

One year after the SIEV X drownings

Australian police agents involved in sabotage of refugee boats

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October 19 marked one year since the tragic drowning of 353 asylum seekers when their boat literally broke up in international waters between Indonesia and Australia. The refugees—from Iraq, Iran, Afghanistan, Palestine and Algeria—were packed onto a small, unseaworthy fishing boat, now known as “SIEV X” (Suspected Illegal Entry Vessel Number 10), which was making its way from Indonesia to Australia’s Christmas Island. Among the dead were 150 children.

In the 12 months since the catastrophe, the Australian government has tried to cover up the fact that it had detailed knowledge about the boat’s departure date and movements, but nevertheless refused to mount any rescue operation (*See*: Did the Australian government deliberately allow 353 refugees to drown?). Prime Minister John Howard continues to brush aside evidence demonstrating his government’s culpability in the tragedy, while the opposition parties in the Senate, including the Australian Labor Party (ALP), voted to shut down the Senate inquiry investigating the incident after Howard blocked key military officers and senior government bureaucrats from testifying. The inquiry into a Certain Maritime Incident (CMI) is due to release its report at the end of this month.

In the meantime, disturbing new information has come to light that Australian Federal Police (AFP) agents in Indonesia initiated, on September 27, 2000, a program of deliberately sabotaging refugee boats before they set sail for Australia. From the evidence now available it is entirely possible—even likely—that SIEV X was one of them.

The shocking revelations were made last month on the Australian television program *Sunday*, when AFP agent, Kevin John Enniss, admitted he had paid local Indonesians on “four or five occasions” to sabotage refugee boats. He claimed that while some of the boats subsequently sank, none of them had travelled far and no lives were lost.

The *Sunday* program featured interviews with asylum seekers who revealed that Enniss collected thousands of dollars from them, claiming that, as an undercover Australian police agent, he had inside knowledge of Australian navy movements and could guarantee arrival in Australia. One young Pakistani man told the program he had paid Enniss \$10,000 for passage in a boat that sank soon after leaving Indonesia. He said he managed to swim to safety, but had never been able to retrieve his money from Enniss.

While *Sunday* did not directly accuse Enniss or other AFP operatives of sabotaging SIEV X, the police agent’s admissions point to the distinct possibility that the vessel’s serious leaks from the commencement of its voyage, the engine’s sudden breakdown and the boat’s rapid disintegration after capsizing were the result of interference by government agents.

Concerns that SIEV X may have been sabotaged were first raised by Tony Kevin, a former Australian diplomat, in submissions to the CMI

inquiry earlier this year. Kevin posed the question: “Might an Australian agency or paid agent in Indonesia have organised matters to make it likely that this boat sank in Indonesian waters soon after leaving its embarkation point in Indonesia?”

During the six months of the Senate inquiry, both the government and the media managed to sidestep the issue. Then, three weeks after the revelations on the *Sunday* program, and nearly two months after the inquiry was shutdown, Labor Senator John Faulkner—who sat on the inquiry—made a series of statements in parliament about the government’s secret “people smuggling disruption program.” Faulkner named Enniss and called for an independent judicial inquiry into the SIEV X tragedy.

Addressing the Senate, Faulkner revealed that the Department of Foreign Affairs, Australian Security Intelligence Service and the Department of Defence were all involved in the extraordinary “disruption” operation and called on government ministers, AFP officials and senior bureaucrats to disclose detailed information about it. He said there appeared to be “no accountability mechanisms”, with most of the operation “outside of Australian legal jurisdiction”, and demanded Immigration Minister Phillip Ruddock, Federal Police and Justice Minister Chris Ellison and Foreign Affairs Minister Alexander Downer explain their involvement.

A day later Faulkner told the Senate that at least three Australian Department of Immigration compliance officers and two AFP agents, working out of the Australian embassy in Jakarta, ran the disruption operation. This involved joint action with the Indonesian National Police (INP) and local operatives such as Enniss. The program was initially organised under a specific protocol agreed between the AFP and the INP in September 2000 and subsequently modified. Its activities were regularly discussed on the Prime Minister’s high-level People Smuggling Task Force (PST).

Faulkner told parliament that the PST had issued a specific directive on October 12, 2001 for the disruption activities in Indonesia to be “beefed up”. According to AFP Commissioner Mick Keelty, “beefing up” was an “operational call along the lines of, ‘The departure of the vessel is imminent; *we’d better be doing everything we can possibly do.*’ [Emphasis added]” Six days after the PST’s directive, SIEV X set sail on its fateful journey.

Concluding his address, Faulkner asked: “What activities are acceptable; what are not? Who carries them out? Who pays for them? What accountability and control mechanisms are in place? Who authorised these activities? What is the effect of these activities? What, if any, consideration was given to the questions of safety of lives at sea? Was Enniss involved in the sabotage of vessels? Were others involved in the sabotage of vessels? Do Australian ministers, officials or agencies have knowledge of such activities? Did these involve SIEV X?”

In line with their contemptuous attitude toward the fate of the SIEV X refugees from the outset, neither Howard nor his ministers have provided answers, either inside the parliament or elsewhere. Instead, Downer denounced Faulkner's questions as "disgraceful" and fulminated that "anybody would know" that no Australian government would sabotage a boat. Ellison described Faulkner's speech as an "outrageous slur on Australian law enforcement," while AFP Commissioner Keelty released a statement claiming that the organisation had never been involved in sabotaging vessels.

Interestingly enough, Keelty had previously told the Senate inquiry that the AFP, after "tasking" disruption activities to Indonesian authorities and other operatives, had little control over what they did. "The difficulty is that once we ask them to do it, we have to largely leave it in their hands as to how they best do it."

Keelty wants it both ways. On the one hand, he insists the police agency was not involved in illegal activity. On the other, he claims it had no control over, and therefore no knowledge of, what its operatives may or may not have done.

This position, known as "plausible denial", is standard operating procedure for intelligence organisations. Formal instructions for clandestine or illegal activities are suitably vague and generally issued through other parties. Operatives then have the freedom to implement them as they please. Blame, of course, cannot be sheeted home to the actual instigators.

Throughout the period of the "people smuggling disruption program" the Howard government used every opportunity to publicly condemn "people smugglers," castigating them for plying an "illegal" trade and accusing them of compromising the country's "border security." Nevertheless, in private, it had no compunction in employing people like Enniss, who collected a hefty \$25,000 from the AFP for spying, defrauded asylum seekers of thousands of dollars on the false promise of safe passage to Australia and, on his own admission, organised the successful sabotage of at least four refugee boats.

The SIEV X sinking took place just three weeks before last year's November 10 federal election. Facing almost certain defeat, Howard seized upon the Bush administration's "war on terrorism" along with anti-refugee rhetoric and the need for "border protection," to whip up xenophobia and claw back electoral support.

In early September 2001, just prior to announcing the election, the government launched "Operation Relex"—a full-scale naval operation, backed by aerial surveillance, aimed at intercepting refugee boats bound for Australia's Christmas Island and other island outposts in the Indian Ocean. Confrontations between the Royal Australian Navy and hapless refugees—monitored daily by Howard's PST—became a central feature of the election campaign.

The government staked its credibility on the success of Operation Relex in preventing any refugees from landing on Australian territory. Just prior to the voyage of SIEV X, a refugee boat—SIEV 4—had sunk after being intercepted. Because the navy was in the immediate vicinity, it was obliged under the International Law of the Sea, to rescue the boat's passengers, creating a crisis for the government. It was in this context that the PST issued the directive to its "people smuggling disruption program" to "beef up" its disruption activities.

SIEV X set sail on October 18. The asylum seekers who were to board the boat were transported by bus and ferry overnight from Central Java to Sumatra and hidden all day in a hotel belonging to the local police chief. They were then bussed to the boat and escorted on board. Although the vessel could plausibly hold no more than 150 passengers, more than 400 were crammed on. Armed Indonesian police prevented those alarmed at the gross overcrowding from getting off.

The boat sank in international waters around 80 miles south of the Sunda Strait in an area under constant surveillance by the RAN. Yet,

despite the fact that every other refugee boat making the journey from Indonesia to Australia since early September had been tracked, intercepted and turned back by Operation Relex, SIEV X was left to its fate, apparently undetected. The closest naval ship was a few hundred kilometers away and the scheduled overhead surveillance flights were either rerouted or allegedly failed to detect the wreckage. After 21 hours fighting to stay alive in the freezing ocean, the few survivors were picked up by an Indonesian fishing boat.

The CMI inquiry established beyond any doubt whatsoever that the Australian Federal Police and its agents, local Indonesian operatives and key Australian government officials were fully aware of both the planned departure of SIEV X and its unseaworthy state. The AFP, Coastwatch, the RAN and the PST had several intelligence briefings in the course of the vessel's journey. Yet the government has continued to argue that nothing more could have been done to rescue SIEV's passengers.

When news of the tragedy became public, Immigration Minister Phillip Ruddock told the media that the sinking "may have an upside... In the sense that some people may see the dangers inherent in it [i.e. making the voyage to Australia]." The meaning was unmistakable: the government viewed the drownings as a convenient deterrent, an event that would send a message to the estimated 2000 refugees waiting in Indonesia to make the trip to Australia that they could expect to lose their lives.

Responding to questions in the Senate late last month, Federal Police Minister Ellison boasted, "Over the last 12 months or more, we have not had a boat land on the mainland of Australia. That has been because of our strategies, which have largely involved cooperation with the Indonesian police. I have to tell you right now that I do not have any trouble with that. It has advanced the interests of this country."

The Howard government's response to last week's tragic events in Bali further underscores its inhuman treatment of the SIEV X passengers.

After the drownings last year, Howard justified the government's inaction with the (false) claim that the boat sank in Indonesian waters. "It was not our responsibility," he told the media. But when Australian citizens sustained injuries in the Bali bomb blasts, the government lost no time in dispatching military aircraft to Indonesian territory to airlift them out.

While more people perished at sea than were killed in Bali, media coverage was scant and the issue quickly buried. After the event, Operation Relex, with all its resources, failed to conduct any investigation into how 353 people could have drowned in an area directly under its surveillance. Moreover, not a single government department raised the need for an inquiry. Because the SIEV X victims were penniless refugees, from the Middle East and Central Asia, with coloured skin and no passports, their lives were regarded as entirely expendable—not only by the Howard government in pursuit of an election win, but by the entire official establishment.

The latest revelations concerning sabotage operations in Indonesia indicate that the Australian government's culpability in the terrible tragedy of SIEV X may yet prove to go far beyond its failure to mount a rescue.



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