Australian government denies responsibility to rescue refugees

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The head of the Australian government's Border Protection Command (BPC) has asserted that none of the police, navy or customs agencies directed by the BPC has any responsibility to rescue refugees on Australian shores. The declaration underlines the intent of Prime Minister Julia Gillard's government to exploit the deaths of at least 48 refugees off Christmas Island last December to deter people from seeking asylum in Australia.

Western Australian Coroner Alistair Hope is currently conducting an inquest into the Christmas Island disaster, which resulted in the confirmed drowning of 30 asylum seekers, whose bodies were found, and the likely death of 20 others on board. Rear Admiral Tim Barrett testified last month and said that he was "not aware of any agency with that responsibility" (to rescue stricken refugee vessels).

Just before 6.45 a.m. on December 15, the engine of a wooden fishing boat carrying an estimated 92 people gave out and the vessel was pushed by eight-metre waves and 90 km/h winds towards the island's rocky cliffs. The screams of those on board had been heard by locals who rushed to throw life jackets to them. Minutes later the boat disintegrated as it was thrown against the rocks. Only 42 people survived. The bodies of 22 adults and 8 children, including 3 infants, were recovered. Nearly six months later, 13 of the dead remain unidentified, while the number of missing and presumed dead is still unconfirmed.

In a thinly-veiled threat to future refugees, Rear Admiral Barrett added that "there was an expectation that masters of vessels avoid putting themselves in those situations." Given the location and environmental conditions of Christmas Island, this amounts to a warning that the Australian government will not protect refugees from the fate suffered by those on board the fishing boat, known as SIEV 221 (Suspected Illegal Entry Vessel 221).

An Australian territory located 300 kilometres south of Indonesia and 1,500 kilometres from Western Australia, Christmas Island is one of the most commonly sought landing points for asylum seekers travelling to Australia by boat. Fleeing violent persecution and immense social deprivation, they are forced to place themselves and their families in danger, travelling in rickety boats across perilous waters. Between November and May, the shores of Christmas Island are commonly swept with gale-force winds and north-west monsoons.

Rear Admiral Barrett's testimony indicates that the government is blatantly breaching international maritime and refugee conventions that impose clear obligations on countries to rescue stricken passengers in their waters and to maintain "adequate and effective search and rescue services."

Details also emerged as to why neither of the island's two onshore rescue boats was deployed last December. Alex Schultz-Altmann of the Australian Maritime Safety Authority (AMSA) explained that more than a month before the incident, AMSA suspended the seaworthy certificates of the boats, operated by the Australian Federal Police and the Marine Volunteer Rescue Service (MVRS), citing buoyancy and stability problems.

Police and customs were notified of the defects three months earlier but did nothing to address them. Remarkably, even if these issues had been addressed, the vessels were only designed for "fair-weather" conditions.

MVRS regional manager Paul Kimber testified that in 2007 he had urged the government to purchase single, rigid-hulled Naiad rescue vessels, but was told by Commonwealth officials to "butt out." He had cited numerous disadvantages of the "Leisurecats" that were instead procured. Their fibreglass hulls were designed for leisure purposes, they could not handle the island's weather conditions, and launching and landing the boats would be cumbersome and time-consuming. He had also warned that the boats would rot in the humid conditions of Christmas Island, where there was no undercover storage. These warnings tragically proved accurate.

As a consequence, the rescue operations had to be carried out by four fast boats launched from patrol boats HMAS Triton and HMAS Pirie, which took more than an hour to reach the disaster zone. Kimber testified that, had the Naiad

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vessels been available, his staff may have been able to tow SIEV 221 away from the cliff face—preventing the catastrophe—or at least have rescued many more of those on board.

Ludicrously claiming that Kimber's evidence was irrelevant, Commonwealth legal representatives at the inquest attempted to have Kimber barred from testifying.

An internal customs inquiry released in February found that the authorities had no intelligence suggesting SIEV 221 would arrive, but refused to make public the relevant intelligence reports. Enormous resources are utilised to monitor Australia's northern shoreline. In last month's budget, the government announced an additional $3.3 billion for anti-refugee "border protection" measures, including increased naval and aerial surveillance. Moreover, it is well established that AFP officers operate in Indonesia, where SIEV 221 disembarked, infiltrating and gaining intelligence on organisations offering transport to asylum-seekers.

Official accounts of radar operations prior to December 15 raised further questions. Lieutenant Commander Mitchell Livingstone, commander of the HMAS Pirie claimed that radars on nearby patrol boats were rendered ineffective as a result of weather conditions. The "perceived threat" of another boat arrival had just been downgraded, because a boatload of refugees was intercepted on December 14. Therefore no back-up assistance from the land-based Jindalee Over the Horizon (JORN) radar system was sought.

In a submission to a parliamentary inquiry, former Australian diplomat Tony Kevin revealed the misleading character of statements describing JORN as a "back-up". Citing a range of documents (see: "Submission number two, attachment 1"), Kevin concluded: "The consolidation, processing and interpretation of [JORN] data…enables Australia's border protection authorities to initially detect and then track the route and speed of approaching vessels passing through Australia's northern maritime approach waters, to a distance out to approximately 2,000 km."

JORN "was designed to monitor any kind of sea or air intrusion, whether this be for reasons of invasion, clandestine terrorist entry, drugs or people smuggling, fisheries or quarantine violations of Australian sovereignty. At a cost to the Australian taxpayer of $1.8 billion…it is not a 'fair weather' or back-up system." It was a "trip-wire" for border protection to "intercept boats…at operationally convenient locations."

Why then was JORN not used in the case of SIEV 221? If, as is supported by substantial evidence, JORN operates on a 24-hour basis, why were no patrol boats stationed to intercept the refugees, as is usually done?

What is clear is that the SIEV 221 disaster was a useful event for the Gillard government, boosting its efforts to frighten refugees seeking to exercise their basic legal and democratic right to seek asylum. Left Behind, a 30-second video posted last June on the government's YouTube channel, shows a refugee drowning at sea. Bold lettering declares: "No one knows where you are, no one can hear you."

Immigration Minister Chris Bowen reinforced the message last month: "I don't want to see any more Christmas Island tragedies. Nobody wants to see that happen again. I want to stop people getting on the boats and coming to Australia."

This response is reminiscent of the previous Howard government's reaction to the drowning of 353 refugees when another boat, known only as SIEV X, sank in the lead-up to the 2001 election. Howard's immigration minister Phillip Ruddock declared that the catastrophe "may have an upside, in the sense that some people may see the dangers inherent in it." During a parliamentary inquiry, powerful circumstantial evidence emerged that the Howard government had deliberately allowed the sinking to occur. (See: "The tragedy of SIEV X—Did the Australian government deliberately allow 353 refugees to drown?")

As the holes and lies in the Howard government's statements became increasingly apparent, it barred key military and government figures from testifying. Labor senators had the power to subpoena the witnesses, but refused, and voted with the government to shut down the inquiry. (See: "Five years since Australia's SIEV X tragedy: the official cover-up continues").

Throughout her political career, Prime Minister Gillard has personally identified herself with the attacks on asylum seekers. Between 2001 and 2003—during and after the SIEV X, Tampa and "children overboard" incidents—Gillard served as Labor's immigration spokesperson. At each point, she supported and participated in the Howard government's policies to demonise refugees.

What limited details have so far emerged from the ongoing coronial inquest are enough to demonstrate that the Labor government refused to prepare for a foreseeable disaster, is covering up the events surrounding the drownings and is exploiting the deaths to try to emulate the Howard government in "stopping the boats."

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