

# Australia: Unanswered questions about refugee boat tragedy

Mike Head, Linda Levin  
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After more than a week of refusing to provide any details of how five asylum seekers lost their lives when their tiny wooden boat exploded and sank off Australia's north-west coast on April 16, the Rudd government, through the Defence Department, today released a "sequence of events," accompanied by 24 selected photographs of the navy's operation.

The material raises more questions than it answers. In the first place, the chronological sequence only covers the period after the explosion. It provides no information at all about how an armed naval party boarded and took control of the overcrowded vessel, which was intercepted the previous day, at least 20 hours before the tragedy, and no details of the events immediately preceding the explosion.

The first photograph shows a boarding party aboard the refugee boat, with a naval officer standing atop the coach house, just 11 minutes before the explosion. The accompanying media release states that nine Australian Defence Force personnel were on board. Yet, Rear Admiral Allan du Toit, the Border Protection Command commander, told a media conference on April 16 that just three or four military personnel were aboard.

It is possible that du Toit's mistake was the result of confusion amid an ongoing operation, but why has the navy not explained the discrepancy? The arrival of a nine-person armed squad, possibly just before the explosion, would be no small matter for the 47 Afghan refugees, who were on what they hoped would be the last leg of a perilous and lengthy journey, via Pakistan, Malaysia and Indonesia, to flee war and repression in Afghanistan.

Du Toit made another key statement on April 16 that is now known to be false. Standing alongside Home Affairs Minister Bob Debus, the admiral said the asylum seekers had been told, through one of their number who spoke good English, that they would be moved to an offshore detention facility on Christmas Island, an Indian Ocean outpost some 2,600 kilometres north-west of Western Australia.

Four days later, Lieutenant Commander Barry Learoyd, the captain of HMAS Albany, one of the patrol boats, contradicted that claim, telling reporters that the refugees had "certainly" not been informed of their destination. Learoyd's statement indicates that Debus and du Toit misled the public. If so, why? What were they seeking to cover up? This is critical, because if what Learoyd says is true, the refugees would have been entirely justified in assuming that they were about to

be towed back to Indonesia. The presence of the nine-member naval squad would have reinforced that assumption.

Neither the navy, the government nor the media has commented on these contradictory accounts, or provided any explanation.

Many other unanswered questions remain. On April 16, Du Toit denied reports that the refugee vessel was being refueled at the time of the blast. He also denied other reports, repeated by Debus, that it had been placed under tow. Instead, the admiral said the refugees were being "held on board" their vessel, and prevented from boarding a patrol boat, according to "standard operating procedures," until another ship arrived to transport them to Christmas Island. Who is lying and why?

Christmas Island was around 2,000 kilometres away, a journey of eight or nine days, while Ashmore Reef, where the boat was intercepted, was only about 400 kilometres off the coast of West Australia. It is now known, from doctors treating the victims, that the refugees were thin and emaciated after spending days hiding and hungry in Indonesia before setting sail. Who ordered them to undertake another harrowing journey? Why were they not, at the very least, immediately taken aboard the two naval patrol boats, for care and treatment?

The Northern Territory Coroner has issued preliminary findings that the three people whose bodies were recovered after the explosion died from drowning, not the blast itself. The two whose bodies have not been found are presumed drowned. This raises another question: why were the refugees not given life jackets as soon as the navy boarded the vessel? Even if the grossly overcrowded fishing boat was deemed seaworthy, as du Toit claimed, elementary sea safety procedures would require that all passengers be supplied with life jackets or belts. Was the incident reported immediately to the government, and, if so, what instructions were given?

Naval officers, including du Toit and Learoyd, have stressed that the refugees were "calm" and "appreciative" before the explosion. Yet, Learoyd also told journalists that he received a "high threat" alert from the other patrol boat, HMAS Childers, a few minutes before the blast. Why? What happened that required the sounding of an alarm? Again, there has been no explanation.

Today's Defence media release reveals that it took nearly 10 hours for the most seriously injured victims of the explosion—who remain in

hospital, some in induced comas, with terrible burns, fractures, head injuries and blood poisoning—to be taken to an offshore oil drilling platform, Front Puffin. From there, they were helicoptered to the mainland.

Although the rig is in Australian waters, it has been “excised” from the country’s migration zone, along with all the islands, reefs and territorial waters to the north of the continent. This means that the 29 patients are likely to be treated as “off-shore arrivals”. They will be denied their rights to apply for refugee protection visas through the Australian legal system, which recognises the international Refugee Convention and allows asylum seekers to appeal to tribunals and courts.

For days on end, the refugees have been subjected to a political and media witch-hunt, with sections of the media and the Liberal opposition accusing them of trying to sabotage the boat and thus bearing responsibility for the five deaths. Unnamed “senior government sources” have fed this speculation by telling the Australian Broadcasting Corporation that people threw petrol on the floor of the boat, accidentally triggering the explosion.

None of the survivors has been permitted to speak to the media to clarify the circumstances in which their boat blew up. Instead, the Rudd Labor government has been intent on ensuring that most will be shipped off to detention on Christmas Island, with Immigration Minister Chris Evans obtaining legal advice about the status of the 29 victims who were taken to the offshore oil rig.

The most significant contradictions that have emerged in the official story concern the period just prior to the blast. Piecing together the scant evidence produced so far, and unraveling the lies, the most plausible scenario is that in the 15 minutes prior to the blast, around six additional armed naval officers boarded the fishing vessel and began refueling the boat, as well as making preparations to tow it to Christmas Island.

With growing alarm the refugees demanded to know what was happening and where they were being taken. The navy refused to tell them. The refugees became desperate, believing they were going to be towed back to Indonesia. Some kind of altercation or conflict ensued. Perhaps one or more of the refugees attempted to stop the officers; perhaps they tried to disable the engine as it was being refueled; perhaps one or more of the armed squad fired warning shots. Some of the refugees may have attempted to jump into the water, but were physically restrained, or, in the words of admiral du Toit, “held on board” by the navy. The officers sent a “high threat” call to the HMAS Childers, whose crew then witnessed the explosion.

Whatever the exact trigger, most of the refugees, badly burned and weak, and without life jackets, were thrown into the sea and the wooden vessel began to rapidly sink. Five drowned, and dozens were seriously injured. If this is what happened, it serves to underscore the criminality of the navy’s actions and the Rudd government’s policy.

The dangers of overcrowded refugee boats sinking between Indonesia and Australia are well known. In October 2001, a wooden hulled vessel carrying 223 asylum seekers sank after being forcibly turned around by the navy, eventually forcing the HMAS Adelaide to

rescue them. The then Howard government then created a major scandal when it falsely accused the passengers of throwing their children overboard. Later that month, another boat, known only as the SIEV (Suspected Illegal Entry Vehicle) X, sank with the loss of 353 lives, without any rescue operation by the Australian military, which had the area under close surveillance.

Moreover, it is undeniable that Afghan Hazara refugees sent back to Indonesia are in grave danger of being deported to Afghanistan. Human rights workers have reported increasing numbers of Hazaras are becoming victims of targeted killings.

Currently, the Indonesian authorities are preparing to remove 70 Hazara refugees to Afghanistan, despite their fears of being murdered by the Taliban. Among them is Nur Abdul Hassan Hussaini, whose brother, Safdar Ali Hussaini, was granted permanent residency in Australia in 2004. Nur Abdul Hassan Hussaini, who has spent nine years in refugee camps in Quetta in Pakistan, told the ABC he had twice been refused permission to join his brother in Australia, despite his father and elder brother being killed by the Taliban in the mid-1990s.

The Rudd government’s response is almost identical to that of the Howard government. While the Labor government phased out certain aspects of Howard’s “Pacific Solution”—sending asylum seekers to the remote Pacific Ocean island of Nauru (a former Australian colony)—it has retained the naval blockade of Australia’s territorial waters, the policy of intercepting refugee vessels on the high seas, the “excision zone” regime, and the mandatory detention of all refugee boat arrivals at the far-flung Christmas Island facility, purpose-built by the Howard government.

Whatever the exact circumstances, full responsibility for the deaths and injuries suffered by the 47 asylum seekers rests squarely with the Labor government and its continuation of the criminal anti-refugee regime of the Howard government.

*The authors also recommend:*

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