

The tragedy of SIEV X

# Did the Australian government deliberately allow 353 refugees to drown?

Part 2 of a four part series

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See: Part 1; Part 3; Part 4

## The fateful voyage of SIEV X

There is compelling evidence that the scenario suggested by Tony Kevin in his submissions to the Senate inquiry on “A Certain Maritime Incident” formed the backdrop to the sinking of SIEV X. From Indonesian and Australian media reports at the time of the tragedy, as well as testimony from survivors, recounted by Kevin in his two submissions, the following appears to be what happened.

On October 18, 2001 SIEV X—a 19-metre wooden boat, grossly overloaded with more than 400 asylum seekers—set sail from Bandar Lampung at the southern tip of Sumatra, the largest island in the Indonesian archipelago. Its destination was Christmas Island, an Australian territorial outpost, about 300 nautical miles due south of Sumatra.

Intelligence about the boat’s movements was being forwarded to Australian authorities by a large network of paid informers in Indonesia who had infiltrated the “people smuggling” industry operating out of Indonesia. Their task was not only to follow the “people smugglers” activities, but to try and disrupt them. For some unexplained reason, there was no attempt to disrupt SIEV X’s journey.

Many of the passengers were reluctant to board when they saw the boat’s unseaworthy condition. They were falsely informed that this was just a transit vessel and they would soon be transferred to a larger boat. Some nevertheless took fright and paid bribes to be let off by the armed and uniformed officers who were at the dock. The rest were herded onto the vessel at gunpoint. Another 24 alighted when the boat stopped briefly at an island in the Sunda Strait (the strip of water between Sumatra and Java), convinced it was about to sink. The vessel was leaking, its engine failing and there was a large crack in the hull.

The boat set out for the open sea on the morning of October 19. In the early afternoon, one of its two engines failed. Within minutes the vessel capsized, about 80 miles south of the Sunda Strait, breaking up into planks almost immediately. Of the 397 refugees still on board, 353—including 146 children—perished. The boat was carrying only 70 life vests.

Around 21 hours later, what appeared to be an Indonesian fishing boat happened by, rescuing the 44 who were still alive, clinging to life vests or pieces of wood. According to survivor accounts, two large ships passed them during the night, shining floodlights onto the terrible scene. Aircraft

were seen and heard flying above. But none of them stopped or mounted a rescue.

The fishing boat took the traumatised survivors to Jakarta, about 300km away (although the south coast of Java was only 80km away). The journey lasted nearly two days. On October 22, the refugees were met at the pier by Indonesian immigration police.

The next day CNN broke the news of the tragedy. An Egyptian, Abu Qussey, was arrested as the “people smuggler” responsible, but charged only with document fraud. Two police officers were arrested in northern Indonesia for their part in the armed duress at the port of embarkation.

Responding to questions on October 23-24 as to why the victims had not been rescued by Australian naval vessels patrolling the area, Prime Minister Howard stressed: “This boat sank in Indonesian waters. We are not responsible.”

None of the media questioned Howard’s position. The election campaign was well underway. Both the media and the Labor opposition had fallen in behind the government’s vilification of asylum seekers and its attempts to paint them as possible terrorists in the wake of September 11. The drownings were depicted as an unfortunate accident. No assessment was made of exactly where the boat sank or how much the government knew about its movements and overloaded condition. The unstated premise was that, by virtue of the fact that they were refugees, the lives of these people were expendable. After a few days in the headlines, the issue all but disappeared from the public arena.

It did have the effect, however, of deterring any further voyages. On October 25, one boatload of refugees arrived at Ashmore Reef, but that was to be the last. Between then and the start of the Senate inquiry in late March, none of the 2,500 asylum seekers alleged by the Australian government to be waiting in Indonesia to travel to Australia embarked on the journey.

On election night, Prime Minister Howard, triumphant at his third consecutive electoral victory, was asked in an interview on ABC TV whether he expected the number of refugee boats to diminish.

“The advice is that the flow of people into the pipeline has slowed,” he answered. “It’s a bit hard to know how quickly the people who have accumulated in Indonesia are going to try and come here. *Obviously the more difficult we make it, the less likely they are to come...*” (Quoted in Kevin’s second submission. Emphasis added).

## The Senate inquiry

When Kevin's allegations about possible government involvement in the SIEV X tragedy were first raised in the inquiry, they were attacked by witnesses as unfounded and offensive and dismissed out of hand. The government and media, publicly at least, chose to ignore them.

In early April, the maritime commander in charge of Operation Relex, Rear Admiral Geoffrey Smith, testified to the Senate that the RAN had no information about SIEV X, its likely departure from Indonesia or due date in Australian territory. "At no time under the auspices of Operation Relex were we aware of the sailing of that vessel until we were told that it had in fact foundered," he declared. He told the senators that when SIEV X sank on October 19, the closest ship, HMAS Arunta, was 150 nautical miles away, patrolling the waters close to Christmas Island. (At that distance, Arunta's helicopter could have been at the accident scene in less than an hour and the ship itself in four or five hours.)

Under questioning, Smith admitted that normal practice since September 3 when Operation Relex was launched, was to respond to any information regarding the possible departure of an SIEV for Australia by sending ships to intercept it. Every one of the 12 other SIEVs that set out from Indonesia for Australia between September 3 and October 25 was intercepted and boarded by the navy. The reason this did not happen in the case of SIEV X, according to Smith, was that the navy simply received no intelligence about it.

This appeared to be the end of the matter. Kevin, however, responded to Smith's testimony with a second submission, highlighting a number of inconsistencies. Smith had testified that the navy knew nothing about SIEV X. But according to media reports in October, Australian search and rescue authorities had issued an "overdue" notice about SIEV X on the morning of October 22. Kevin wrote: "In order to be able to put out a boat overdue notice on 22 October, the Australian search and rescue authorities must have had some previous information that this boat had set out for Christmas Island, when it had set out, and from where."

That the overdue notice was issued on October 22 suggested that "Australian authorities might have expected it to arrive at the Christmas Island contiguous zone by 21 or 22 October, on the basis of a presumed knowledge that it had set out from Bandar Lampung on around 18 or 19 October."

Kevin posed the obvious question: "From where did Australian search and rescue authorities obtain such information and when did they receive it?"

Smith had told the Senate inquiry that unlike the situation prior to Operation Relex, the Australian Defence Force (ADF) had full operational control of all surveillance, monitoring and interception of SIEVs, and that intelligence "sat behind" these activities. "It was a government decision that the ADF would take the lead. Prior to 3 September, we were a supporting agency; after 3 September, we were the lead agency," he said.

Smith also outlined just how closely involved the prime ministerial taskforce was: "Once these vessels were intercepted in the early stages of Operation Relex, every decision that was taken in terms of what to do with that particular vessel and the people on it was in fact directed from Canberra. It is my understanding that that came out of the interdepartmental committee process and therefore, from our perspective, it was a government direction."

Under these conditions, whatever information had been received by search and rescue leading it to issue an overdue notice on October 22 would, as a matter of course, have been relayed both to the navy and to the government. Yet Smith had forcefully insisted, on three separate occasions in the course of his testimony, that the navy knew nothing about SIEV X prior to its sinking.

### Smith's "clarification of evidence"

On April 16, Rear Admiral Smith decided to publicise his repudiation of Kevin's allegations in a letter to the *Canberra Times*. In it, he repeated his claim that the navy had no information and was thus unable to rescue SIEV X's 353 victims.

Rear Admiral Marcus Bonser, director general of Coastwatch and the man responsible for coordinating his organisation's relations with Defence under Operation Relex, was due to testify before the Senate inquiry on May 22. After reading Smith's *Canberra Times* letter, he immediately phoned Smith's office to let him know that the evidence he, Bonser, would be presenting directly contradicted Smith's claims.

Smith was overseas at the time, so Bonser left a message. On April 22, having received no response from Smith, Bonser met with Admiral Gates, head of the defence taskforce on "people smuggling". On May 10 and still no response, he advised navy chief Vice-Admiral David Shackleton that "there would be inconsistencies between Admiral Smith's evidence and mine when I appeared at the Senate committee, and he should be aware of that."

On May 16, one month after Bonser's first attempt to contact him, Smith finally phoned Bonser to say he would be sending a letter to the Senate to "clarify" his evidence.

On May 22, the day of Bonser's appearance before the inquiry, Rear Admiral Smith's letter was delivered. Entitled "clarification of evidence," its contents were astonishing. Far from "clarifying" his earlier evidence Smith was now openly contradicting it. The rear admiral admitted that the navy had received no less than six intelligence reports between October 14 and October 22 about SIEV X and its intended or actual departure from Indonesia. The reports had been passed on by Coastwatch and contained such details as the name of the "people smuggler" organising the voyage, Abu Qussey.

Smith cited a dispatch on October 18 in which Coastwatch assessed SIEV X's possible arrival at Christmas Island on October 18 or 19. Another, on October 19, reported that the vessel had departed. On October 20, the boat was described in considerable detail as being "small and with 400 passengers on board, with some passengers not embarking because the vessel was overcrowded." The purpose of the reports, according to Smith, was to indicate "a possible SIEV arrival in an area within a probable time window." Amazingly, and despite the navy's receipt of detailed and precise information as to the unseaworthy condition of the boat, it considered the reports too inconclusive to warrant an aerial search. Smith added that when the boat sank on October 19, surveillance aircraft were flying near Christmas Island (not in the area south of the Sunda Strait where the boat sank).

Smith's letter—which amounted to an admission that he had lied under oath—should have led, at the very least, to his immediate recall before the inquiry. Why had he not been forthcoming with this information in April? Either the navy had made a terrible miscalculation, a fatal error of judgement, in its assessment of the SIEV X intelligence—removing any possibility of rescue for the 353 refugees when their boat sank—or a conscious decision had been taken to simply let them drown. At the very least, the navy was guilty of breathtaking callousness concerning the lives of the men, women and children aboard SIEV X.

Most importantly, the inquiry should have immediately posed the question: who made the final decisions in relation to the quality and status of the SIEV X intelligence? What role did the government and its "People Smuggling Taskforce" play? Was a decision made at the highest level to allow this particular boat to pass through the Operation Relex dragnet precisely *because* it had no chance of making the distance? Were surveillance aircraft and RAN ships *deliberately* kept away?

Remarkably, Smith was not recalled and very little was made, in the inquiry and the press, of his admissions. Even more remarkably, when the ADF insisted that Smith's letter be returned on the basis that it contained confidential information, the senators presiding over the inquiry dutifully

obliged.

*To be continued*



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