

Why did 353 asylum seekers die?

Is the Australian government involved?

On Friday 19 October 2001, at about 3.10pm, a grossly overloaded fishing boat, carrying 397 asylum seekers, sank in heavy seas about 60 nautical miles south of Indonesia on its way to Christmas Island. Although 120 passengers were still alive after the initial sinking, just 44 survived, after spending 20 hours in the water.

But this was not death by misadventure: not the kind of disaster suffered by thousands of other desperate asylum seekers seeking a new home.

The boat dubbed SIEV-X was organised to sink, with probable loss of life, as a deterrent to others.

And there is considerable and growing circumstantial evidence that the Australian government may have had some involvement in the sinking of the boat, and the long delay in rescuing survivors.

Rather than tell the truth about SIEV-X, the government has told lies about the sinking, lies about what it knew, prevented witnesses from testifying, and attempted to blacken the public reputation of Tony Kevin, the former Australian Ambassador to Cambodia, who first raised concerns about SIEV-X, and who has spent most of 2002 fighting for a proper investigation.

Much of what we now know has been the result of great reporting by journalists such as Ross Coulthart, Geoff Parish and Don Greenlees and the work of the Senate Inquiry into a Certain Maritime Incident, the "children overboard" inquiry, and in particular Senator John Faulkner. The Inquiry, which decided to take up Tony Kevin's concerns, vigorously questioned public servants, defence officials, and ministers, and uncovered an even more disturbing picture than the one Tony Kevin first suggested.

SIEV-X was designed to sink, and kill

■ It was even more decrepit than the usual; with rotting timber and a big crack in the hull. After just half an hour at sea, it was taking large quantities of water.

■ Boats the size of SIEV-X (19 metres long—the width of an average house block—and just 4 metres wide) could barely carry 100 people safely. In the past, people smugglers have overcrowded



A boat roughly the same size as SIEV-X

them to the point of bringing up to 230 passengers to Australia. SIEV-X left Indonesia with 420 passengers; and had 397 still on board when it sank. The deck was barely above the water line and half the people were jammed in holds below the water line.

■ The passengers were told that the boat was just a transit vessel: a lie designed to placate their fears.

■ Uniformed Indonesians—probably police—had *forced* asylum seekers onto the boat *at gunpoint*. Some had been able to bribe their way off the boat when it passed near an island.

■ One survivor told *Australian* reporter, Vanessa Walker, that, during his hours in the water, he had seen a large boat that shone floodlights on the water, but did not try to help. This story was repeated by others. It is believed the boat was an Indonesian patrol boat.

■ The next day, 44 survivors were picked up by fishing boats which miraculously happened to come out—60 nautical miles from the coast—looking for them. They were quickly taken back to Jakarta and presented to the international media as a

tragic object lesson of the dangers of people smuggling.

The Navy goes missing

The Australian Navy made no attempt to intercept SIEV-X. According to the Navy, its nearest vessel, the HMAS Arunta, was around 270km from where the SIEV-X sank, just four hours sailing away.

To understand the significance of this, we need to remember the political climate of September-October 2001.

By the middle of the year, the Howard government had decided that "border protection" would be a major plank in its bid for re-election. It had produced pamphlets attacking the Labor Party for being "soft" on asylum seekers, distributed them in some marginal

For more information...

The website SIEV-X.COM has an extraordinary and complete array of articles, documents and analyses.

The SIEV-X dossier

electorates, and then done follow-up polling.

The SAS had begun training to board ships carrying asylum seekers, to take them over and turn them back.

When the Tampa rescued asylum seekers on 26 August 2001, John Howard seized the moment to launch a new “tough” policy. The Tampa was stopped from docking at Christmas Island, in defiance of all rescue-at-sea tradition and international law. New legislation was rushed through parliament to strip asylum seekers of their rights, the “Pacific Solution” was hurriedly negotiated, and the Tampa asylum seekers were packed off to Nauru.

From now on, no boat was going to get through, and Howard had staked the future of his government on the Navy’s ability to stop all asylum seekers.

The government launched a new, tough naval operation, Operation Relex, to turn back boats, and set up a high-powered People Smuggling Task Force at the centre of power in Canberra, in the Prime Minister’s own department. Its job was to gather all intelligence on “people smuggling”, and coordinate Operation Relex.

Significant resources were thrown into the effort. Five extra naval vessels were deployed, and four P-3 Orion aircraft sent to patrol international waters as far north as 30 nautical miles south of Java.

John Howard promised “saturation surveillance” of this huge area between Indonesia and Australia’s island territories, Christmas Island and Ashmore Reef, while Immigration Minister Philip Ruddock declared that, “We intend to ensure that every boat is approached,” and that the navy would do this as close as possible to Indonesia.

“When they are still very close to home, they might be more willing to turn back,” he said.

Yet when one of the largest ever boatloads of asylum seekers left Indonesia, on Thursday 18 October—in a

Would an Australian government really put lives at risk?

In a 1992 documentary, a former Australian Immigration Officer admitted sinking vessels during disruption activities in the 1970s. Vessels carrying Vietnamese boat-people were deliberately sabotaged just off the Malaysian coast to stop them continuing to Australia.

Greg Humphries, a former immigration officer, told how: “We bored holes in the bottom of the ships and the boats and they sunk overnight. So they had to be landed. We were successful in stopping a lot of boats — by one way or another.”

direct challenge to the government’s re-election strategy—the Australian Navy made no attempt to intercept it, and the ADF’s Northern Command never sent the RAAF aerial surveillance operation to search for it—either to find it for interception, or to save lives.

SIEV-4 threatens Howard’s strategy

John Howard’s “border protection” strategy had started to come undone barely a month after it was announced.

On 7 October, just five weeks before the federal election, a boat dubbed SIEV-4 was intercepted by HMAS Adelaide, which fired cannon and machine guns in an attempt to turn the boat around. But the boat was disabled, the Adelaide crew were unable to make it seaworthy, and so the Navy rescued the asylum seekers (who also ended up on Nauru).

The government responded with the infamous accusation that the asylum seekers had thrown their children overboard; and declared that these were not the kind of people we wanted in Australia. This lie was based on falsely labelled photographs of a sea rescue necessitated by Canberra’s callous orders to keep the people on board their sinking boat until it actually sank.

But behind the racist agitation, the Howard Government faced an enormous problem. As a top level government interdepartmental committee noted on the very day the Adelaide intercepted SIEV-4:

A strong signal that the people smugglers have succeeded in transporting a group to the mainland could have disastrous consequences. There are in the order of 2500 PUA’s (potential unauthorised arrivals: ie asylum seekers) in the pipeline in Indonesia awaiting transport, therefore this should be avoided at all costs.

Note: “At all costs!” This implies that the extremely violent interceptions under Operation Relex were not enough.

The rescue of the SIEV-4 asylum seekers, the day after this meeting, profoundly threatened the government’s “border protection” strategy.

The sinking of the SIEV-X just eleven days later saved it; the so-called “people smuggling” trade was broken, because 353 people had been callously sent to their deaths.

The day after the SIEV-X disaster became known, the Indonesian government offered to host a regional conference on people smuggling. This represented a complete turnaround in Indonesia’s position; and a victory for the Howard government, shoring up its “border protection” strategy.

The dirty war against ‘people smuggling’

In September 2000 the Howard government launched a clandestine People Smuggling Disruption Program (PSDP) in Indonesia. Locking up asylum seekers had not been a sufficient deterrent, and boats were still arriving.

Parts of the operation involved propaganda warning asylum seekers not to use “people smugglers” and the distribution of t-shirts.

But there was also an active program of disruption. This program was organised to ensure “maximum deniability”. In other words, the Federal Police provided money and official cover to “sting” operators in Indonesia. It left the dirty work of deterrence up to its partners. Its hands were “clean”. What we do not know for certain is how dirty that dirty work was—although recent Channel Nine *Sunday* programs give us a fair idea.

The Australian Federal Police had two groups of partners in the PSDP:

1 Selected units of the Indonesian National Police (POLDA)

These POLDA units were given generous gifts: training conferences in luxury hotels, new patrol boats, uniforms, office equipment etc, and in return, were placed under a general obligation to work to disrupt people smuggling, despite people smuggling not being a crime under Indonesian law.

All the AFP could do with POLDA is “request” assistance. Thus it could easily disown any specific action taken by any unit of the Indonesian police. But POLDA units had a massive incentive to help stop people smugglers because the AFP was the source of resources unavailable to most of the Indonesian police.

Thus, when questioned by Labor Senator Peter Cook, AFP Commissioner Mick Keelty admitted that the AFP did not know how POLDA units chose to implement their obligations. For example, they would not know if POLDA units decided to disrupt people smuggling voyages by sabotaging engines. Keelty acknowledged that such actions would be illegal under Australian law.

This was an ominous admission because the engines of some refugee boats have failed in mid-ocean, putting asylum seekers at enormous risk of drowning. This is what happened to the people rescued by the Tampa, whose engines had failed three days before they were picked up. It also happened to SIEV-X.

2 Informants-sting operatives

Thanks to some extraordinary work by the Channel Nine *Sunday* program, we now know a little about one of these “informants”, Kevin John Enniss. The AFP has admitted knowing that Enniss was a

The SIEV-X dossier

“people smuggler” and admitted paying him \$25,000 for information.

But it appears that these informants’ most important role may have been as organisers of “sting” operations; encouraging asylum seekers to pay huge sums of money to be smuggled into Australia, and then making sure that these voyages failed in dangerous circumstances, thereby deterring others.

The existence of “sting” operations was confirmed by an Australian Federal Police Association survey of AFP activities in 2001, which discussed:

‘STING’ operations, whereby the AFP establishes small shipping companies in strategic locations known for smuggling illegal immigrants.

This seems to describe Enniss perfectly. Asylum seekers have told how Enniss claimed to be an Australian policeman, and that he had information about Navy ships which would ensure their boats would reach Australia.

Enniss also boasted to reporter Ross Coulthart that he had paid Indonesian locals on four or five occasions to scuttle boats with passengers aboard. Enniss claimed that the boats were sunk close to land so that everyone got off safely, but as Labor’s Senator John Faulkner demanded of the government: “how can we be certain this is true?”

One Pakistani man told how he paid Enniss \$10,000, went out in a boat whose engines failed, got back to shore, but never saw his money again. It seems that Enniss was able to mostly fund his “sting” operations with money defrauded from asylum seekers.

By September 2001, the Indonesian foreign affairs department was apparently so concerned about the disruption program that it asked for the protocol between the AFP and POLDA to be set aside. Despite this, the AFP continued to cooperate informally with its POLDA contacts until June 2002, when a new agreement was signed. In the recent Senate Inquiry, AFP Commissioner Mick Keelty professed to be ignorant of the reasons for the protocol being ended.

Was SIEV-X sinking the result of ‘beefing up’ disruption?

Four days after the rescue of the SIEV-4 passengers by the Adelaide on 8 October 2001, with the government’s “border protection” strategy on the brink of failure, the minutes of the Prime Minister’s People Smuggling Taskforce reveal “discussion of disruption activity, and scope for beefing up.” Ed Killesteyn from Immigration told the Senate Inquiry: the People Smuggling Task Force was concerned about the evidence of a

surge and was, in a sense, giving a direction to the responsible areas to look for further opportunities for disruption.

In other words, to do even more than Enniss and POLDA had already been doing. When asked about this, Commissioner Keelty commented:

To me it is just an operational call along the lines of, ‘The departure of the vessel is imminent; we’d better be doing everything we can possibly do.’

As John Faulkner commented in the Senate:

This is the deeply concerning aspect of disruption. How far has it gone? What activities are acceptable and what are not?... What, if any, consideration was given to questions of the safety of lives at sea?

And while promising to observe parliamentary protocols regarding operational matters, Faulkner warned: “those protocols were not meant as a direct or an indirect licence to kill.”

The meeting of the People Smuggling Task Force that discussed “beefing up” disruption was held on 12 October 2001. On the evening of 16 October, the passengers who had paid the “people smuggler” Abu Quessai were bussed, overnight, from Central Java to the port of Merak, and by car ferry to Sumatra. They hid all day (the 17th) in a hotel belonging to the local chief of police. They were then bussed down to the sea and loaded onto SIEV-X by armed policemen, before dawn on 18 October.

Survivors were later terrified out of giving evidence against Abu Quessai.

The government’s cover-up unravels

The Howard government began lying about the sinking of the SIEV-X from the moment the tragedy was revealed.

When Opposition Leader Kim Beazley argued that the sinking reflected a failure by the government to get Indonesian cooperation to stop boat people, John Howard responded, from 23 October onwards, by insisting that the boat had sunk in Indonesian waters, and had nothing to do with Australia. It was a line he repeated, forcefully, right through the election campaign.

But that very same day, the Prime Minister’s own People Smuggling Task Force—which seems to have briefed him after every meeting—discussed a detailed intelligence report on the sinking from the Embassy in Jakarta which noted: “Vessel likely to have been in international waters south of Java.”

And we learned just a few weeks ago that on that same day, a report written by the Immigration Department’s intelligence

Why does the place of sinking matter?

Because if SIEV-X sank more than 24 nautical miles south of Java it would have been within the zone patrolled by the Australian navy and air force.

The navy would have been under an international obligation to mount an operation to try and rescue everyone on the boat; an obligation under the UN International Rescue at Sea convention, and a requirement of any basic human decency.

Instead, the Navy was kept away from the area that SIEV-X had sailed into.

analysis section concluded that:

at about 1400 hours on Friday, when approximately 60 nautical miles south of Sunda Strait (between Sumatra and Java), the boat began taking water and finally capsized and sank at about 1500 hours.

So from the very beginning, all relevant government departments—Prime Minister’s, Defence, Immigration, Foreign Affairs—knew where the SIEV-X had sunk.

Despite this, the Prime Minister continued lying. The following day, October 24, interviewed by Liam Bartlett on Radio 6WF, he again insisted that the boat sank in Indonesian waters ... it had nothing to do with the actions of the Australian Government.

And so on: with Andrew Fowler on 28 October; Steve Liebmann on 29 October; and at the National Press Club on 8 November.

A sanitised version of the minutes of the PSTF makes it clear that both the government and the military knew that hundreds of lives were at stake. On 18 October, the day SIEV-X sailed, the PSTF minuted:

Intelligence re 2 boats with total 600 PUAs (possible unauthorised arrivals) expected at Christmas (Island)... Some risk of vessels in poor condition and rescue at sea. No confirmed sightings by Coastwatch, but multisource information with high confidence level.

There were further notes on 19th and 20th October, then this spine-chilling minute on 22 October: “SIEV 8”—this was the number they gave SIEV-X until it sank—

Not spotted yet, missing, grossly overloaded, no jetsam spotted, no reports from relatives.

Even at this point, there was no decision to launch a search and rescue mission. All internationally-accepted standards of decency and humanity had gone.

The SIEV-X dossier

When Tony Kevin began his crusade in March, and serious questions started being asked about SIEV-X, the government case was taken over by Defence Minister, Robert Hill. Replying to an article by Melbourne academic Robert Manne, Hill wrote:

Manne assumes that there is no doubt that SIEV X had exited Indonesian waters and entered the surveillance zone of Operation Relex. There is simply no evidence to support this assumption.

This, too, was a barefaced lie. In most of his statements, Hill was more cautious, if equally dishonest: on 16 June:

We ... well, we don't know exactly where it sunk. What we do is that we didn't have a capability to assist it because we didn't know where it was.

Just as in the Children Overboard scandal, the military were brought in to help bolster the lie. Admiral Geoffrey Smith, the head of Operation Relex, told the Senate Inquiry on 4 April that: "It may have foundered in the vicinity of Sunda Strait" and on 11 April he said, "It was feared it had foundered in the Sunda Strait area". Note the qualifications in each statement.

On 19 June, the very day the Defence Minister had switched back to the original lie, telling the Senate that the boat had

This dossier was prepared for the Refugee Action Committee, Canberra, by Phil Griffiths and published in October 2002. It draws on articles by Tony Kevin, Margot Kingston and Sarah Stephens; and transcripts of Ross Coulthart's reports for Channel Nine's Sunday program. All responsibility for content rests with Phil Griffiths. Extra copies are available.

sunk in Indonesian waters, his very own Departmental Secretary, Dr Allen Hawke, was falsely telling the Senate Inquiry that the Australian Defence Force did not know where the boat had gone down:

As far as I am aware we still have no concrete evidence about where it sunk. I specifically checked this point this morning with the ADF and they've told me that no-one knows where it sank.

More lies, deceit, contradictions

But the lies and obfuscation did not just revolve around where SIEV-X sank. The government has lied about its knowledge of SIEV-X's date and place of departure. And investigating Senators have been lied to about how the general boat surveillance and interception system operated; what surveillance there was to find, or try to find, SIEV-X.

Witnesses have at various times pretended there was a safety of life at sea search for SIEV-X. Only on the very last day of evidence to the inquiry did they admit that there never was such a search.

The few documents given to the committee have acres of black ink covering up information that may be crucial.

The Defence Minister refused to allow Admiral Raydon Gates to testify to the Senate Inquiry, despite having trawled through all SIEV-X documentation and prepared a report for the senators. And we know that Gates considered that a member of staff in the Prime Minister's Department, Dr Brendon Hammer, had attempted to influence the evidence he would give to the Inquiry—a very serious

charge.

Finally, there is an enormous array of questions, asked by the Senators and journalists, that public servants and ministers have simply refused to answer.

Why did the Australian Defence Force let 353 people drown?

The evidence given to the Senate Inquiry surely establishes that the government and the ADF allowed 353 people to die, knowing that they had sailed towards Australia, in a leaky, grossly overloaded boat, and yet did nothing to attempt to save their lives.

We do not know if this was just callous indifference to human life in breach of the UN International Rescue at Sea convention; or if the failure to rescue was part of a larger operation which had all along intended and planned for the boat to sink as a deterrent to others.

What we do know is that it HMAS Adelaide's action in saving the lives of the passengers on SIEV-4, on 8 October, had triggered a crisis of credibility for John Howard's policy of turning back the boats.

We do know that the Disruption Program in Indonesia was "beefed up" immediately afterwards; a program that was employing a man who now boasts of having sunk refugee boats.

There is no direct evidence that the government, or its agents or partners, sought to sink the SIEV-X. But there is considerable circumstantial evidence that this may have happened.

It is also possible that the AFP's Indonesian partners—either the Indonesian police or its own "sting" operatives—sensing the panic in Canberra, went a little further than the AFP hoped in setting up 353 people to drown.

The problem is, we don't know, and the government and its agencies won't tell us. They are all hiding behind "deniability", poor memory, and an Orwellian use of the English language that sees questions ignored and unanswered.

For this reason, we are demanding a full judicial inquiry into all the circumstances surrounding the sinking of SIEV-X and Operation Relex.

And we are demanding the government release all its information, and make all witnesses available.

It remains entirely possible that 353 lives were sacrificed to the re-election of the Howard government.

As former diplomat Tony Kevin commented recently: "Every question I have asked about what we knew about SIEV-X has been shown to be well-founded. This last, biggest, one will be too."

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