Australian parliamentary inquiry whitewashes refugee disaster

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A parliamentary inquiry into the refugee boat tragedy at Christmas Island last December has produced a brazen whitewash. With the complicity of the Greens, the inquiry's unanimous final report, released last week, cleared the Labor government of Prime Minister Julia Gillard of any responsibility whatsoever for the loss of at least 50 lives.

Even as the report was about to be handed down, further evidence emerged pointing to the government being culpable, whether through negligence, indifference or deliberate action, for the fate of the passengers of the wooden fishing boat that was swept by a storm onto the rocky cliffs of the island.

An Iraqi refugee in the island's detention centre said he had warned guards at 2:30 a.m. on December 15—four hours before the boat was dashed to pieces—that the vessel was about to arrive. He had been rung by his wife, who along with their two children was aboard the fishing boat. The man was reportedly sedated and awoken the next morning to hear that his family had been killed.

The parliamentary committee simply brushed this key evidence aside, saying it had emerged too late to be considered. Yet, if the alarm had been raised, there would have been time for the two naval vessels sheltering at the island, the HMAS Pirie and HMAS Triton, to come to the aid of the small boat caught in the storm.

Significantly, no survivors or family members of victims were called to testify. Instead, they were asked to make written submissions, which have not been published. At least one unnamed survivor had told newspapers following the incident that the vessel had been lurching toward Christmas Island for "hours."

In a similar manner, all the unanswered questions about the disaster were either cast aside or ignored. How could a boat carrying at least 92 asylum seekers possibly have arrived off the island's shore undetected, as the government and the authorities claim? Did the government know that the vessel, later designated Suspected Illegal Entry Vessel (SIEV) 221, was due to arrive and permit it to perish, calculating that such a tragedy would bolster its efforts to deter the arrival of refugee boats?

There is no doubt that the Gillard government immediately sought to profit from the disaster, cynically arguing that the loss of life made it imperative to prevent refugees from undertaking hazardous journeys to Australia. It broadcast advertisements globally, depicting drowning people and warning refugees not to take the risk.

Since the tragedy, the government's assault on the right to seek asylum—a legal and democratic right recognised by international law—has extended to planning to deport refugees to Malaysia, where they are likely to languish for many years. Removal to Malaysia, the government claims, is necessary to deter refugees from risking their lives, when in reality it is the very shutting of the borders to refugees that compels them to resort to rickety boats.

Labor's response has echoed that of the former Liberal government of Prime Minister John Howard following the drowning of 353 people in the still unexplained sinking of SIEV X in 2001. Howard's immigration minister, Phillip Ruddock, chillingly warned that the sinking "may have an upside, in the sense that some people may see the dangers inherent in it."

Facing a public outcry over the refugee deaths, the Gillard government quickly set a cover-up into motion. An internal customs inquiry released in January declared that the authorities had no intelligence suggesting SIEV 221 would arrive—but refused to make public the relevant intelligence reports.

In further damage control, Gillard then announced that, due to "strong community and political interest in this incident," a parliamentary inquiry would assess the official response to the disaster. The committee of 10 MPs

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was carefully selected: five from Labor, three from the Liberal opposition, and one each from the Greens and Family First.

As a result of the inquiry, it appears that no-one will be held accountable for the deaths. The report accepted without question the government's assertion that SIEV 221 had arrived off Christmas Island entirely undetected and unforeseen.

In reality, the vessel, which had departed from Indonesia, could hardly have reached Australia's Indian Ocean outpost without being known to the multi-layered Australian police intelligence, radar and aerial and naval surveillance that operates within Indonesia and the seas north of Australia.

Last year alone, the government spent $1.2 billion in monitoring and patrolling the waters. This year, an additional $3.3 billion for anti-refugee "border protection" measures was announced. Undercover Australian Federal Police officers operate in Indonesia and continually infiltrate and disrupt people-smuggling operations, and provide intelligence.

According to the official version of events, on-board radars of the HMAS Pirie and HMAS Triton were rendered useless because of the weather conditions and their sheltered positions. No support was sought from the Australian mainland-based Jindalee over-the-horizon radar (JORN) network. Without providing any explanation, the report claimed that it would have been "improbable" for JORN to have detected SIEV 221 even if the network had been activated.

In a detailed submission to the inquiry, ex-diplomat Tony Kevin established that JORN was a "24-hour" facility designed to detect and track all vessels approaching Australia's northern maritime waters. Kevin concluded: "At a cost to the Australian taxpayer of $1.8 billion…it is not a 'fair weather' or back-up system."

No customs or police officials were asked to confirm or deny Kevin's submission. For reasons of "national security," radar intelligence from December 15 has not been made public, and no explanation has been given as to why JORN was supposedly not operating. No government ministers were required to testify on this or any other aspect of the tragedy.

Clear evidence of a lack of any rescue capacity was also dismissed. The seaworthiness certificates of the island's onshore rescue vessels had been suspended before the tragedy. Even had they been fixed, the vessels were unsuitable for heavy sea conditions. The committee flatly asserted that the unseaworthiness of the boats was irrelevant because it would have been unsafe to launch them in any case.

The report made no mention of the recent declaration by Border Protection Command chief Colin Barrett that no official agency had any responsibility for rescuing refugees in Australian waters. His statement—in clear violation of the country's search and rescue obligations under international maritime law—made it clear that "border protection" has nothing to do with safeguarding asylum seekers. Its purpose is solely to repel or detain them. (See: "Australian government denies responsibility to rescue refugees")

The Greens' representative on the committee, Senator Sarah Hanson-Young, endorsed the entire whitewash. She raised not a single question about the government's role. In fact, she went further, adding her own concluding remarks, calling for stepped up military-police surveillance to detect refugee boats. Declaring that it had become evident that the system for "detecting and intercepting" SIEVs was "not fool proof," she said questions had been raised about "the resourcing of the various levels of surveillance."

Having accepted uncritically the official version of events that the boat was undetected, Hanson-Young argues for more extensive surveillance. This further bolstering of "border protection" will only enhance the government's ability to detain asylum seekers and deter others from asserting their rights under international law.

For all their posturing as humanitarians, concerned about the plight of refugees, the Greens are fully committed to the entire framework of "border protection" and detention established by successive Labor and Liberal governments over the past three decades. They also bear political responsibility for the Christmas Island catastrophe and the government's continuing assault on asylum seekers.

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