illegal?

Marilyn Shepherd
