

Against the Rhetoric: The Humane Side of People Smuggling

By Nathan Van Wees



The return to offshore processing of asylum seekers in 2012 was labelled by the Prime Minister and her Expert Panel as a humane solution to prevent the deaths at sea of innocent refugees. In contrast, people smugglers are now targeted as the 'evil' element in asylum seeking. However, the experience of Ali Al Jenabi, dubbed the 'Oskar Schindler of Asia', puts a more human face on forced migration. Ali's story has been told by Robin de Crespigny in her book, *The People Smuggler: The True Story of Ali Al Jenabi*.

De Crespigny, a Sydney filmmaker, told an audience at a crowded Castan Centre event that Ali's story was brought to her attention by activists working to release Ali from immigration detention, where he had been confined for two years. Ali's case looked bleak, with three Ministers for Immigration having already refused to grant Ali a protection visa. De Crespigny was convinced that by showing the human behind the 'people smuggler' label, people would accept that he was not the 'scum of the Earth', as former Prime Minister Kevin Rudd once declared.

Ali grew up in Iraq, and by age ten had become the head of the household, with his father addicted to alcohol and often violent, following torture at the hands of Saddam Hussein's secret police. After the Gulf War, Saddam took revenge on southern Shi'ites for opposing him, and threw many – including Ali, his father and his brother – into the notorious Abu Ghraib prison. Ali was imprisoned for four years, during which he was subjected to torture, a daily occurrence in Abu Ghraib. Many in the prison died of their torture wounds, and others were arbitrarily executed by guards.

Upon his release, Ali fled with his family to relative safety in

Kurdistan (northern Iraq), and then to Iran, the family becoming separated from Ali for a period. The reunited family applied to the UNHCR in Pakistan for refugee status, but was refused. No longer welcome in Iran, unable to return to Iraq, and without refugee status, Ali saw his only option as making his own way to Australia.

Having been betrayed by a people smuggler himself (who absconded with all his money), Ali accepted a job working for a people smuggler, in return for free passage for one of his family members (nine siblings and his mother) for each boat he organised. In De Crespigny's view, such a decision is not immoral, and one we all would replicate given the same circumstances.

De Crespigny related to the audience that she was unsure exactly what to expect when she met Ali. She was pleasantly surprised by Ali's strong ethical qualities, his humour and (most of all) the profound self-awareness demonstrated by his actions.

Ali treated his job as exactly that – a job. He provided a service, and if he could not provide it (for example, if one of his clients was arrested before departure), any money he had received was returned. A compassionate man, Ali allowed as many women and children to travel for free as was possible. While the media often highlights the thousands of dollars paid to people smugglers, De Crespigny noted that little is ever retained as profit. After boats and supplies are purchased, crews paid, and countless law enforcement officials bribed to turn a blind eye, little cash remains. Those who profit most from the trade are those receiving the bribes, and locals who benefit from a flow of people purchasing basic necessities. In contrast to media stereotypes, Ali never traded the security of his passengers for profit: all of Ali's boats arrived safely in Australia, and all but one of the passengers were found to be genuine refugees. The media thus misrepresents the facts in portraying all people smugglers as having uniform motivations, without distinguishing between those trying to help vulnerable people and those exploiting them.

Betrayed by a double-agent, Ali was eventually prosecuted in Australia for people smuggling, serving four years in prison (the minimum sentence available to a compassionate judge, given minimum sentencing laws for people smuggling). His release only saw him re-incarcerated in immigration detention, upon the refusal of a protection visa – despite the fact that the Immigration Department had found him to be a legitimate refugee and that he had passed ASIO's security assessment. Now on a Bridging (Removal Pending) Visa, Ali is no longer physically detained, but will be returned to Iraq once it is deemed safe by the UN. However, many Baathist remain there who would kill him if he returned.

In answering audience questions, De Crespigny noted that 97% of asylum seeker boats coming to Australia arrive safely. With a \$16 billion surveillance system in place, situations of distress (such as the 2010 Christmas Island boat tragedy) should not occur. Furthermore, government policy actually *encourages* boat journeys, as Australia resettles so few asylum seekers waiting in Indonesia. De Crespigny presciently added that deterrence works on the absurd proposition that Australia could be made worse than the places asylum seekers are fleeing from, and urged that financial resources going into detention facilities be redirected to resettlement programs instead.