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 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.
Indonesia, on Thursday 18 October—in a
home, they might be more willing to turn
as possible to Indonesia.

Ruddock declared that, “We intend to
territories, Christmas Island and Ashmore
was to gather all intelligence on “people
the centre of power in Canberra, in the
future of his government on the Navy’s
off to Nauru.
The Tampa asylum seekers were packed
the “Pacific Solution” was hurriedly negotiated, and
“tough” policy. The Tampa was stopped
smugglers have succeeded in
seekers at enormous risk of drowning.
The rescue of the SIEV-4 asylum
seekers, the day after this meeting,
failed three days before they were picked
rescued by the Tampa, whose engines had
seekers at enormous risk of drowning.

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.”

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
333 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.

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.”

The SIEV-X dossier

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
denial”. 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,
novel patrols 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
“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

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.
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 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 sank. 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 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.

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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The SIEV-X dossier

Join the campaign for refugee rights

CONTACT RAC: tel: 0415 752 012; write LPO Box A287, ANU, ACT 2601
email info@refugeeaction.org; website www.refugeeaction.org

GET INVOLVED: RAC meets every second Monday at ANU, Canberra. We have an email list; just send your email address to info@refugeeaction.org to be kept up to date with the campaign.

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