Australia: Inquest told that authorities could have prevented Christmas Island refugee disaster

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Testimony at this month's resumed coronial inquiry into the death of at least 50 refugees who were killed when their boat was wrecked on Christmas Island last December 15 has revealed that Australian border agencies knew that the vessel was about to arrive, and could have prevented the tragedy.

The wooden fishing boat—known only as Suspected Illegal Entry Vessel (SIEV) 221—is believed to have been carrying 92 men, women and children when it was driven by dangerous monsoonal wind and waves onto the island's rocky shoreline. Thirty people are known to have died, with an estimated 20 other bodies not recovered.

New evidence at the inquest contradicts the Labor government's claim that it and the authorities had no prior intelligence of SIEV 221, and that therefore nothing could have been done to rescue its passengers. The testimony also further exposes last month's whitewash report by a parliamentary committee, which cleared the government and the military-customs agencies of any responsibility for the tragedy.

Sonia Radovanovic, who was Department of Immigration and Citizenship (DIAC) assistant director on Christmas Island, testified that she had been told on December 14 that the Navy was expecting another boat arrival the following day. "[Customs officer Leslie Jardine] said the Navy were expecting another SIEV in the vicinity of Christmas Island. My understanding is the SIEV they were referring to was the 221," Radovanovic stated.

Radovanovic said Customs officials had told her the patrol boat HMAS Pirie, which was sheltering at the island, needed to urgently offload 11 captured asylum seekers because another boat was expected on December 15. Radovanovic told the inquest on the basis of that conversation, she had directed her team on the island to prepare for the possible arrival of another boat.

So potentially damaging was Radovanovic's evidence to the government that Stephen Owen-Conray, the lawyer representing the Border Protection Command (BPC), immediately objected that her testimony contradicted previous statements made to the inquest that no one within the BPC had any knowledge of SIEV 221 before its arrival.

Radovanovic's statement followed a statement by another crucial witness at the end of June. An Iraqi man who had been detained at Christmas Island on December 15 revealed through his lawyer that he had warned guards that a boatload of asylum seekers would arrive that morning. The conversation took place at 2:30 a.m.—more than four hours before the tragedy—but his warning was ignored. His wife and two children, who were on board the boat, were subsequently killed.

Instead of being immediately called to testify at the coronial inquest, the Iraqi man is not expected to be heard until the next session, to be held in Perth next month.

Another detainee, who claims to have witnessed the conversation, was also expected to give evidence at the hearings on Christmas Island. After being questioned by police, however, he was transferred to a detention centre in Western Australia. Lawyer Claire O'Connor, who represents the SIEV 221 survivors, described the transfer as "strange."

Claims by the government and the authorities that they knew nothing about the boat in advance are simply unbelievable. Australia has multi-layered, naval, aerial

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and radar surveillance covering the entire area, including the Indonesian waters where the boat embarked. Last year, the Labor government spent $1.2 billion on monitoring and patrolling the waters north of Australia. Undercover Australian Federal Police officers also operate in Indonesia, providing intelligence on and disrupting refugee boats.

Other evidence at the inquest confirmed that Christmas Island residents had seen the SIEV 221 sailing dangerously close to the shoreline at least two hours before two nearby navy patrol boats began rescuing the passengers.

Nick Tassone said he had first heard the distressed passengers on board SIEV 221 from his home at 5:00 a.m. Another resident, Adrian Morganti, testified that he heard calls at 5:30 a.m. and saw the boat just before 6:00 a.m. Residents and members of the Marine Volunteer Rescue Service (MVRS) had attempted to reach the patrol boats by radio but failed.

Nine triple-zero emergency calls were made by Christmas Islanders that morning, the earliest logged at 5:57 a.m., and one of the asylum seekers on board established a triple-zero connection using a satellite phone at 5:50 a.m. It took until 6:10 a.m. for the HMAS Pirie to set off from the eastern lee side of the island to where SIEV 221 was faltering.

Rather than moving at full power, the Pirie initially responded by preparing to intercept, not rescue, SIEV 221 passengers. Only at 6:22 a.m., 25 minutes after local residents alerted authorities, was the Pirie's action speeded up. It took until 7:00 a.m., with the refugees already in the water, before Pirie's rigid-hulled inflatable boats reached the area.

Other testimony exposed the fact that there were no facilities on Christmas Island to mount an effective search and rescue response. MVRS members had wanted to save the distressed asylum seekers but were unable to do so because their government-supplied "rescue" boats were fibreglass-hulled Leisurecats, suitable only for calm weather.

Harbour master Dave Robertson told the inquest that he had urged government authorities more than three years ago not to purchase the Leisurecats. MVRS manager Paul Kimber testified that he had also advised the government to buy superior Naiad rigid inflatable boats, but had been told to "butt out". According to Kimber, the Naiads may have been able to take SIEV 221 in tow and prevent it reaching the rocky shoreline.

BPC commander Tim Barrett told the coronial inquiry in May that there was no government agency responsible for rescuing refugees (see: "Australian government denies responsibility to rescue refugees"). The denial of any responsibility for providing adequate search and rescue facilities violates clear obligations that national governments have under international maritime law.

The Labor government has cynically calculated that such disasters will deter refugees from trying to sail to Australia in order to exercise their basic rights under international refugee law to seek asylum. It has seized upon the Christmas Island tragedy to bolster its global advertising campaign warning people not to get on boats to Australia.

The testimony of Radovanovic and the local residents, on top of the statements by the detainees, further points to the Labor government being culpable, whether through negligence, indifference or deliberate action, for the fate of the refugees swept onto the rocky cliffs of Christmas Island.

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