

# Australian government's culpability in refugee boat disaster—Part 2

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*Below is the second part of a two-part article. The first part was published yesterday.*

When the Customs chronology and related documents were finally released last February, the authorities' culpability in the deaths of 108 people at sea became clear. The document prepared for the Labor government in January 2010 detailed that an Australian Federal Police (AFP) spy had provided intelligence on the refugee vessel's planned departure on September 27, 2009—six days before it left for Australia. Every entry in the publicly released chronology between September 27 and October 3, however, is entirely blacked out, so it remains unknown what measures were taken in response to the planned voyage.

The question must be raised as to whether any attempt was made by AFP or Australian Secret Intelligence Service (ASIS) agents to instigate the sabotage of the vessel before it departed Indonesia. Allegations of such illicit activities emerged in the aftermath of the SIEV X disaster. In 2002, an AFP informant working among the "people smugglers," Kevin Enniss, said he had paid local Indonesians on "four or five occasions" to sabotage refugee boats.

On Saturday, October 3, 2009, at some point before 11.45 a.m.—the precise time is blacked out in the chronology—the AFP received the tip off from its spy that the refugee vessel had encountered mechanical difficulties and was taking on water. This information was passed on to a Customs and Border Protection representative in Indonesia, who at 12 p.m. alerted the Border Protection Command Intelligence Centre in Australia. The intelligence was precise enough to include the vessel's intended destination, Christmas Island, and its current coordinates that placed it within a 3.4 square kilometre area, in Indonesian waters approximately 17 nautical miles off the coast of Java. Australian authorities also knew approximately how many people were on board, with the AFP spy reporting that the vessel carried up to 100 passengers.

After being tipped off, Customs officials in Canberra immediately acted—not to alert rescue authorities so they could assist the stricken vessel, but to mobilise their assets in case the boat managed to reach Australian waters. The redacted chronology shows that at 12.12 p.m. Customs and Border Protection decided to commence its "usual SIEV [suspected illegal entry vessel] response," adding in brackets, "if it continues towards Christmas Island." The Oceanic Viking customs vessel and HMAS Albany were put in position near Christmas Island and phone calls were made to Darwin enquiring about the availability of planes.

Only at 1.22 p.m., nearly an hour and a half after receiving the police tip off, does the chronology record the first Customs and Border Protection discussion about the need to alert the Australian Maritime Safety

Authority (AMSA). The chronology, however, notes that this notification would be "pending the approval for release of the information from the originating agency [i.e. the AFP]." According to Customs, at 2.49 p.m. the AFP approved the release but "sought further discussion on the information and specific text to be disclosed." Only at 3.33 p.m. was a specific set of words agreed upon and AMSA finally told what was happening.

The AFP issued a press release last Saturday directly denying that it had placed any restrictions on the sharing of the refugee boat intelligence. The police effectively blamed Customs for what happened. Which government agency is telling the truth and which is lying is another of the myriad unresolved questions in the affair.

Once AMSA was notified that a refugee vessel was in distress, it immediately informed the Indonesian authorities. An Indonesian navy boat arrived at the identified area of water three hours later—nearly seven hours after Customs was first provided with the AFP intelligence—and reportedly found no evidence of any vessel.

Australian Customs subsequently sent what the *Herald-Sun* described as a "curious message" to the Australian rescue co-ordination centre: "Indons don't believe that situation is a SAR [search and rescue] situation, after investigations." The newspaper also noted: "Documents obtained under freedom of information laws show it was the Australian embassy in Jakarta that effectively called off the search for the boat. The embassy told Australia's search and rescue agency that 'diplomatic channels' had told it the boat 'was no longer in distress'."

This report opens up a series of unanswered questions.

Why was the Australian embassy in Jakarta intervening into an emergency search and rescue operation? What were the "diplomatic channels," and on what basis was the advice accepted that the refugees' vessel was no longer in distress? It is inconceivable that officials in the Jakarta embassy would have acted without first coordinating with the Department of Foreign Affairs and Trade (DFAT) in Canberra. What did the embassy and DFAT officials discuss? What legal advice, if any, was tendered by DFAT lawyers? Details would be available in the diplomatic cables relayed between Canberra and Jakarta on October 3-4, but these remain classified.

The involvement of the Australian embassy further raises the question as to whether the Labor government was directly involved. Did DFAT notify anyone in the government what was happening, including the responsible ministers, then Immigration Minister Chris Evans and Home Affairs Minister Brendan O'Connor?

Customs maintains that its surveillance technologies never picked up the stricken vessel. Given the extensive intelligence operations in the waters between Australia and Indonesia, this surveillance failure remains to be explained, especially since numerous mobile phone calls were made from the boat to Australia that could have been easily intercepted.

Many other questions remain. The *Herald-Sun* has reported that shortly before the boat sank, many of those on board made urgent phone calls to their relatives: “They could see a ship and they thought it was the Australians coming to rescue them. The passengers said they were going to throw their mobiles overboard and would get in contact again once they reached Christmas Island. It remains a mystery what ship they saw and why it did not help.”

## Media blackout

The Australian media has virtually ignored the October 2009 refugee boat disaster. Evidence indicating possible government criminal activity in the sinking of a vessel carrying 108 people has been deliberately suppressed.

Only one journalist, the *Herald-Sun*'s Natalie O'Brien, has followed the Senate estimates hearings, issued freedom of information requests seeking the release of more internal government documents on the matter, and interviewed family members of the deceased asylum seekers. The *Herald-Sun*'s coverage has only touched on some of the numerous contradictions and unexplained questions surrounding the official explanation of what happened. Moreover, the newspaper has accepted as good coin the claim by Customs and Border Protection officials that their four-hour delay in relaying the intelligence was due to inadequate “protocols” in place at the time.

Despite all this, a general press blackout has met the *Herald Sun*'s reports. A sharply different media response was triggered by the scurrilous beat-up on the ABC's “Four Corners” program on June 4 about alleged “people smugglers” in Australia. The supposed exposé of “Captain Emad,” an individual absurdly labelled a smuggler “kingpin”, met with an enthusiastic and ongoing media response, especially over the revelation that Emad's children lived in public housing. (See “Australian broadcaster promotes anti-refugee hysteria” <http://www.wsws.org/articles/2012/jun2012/four-j07.shtml>)

The affair underscored how the political elite seeks to scapegoat asylum seekers, promoting xenophobia and chauvinism to divert attention away from its own responsibility for rising unemployment, declining living standards and deteriorating social services. The Australian ruling elite has more than a century of experience in whipping up such filthy nationalist campaigns, and the old methods are again coming to the fore amid an escalating economic crisis and mounting social tensions.

The entire political establishment is complicit in the Labor government's cover up of the October 2009 incident.

The Liberal Party's George Brandis dropped his pursuit of the sinking as soon as Customs admitted their four-hour response delay. After the department's Marion Grant wrote to the Senate admitting that she had given false testimony, she appeared again for questioning four days later, alongside her colleagues Michael Puzzullo and Michael Carmody. Brandis was silent. A Liberal Party senator from Western Australia, Michaelia

Cash, was delegated to ask some perfunctory questions. None of the Customs officials was challenged about their previous testimony. Puzzullo concluded the questioning by declaring that he did not think “we will ever be able to fully ascertain” whether there ever was a refugee vessel as the intelligence indicated. “We just simply do not know,” he declared. “We probably will never know.”

None of the Greens senators challenged this outrageous assertion and none of them asked for an explanation of the previous false testimony. For all their posturing about the “humane” treatment required for asylum seekers, the Greens have done nothing to pursue the truth about the fate of the missing refugee boat. No one has called for an inquiry. The Greens are no doubt deeply concerned about the potential to implicate the minority Labor government, to which they remain loyal and help keep in office with their parliamentary support.

The political timing of the refugee boat disaster points to some of the possible calculations behind the initial efforts to cover up what happened.

The first media reports of the missing boat were in January 2010, a month after Tony Abbott was elected opposition leader and announced a sharp shift to the right on refugee policy. In early 2010, increasing numbers of refugee vessels were arriving, mostly carrying Sri Lankans fleeing the aftermath of the government's brutal civil war and Afghans desperate to escape a deteriorating security situation as the US military “surge” got under way. Prime Minister Kevin Rudd came under sharp pressure from sections of the media and from elements within his own government to reinstate the former Howard government's “Pacific Solution” of removing asylum seekers to Nauru, and other draconian measures. These had been modified after Labor won the 2007 election in an attempt to provide a “humane” facade to a no less ruthless and reactionary border protection regime. With Abbott attempting to capitalise as each boat landed, the Rudd government would not have seen it in its interests to pursue reports of another missing vessel.

After Julia Gillard replaced Rudd through the June 2010 Labor Party coup, she quickly announced new draconian measures targeting asylum seekers, including the “Timor Solution” that subsequently evolved into the plan to deport refugees arriving by boat to Malaysia. As more information has emerged on the October 2009 missing refugee boat, and it has become untenable to maintain that the vessel might have safely returned to Indonesia, the government has sought to callously exploit the refugees' deaths to deter other asylum seekers from attempting to enter Australia.

Earlier this month, on June 5, Labor's Home Affairs Minister Jason Clare was asked on ABC Radio to respond to the *Herald-Sun* report about the AFP spy and four-hour intelligence delay. He ignored the question and declared: “The way to stop this [i.e., refugee boat sinkings] is offshore processing... Both sides of politics want offshore processing. We've said Malaysia. The opposition have said Nauru. We've agreed to do both. We've agreed to do Nauru, we've agreed to implement Liberal Party policy and the opposition leader is still saying no.”

The Gillard government has sought to capitalise on the October 2009 disaster in much the same manner as the Howard government did the SIEV X sinking. Howard's immigration minister Philip Ruddock infamously declared that the 353 deaths of the SIEV X passengers “may have an upside, in the sense that some people may see the dangers inherent in it.” The message was clear—other refugees could expect to die if they too attempted to exercise their legal and democratic right to claim asylum in Australia.

In 2001, as now, both the Liberals and Labor seized upon the arrival of asylum seekers to whip up anti-refugee sentiment in order to divert social discontent. Just prior to announcing the federal election in November that year, the Howard government refused entry to 433 refugees who had been rescued by the Tampa, a Norwegian container ship, and then launched “Operation Relex”—a full-scale naval operation, backed by aerial surveillance, aimed at intercepting refugee boats bound for Australia. In the election campaign, both parties declared the need to boost “border security” to prevent refugees reaching Australia, as part of the “war on terror” announced by US President George Bush after the September 11 terrorist attacks.

Serious questions remain unanswered as to whether the Howard government deliberately engineered the SIEV X disaster. Similarly, what is now known about the October 2009 sinking raises the possibility that Australian authorities—if not the government itself, then elements within the border protection, police and intelligence apparatus—deliberately allowed the vessel to go under.

The full story surrounding the disappearance of the October 2009 refugee boat remains to be established. Whatever the precise role played by the Labor government, the ultimate responsibility for the deaths lies in the reactionary nationalist “border protection” edifice that is defended by all the major parties—Labor, Liberal and the Greens. Only after the democratic right of every human being to live and work in any place of their choosing, enjoying full legal and citizenship rights in doing so, will there be no further deaths of impoverished and oppressed people in the waters off Australia’s coastline.

*Concluded*



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