



The Network for International Protection of Refugees

Volume 5, Issue 3

10 December 2002

To Promote and Protect the human rights of refugees in Australia and Asia-Pacific:

This newsletter is organized by the Secretary of NetIPR for all our members as well as co-workers and friends.

Inside this issue:

Operation Relex: The Secret Files	2
HREOC intervene Coroner's Inquest	3
Senate report on Migration Zone 2002	4
OnSIEV-X questions, AFP seeks immunity	5
Afghans in Nauru coerced to return	5
SIEV-X and AFP by Tony Kevin	6,7
Delay claim in Sumber Lestari rescue	8

Call to Action:

- * Write letter to UN Secretary General, to intervene in cases of Afghan refugees held in detention. Letter Page 9.

WA Coroner Launches Inquest into Sumber Lestari drownings

Perth, WA. Sumber Lestari is the name of Indonesian fishing boat which carried 164 Afghan asylum seekers last year. Sumber Lestari sank near Ashmore Reef during its encounter with Royal Australian Navy's (RAN) refugee boat intercept operation, named the Operation Relex. During RAN's intercept operation, Sumber Lestari caught fire and two women drowned. The government claimed that the

asylum seekers sabotaged their own boat, a claim later retracted by the Immigration minister.

So far, the detail procedure and rule of engagement for Operation Relex have been kept secret by the Australian Government. Recently, however, the investigative journalists have obtained some more details about the Operation Relex. Under Operation Relex, the People Smuggling Task Force which comprising of

civil servants as well as political advisors to the government was allowed to micro-manage the refugee boat intercepting operation. The Senate Committee which investigated the "Children Overboard Incident" has also expressed concerned that the People Smuggling Task Force may have been giving inadequate attention to the Safety Of Life At Sea (SOLAS) situation during the intercept operations.

The Human Rights and Equal Opportunity Commission and **Continue Page 9.**

SIEV-X Expert Coming to Adelaide

Adelaide, SA: Unlike many other human tragedies of this world, the detail information about mass drowning of 353 refugees in October 2001 has come in slowly. The Australian media response to this incident have been curiously minimal, despite the scale of the disaster. Most information about SIEV-X come to us mainly by the efforts of Tony Kevin, a retired diplomat who lives in Canberra. Tony Kevin has made written

submissions about SIEV-X to Senate's Children Overboard Committee. His effort in search of the truth about the SIEV-X already has an impact because Australian Senators are now calling for an independent judicial inquiry into the matter. Tony is coming to Adelaide on 14 December 2002 and he will participate in a public forum organised by Refugee Action Collective (South Australia). It's a good opportunity for refugee rights campaigners to speak with him.

Operation Relex

Secret file: Operation Relex
October 28 2002 (Abridged)
The Sydney Morning Herald

Unknown to the public, John Howard's military campaign on border protection was in disarray less than two weeks after it was launched on September 3 last year. The campaign, Operation Relex, was designed largely as a public relations exercise to demonstrate that the Australian Government was getting "tough" on boat people.

But when the operation clearly began to fail, the Government was forced to issue new orders, instructing the military to become far more aggressive in its tactics against asylum seekers.

Newly declassified documents from defence headquarters were sought by the Herald under the Freedom of Information Act. Internal minutes, briefs and reports, some of which are heavily censored, show senior military officers challenging the Government over fundamental issues from the early days of Relex. These included the strain on military resources, the micro-managing of the operation by politicians and public servants and the lack of any coherent plan by the Howard Government to handle asylum seekers who refused to turn back.

The day after the Tampa crisis began, August 28, cabinet met and directed the then chief of the Defence Force, Admiral Chris Barrie, to prepare a military response to the problem of the boat people. The Government wanted the operation to run for 12 weeks, right through the peak of the boat season - and the election campaign.

On that day Barrie wrote an order for Relex to the military. It made clear from the outset that "ADF activities are to comply with international law and domestic legislation". This brought the safety of life at sea

issue to the forefront of military planning. As the navy knew, international law of the sea meant that all navy crews had to assist any person at sea who was in danger of drowning and bring them to the nearest port. These obligations were contained in the so-called SOLAS (Safety of Life at Sea) convention. Navy officers' code and domestic law also required the navy to comply with SOLAS.

... Operation Relex was micro-managed by politicians and public servants and proved huge problem for navy commanders.

The documents show that threats to safety of life at sea worried defence headquarters from the start. Four days before the order for Relex was executed, a minute to Barrie from his operational commanders warned that "issues of concern" over Relex remained. These, said Hindmarsh, included "potential increase in SOLAS incidents" and "potential mission failure leading to negative PR". Two other concerns were censored in the documents.

When Barrie was instructed to launch Relex, his orders from cabinet were to warn the asylum boats to turn around, and to rely on a show of force to deter them. After that, the military was to get all its instructions directly from the Government. On the vexed question of what the military should do if the asylum boats refused to heed the navy, Barrie told his commanders that Government approval and guidance for subsequent response is to be sought".

This meant Relex was micro-managed by politicians and public servants and proved a huge problem for navy commanders. As the Government frantically tried to arrange Pacific dumping grounds, Howard, Reith and senior public servants were giving directions that increased the chances for an emergency at sea and put the navy obligations to SO-

LAS under pressure. Navy commanders were being instructed to keep asylum seekers on marginally seaworthy vessels that were at risk of sinking.

By September 14, when Gately wrote to Reith, the first clash between the Government and the navy over its SOLAS obligations had occurred. Gately told Reith that two navy commanders had questioned the military over the actions.

Gately told Reith that decisions by the ADF commanders who acted over safety issues, including acting to circumvent a SOLAS situation, "have been questioned". But Gately wrote to Reith: "Ship's commanding officers have acted correctly [censored] with a view to ensuring the safety of their own personnel and that of the UBAs, not by a policy of stopping the UBAs at any cost ..."

The next SOLAS crisis came with the SIEV 4, the boat where the Government claimed the passengers had tried to throw their children overboard. In that case, the navy commander, Norman Banks, was instructed to hold the passengers on their boat until it was sinking.

Following that incident, where hundreds of men, women and children had to be rescued from the sea, the defence headquarters file shows that the military changed its procedures and sought directions in writing from Reith. Nearly all these directions are censored, except the provision that the navy "will render all possible assistance to save life at sea".

At the same time, the Government overhauled its strategy for Relex. It instructed the navy to begin towing boats out of Australian waters to the edge of Indonesian waters. From this time on, most of the material in the Relex file obtained by the Herald is censored.

The overhaul of the Relex strategy came after it was clear the Government was under huge pressure.

Continue on Page 8.

HREOC Intervenes the Sumbar Lestari Inquest

Let the Justice be Done Our letter to West Australian Coroner

18 October 2002

HREOC Press Release
Commission granted leave to intervene in Inquest into Ashmore Reef deaths

Mr. A Hope,
Coroner, 10 Floor,
Grain Pool Building, 172
St George Terrace
Perth WA 6000

5-Nov-2002: The Human Rights and Equal Opportunity Commission was today granted leave to intervene in the inquest into the death of Nurjan Hussein and Fatimeh Hussein (Ashmore Reef).

Re: The inquest into the deaths of Fatima Hussein (b.1981) and Nurjan Hussein (b.1946)

The Commission sought leave to intervene in the inquest, before Coroner Alistair Hope in Perth, to examine and cross-examine witnesses and to make submissions.

Dear Sir, Network for International Protection of Refugees is a South Australia based refugee advocacy group. We are aware that the West Australian Coroner will hold an inquest into the circumstances surrounding the drowning death of Fatima Hussein (b.1981) and Nurjan Hussein (b.1946). Fatima Hussein was reported to be pregnant at the time of her death. We understand that these two women were drowned during the operation by Royal Australian Navy Frigate, *HMAS Woloongong*, and Australian Custom Vessel, *Amhem Bay*, intercepting the refugee boat **Sumbar Lestari** to turn its course back to international water.

Commission President Professor Alice Tay said that the Commission would highlight Australia's international human rights and law of the sea obligations.

We are alarmed by the reports that the inquest will not likely to include refugee witnesses. Regarding the Royal Australian Navy interception against unarmed asylum seekers boats, there have been much censorship as well as manipulation of news by the Australian Government. With the Sumbar Lestari incident, there was a claim by government sources (Commander Joint Task Force 639) of refugees lighting a fire onboard. The claim was retracted later by the Immigration Minister (News Items included). Therefore, it is essential that refugee witnesses be brought to testify the inquest so as to corroborate with the testimony of Australian Navy/Custom Officers. It should also be arranged for the relatives of the deceased to observe the inquest.

The most important human right raised by the facts of this case is the right of all individuals to life (recognised in article 6 of the International Covenant on Civil and Political Rights). The right to life is the "supreme right" from which no derogation is permitted and the protec-

We trust that you will be making use of all available avenue to establish and to bring justice to those who are ultimately responsible for the death of these two asylum seekers.

The Right to Life is the "supreme rights" from which no derogation is permitted And is reflected in the law of the sea...
— Prof. Alice Tay, HREOC

Yours respectfully
Executive Committee
Network for International Protection of Refugees

tion of this right requires that State parties adopt positive measures. The right to life is reflected in the law of the sea.

Once the Commission's submissions have been made to the Coroner, the written submissions will be posted on the Commission's website
www.humanrights.gov.au.

RECOMMENDATIONS

Recommendation 1:

The Committee recommends that the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 not proceed.

Recommendation 2:

The Committee recommends that initial assessments of claims for refugee status by offshore entry persons should be reviewed by an external body such as the federal magistracy or Refugee Review Tribunal.

Recommendation 3:

The Committee recommends that the use of declared countries for holding and assessing claims for refugee status by those who have entered Australian territory at an external offshore place should be abandoned.

Recommendation 4:

In the event that the Government continues to use declared countries for holding and assessing claims for refugee status by offshore entry persons, the Migration Act 1958 should be amended to incorporate similar requirements as those that apply to safe third countries under section 91D.

Recommendation 5:

The Committee recommends that there be statutory recognition of the standards to be applied in assessing claims by offshore entry people, either by way of amendment to the Migration Act or regulations.

Recommendation 6:

In the event that the Government chooses not to adopt the recommendation to abandon the use of declared countries (Recommendation 3), the Committee further recommends that reference to the relevant standards should also be incorporated in Australia's agreements with those countries.

Recommendation 7:

The Committee recommends that the Government review the operation of section 46A of the Migration Act:

(i) to ensure there is no possibility that offshore entry persons in Australian territory may be left in a 'legal limbo', and

(ii) to ensure that those asylum seekers coming directly from a place of persecution are not penalised by virtue of their place of entry into Australia.

Recommendation 8:

The Committee recommends that the Government, in consultation with community representatives, investigate methods of expanding opportunities for island Indigenous consultants in identifiable aspects of border protection duties.

Recommendation 9:

The Committee further recommends that the Government provide funding for training and employment of Indigenous people in this role.

Recommendation 10:

The Committee recommends that if the Bill proceeds, its application should not be retrospective.

Continue from Page 5

AFP Seeks Immunity ...

he make a claim of public-interest immunity in relation to information sought by these questions," he wrote.

In July, Mr Keely told a Senate inquiry the police had "no way of surveilling SIEV X" nor receiving a distress call, and relied basically on word of mouth for information.

Senator Ellison refused to comment yesterday. On Wednesday night, he told the committee he was not aware "off-hand" of being told about tracking or listening devices but would need to check.

"Many things come across your desk, some of which you take notice of and some of which you do not," he said.

Mr Keely also told the committee that homicide charges would not be brought against Abu Qussey over the SIEV X deaths after legal advice indicated police would be unable to prove the jurisdiction in which the sinking took place. But they were preparing a brief of evidence on people-smuggling charges. That was on top of three arrest warrants issued against him for allegedly trying to smuggle 440 asylum-seekers on three other boats.

On 26 July 2002, the NetIPR has submitted a report to the Senate Committee on Migration Zone Excision Bill 2002. Following in August, the Secretary had traveled to Canberra and testified before the committee. Here are the Senate committee's recommendations. Many thanks to those who have made the trip possible, especially to the Romero Community in Adelaide.

— U Ne Oo, Secretary..

Afghans in Nauru coerced to return

SBS TV World News 18.11.02

The Federal Government has rejected fresh criticism of its so-called 'Pacific Solution' from former detainees who have described conditions on the island of Nauru as 'intolerable'. More than 100 Afghans, many of them involved in the 'Tampa' crisis, have arrived back in Kabul, claiming that the conditions drove them home to an even more uncertain future.

Back home after more than a year in detention. The Federal Government says these Afghans have returned voluntarily. The asylum seekers say they had no choice but to abandon their refugee claims.

MOHAMMED MEHDI, AFGHAN ASYLUM SEEKER: *The Australian authorities would call it 'voluntarily' but I don't believe it is something voluntarily because when someone is*

put in a position that there is no solution - there is not option except returning to Afghanistan against many people's wishes - I think it is not

We can say people were compelled to return by worsening the situation ... people could not tolerate to stay there any more.
— Mohammed Mehdi, An asylum seeker detained in Nauru

something voluntary.

These 113 Afghans are among about 500 who have accepted Australia's repatriation offer. The Federal Government is providing \$2,000 to each detainee who agrees to return. But the asylum seekers say they would have stayed in Nauru if conditions weren't so bad.

MOHAMMED MEHDI, ASYLUM SEEKER: *We can say people were compelled to return by worsening the situation, the situation of food, water and making it more difficult to live in the detention centre and many other problems - diseases. It was very hot there as well and people could not tolerate to stay there any more.*

In Nauru, another 200 detainees are refusing to go. Some have failed in their refugee claims. Others say it's too dangerous for them to return. Australia maintains that it is safe for Afghans to go home and says many more will be forcibly removed next year. The office of the Immigration Minister, Philip Ruddock, points to the fact that the Afghans chose Kabul over Nauru and says if conditions are that good at home, it's appropriate for them to be sent back there.

AFP Seeks immunity from SIEV-X Questions

22 November 2002

The Canberra Times

Australian Federal Police Commissioner Mick Keelty is attempting to claim "public-interest immunity" to avoid revealing whether police used tracking devices to trace asylum-seeker boats heading from Indonesia.

Mr Keelty also revealed at Senate estimates hearings that police would not be prosecuting people smuggler Abu Qussey on homicide charges, as hoped, after 353 asylum-seekers drowned on one of his boats last year.

The Labor Party claims to have information about tracking and possibly listening devices, installed on boats either preparing to leave Indonesia or after they had been intercepted by the naval blockade to Australia's north.

The question has implications for the ill-fated SIEV X boat that sunk

en route to Christmas Island in October last year.

Australian authorities have admitted knowing at the time about the boat's probable departure but have denied any definitive knowledge about where it sank and failed to spot the boat during twice-daily reconnaissance flights.

They have also admitted involvement in "disruption" activities to upset the activities of people smugglers in Indonesia and attempts to stop people leaving, but have not given detail.

Senator John Faulkner tackled Mr Keelty on the use of tracking devices at Senate estimates hearings on Wednesday night - but got no answers.

Mr Keelty said police would not have used listening devices, because that would have been illegal, but he would need to check with officers

now in Indonesia on the Bali investigation on whether tracking devices had been used.

Justice Minister Chris Ellison cut off further questions - not even allowing Mr Keelty to say whether he was personally aware of such devices having been used.

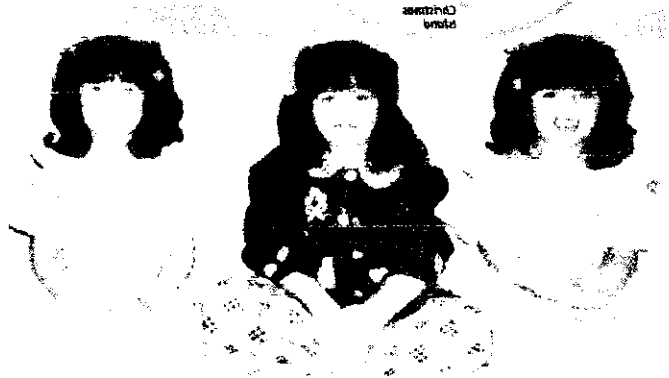
Senator Ellison deflected repeated questions from Senator Faulkner, saying it was a matter of "some detail and sensitivity" and Mr Keelty was entitled to take the question on notice.

Yesterday, Mr Keelty wrote to the Senate committee saying the answer "may disclose lawful methods for detecting, investigating or dealing with matters arising out of breaches of the law" and disclosure could "prejudice the effectiveness of those methods". I propose recommending to the Minister [Senator Ellison] that

Continue on Page 4

Little angels forever

The three sisters, Zhra, Fatima and Eman, were among 146 children who drowned on 19th October 2001. Detail circumstances surrounding the sinking of that overcrowded boat, now known as SIEV-X, has increasingly become a subject for human rights investigations.



BY TONY KEVIN
Until the Senate committee began to enquire into SIEV-X, the boat that sank on its way to Christmas Island on October 19, 2001, drowning 353 people, mostly women and children, we knew nothing about a clandestine Australian people-smuggling disruption program in Indonesia.

What we now know has emerged slowly and very reluctantly: partly from Labor senators' persistent questioning of Australian Federal Police and Immigration department witnesses in the committee, and partly from an initially separate investigation by Channel Nine's *Sunday* program, which has run four reports since February about a self-confessed Australian people smuggler and AFP-paid informant, Kevin John Enniss.

2001, fearing a surge of SIEVs, the people-smuggling task force in the PM's department directed agencies to "beef up" the disruption program. SIEV-X sank a week later.

The Senate committee was given the English-language page of a trilingual leaflet widely distributed in Indonesia and other places where asylum seekers gathered, looking for ships to take them to Australia. It includes the statement: "The boats used by people smugglers are overcrowded and dangerous. Too many people have died trying to enter Australia by boat. Stop. Go back. Don't get further into the trap."

From the mouth of Enniss, Channel Nine has established that this is precisely the sort of activity that he engaged in. He took large sums of money from asylum seekers and in return promised them that, as an undercover Australian police agent, he would get them safely to Australia. He exposed them to great danger, sending them off in overcrowded and unseaworthy boats that experienced engine failure or sank.

Enniss did not get them to Australian territory. He defrauded them of their precious savings. He entrapped them. While Enniss was doing these criminal things, he was also working as an AFP informant. This has been admitted by both him and the AFP.

AFP commissioner Mick Keely admitted to a Senate estimates committee in February that Enniss was not the only AFP informant in Indonesia. I believe that these people were not only informants, but were also — as was Enniss — active "sting" operators: people who presented themselves as "real" people smugglers, in order to conduct phoney operations that defrauded and entrapped people trying to reach Australia.

So here is the huge and ugly irony — the people that the Australian government's leaflet so dramatically warned asylum seekers against using were almost certainly the people set up in business by the Australian government in order to demonstrate the truth of those warnings.

This may seem inconsistent, but in fact is entirely logical. Since the Australian government is trying to deter people smuggling activity, what better way is there to do that than to infiltrate the activity to ensure that it fails? What better way to drive the deterrent lesson home? I am confident that at the end of the investigative road, this will also be proven.

Keely admitted in the Senate committee on July 11 that the AFP has an overt relationship with selected units of the Indonesian National Police (Polda). These selected units were given generous gifts — not money, but things like training conferences in

luxury hotels in Bali, promises of new patrol boats, new uniforms and office equipment. In return, Polda units so favoured were under a general — not specific — obligation to work to disturb and disrupt people smuggling activities: what Ellison referred to in the Senate as "upstream disturbance".

Remember that people smuggling is not a crime under Indonesian law. People smugglers, who are usually foreigners, can only be fined or arrested for minor passport offences. Keely said that the AFP hoped that Polda units would arrest people smugglers at the point of embarkation and deliver their passengers over to the UN agencies ... for migration processing. But he admitted that the AFP did not know how Polda units chose to implement their obligation. He admitted that the AFP would not know if, for example, Polda units decided to disrupt people smuggling voyages by sabotaging engines. He acknowledged that such activities would be illegal under Australian law.

This was an ominous admission. Some of the dangerous voyages that we know about — not just SIEV-X, but also the earlier *Palapa* voyage in August 2001, whose 433 passengers were rescued by the *Tampa* — involved reports of uniformed police taking people to the boats or forcing them to board overcrowded boats.

Continued on page 11.

Article from GLW (16/10/02)

Article in GreenLeft Week by 16-October-2002

Continued from page 24.

We know Enniss was working with Indonesian police in Kupang. But were these the very Polda units that the AFP was training and encouraging?

An AFP press release of August 24 boasts that Enniss' information came cheaply to the Australian taxpayer — only about \$25,000. Thanks to Channel Nine's *Sunday* program, we know why. Enniss largely financed himself out of the dirty profits from his entrapment operations. One young Pakistani man paid him \$10,000, went out in a boat that sank, swam back to shore, but never saw his money again.

The AFP is adamant that it did not know about Enniss' people-smuggling and extortion activities, and that if he did undertake such activities this would have been done in collusion with Indonesian police, not with the AFP.

Thus, whatever Enniss did that was illegal under Australian law was done with Polda. Whatever the AFP did with Enniss and with Polda was legal. But an eminent professor of criminal law at Sydney University, Mark Findlay, has challenged this. He said on *Sunday* on September 1 that for the AFP to use Enniss as an informant, if it knew anything at all about his criminal people-smuggling activities, would be likely to implicate the AFP in his criminal-

Cops implicated in refugee drownings

ity. We will no doubt hear more about this.

The AFP has refused to reveal the contents of a series of intelligence reports it had before and after SIEV-X sailed, on the people smuggler, Abu Quassey, and on his preparations for what we now know as the SIEV-X vessel, but which it then referred to as the "Abu Quassey vessel".

We know from other evidence that detailed reports on this vessel were reaching Canberra, but the AFP refused, on July 11, to reveal their content, on the grounds that this could compromise possible future legal proceedings against Quassey.

The AFP and other official witnesses claimed there were many disrupted attempted departures before the vessel finally departed from Bandar Lampung in Sumatra on October 18. But survivors do not support this claim. They remember only one overnight bus journey, from Cisarua near Bogor in Central Java across to Merak, then by car ferry to Sumatra. They hid all day in a hotel belonging to the local chief of police. They were then bussed down to the sea and loaded onto a 19-metre boat — all 422 of them — by armed police officers. Those who became frightened at the

gross overloading, and tried to get off, were forcibly prevented from doing so.

The boat left before dawn on October 18. It had a long crack in the hull, and required bailing from the outset of the journey. A group of 25 passengers were allowed to get off on the way. They paid to be transferred to local fishing boats. They were the lucky ones. The rest went on.

The next day the engine failed, in international waters about 60 nautical miles south of Java. The becalmed and top-heavy boat started to roll heavily. The hull cracked open. Water poured in. The waterlogged boat overturned and broke up. Of the 397 passengers on board, 353 people, mostly women and children, drowned.

No crew members were ever seen again. During the night, many survivors saw mysterious large grey ships with searchlights and military-type deck structures. They shone lights on the waving and shouting survivors but did not rescue them.

On October 20, 44 survivors were picked up by fishing boats which happened to come out looking for them, it was claimed, because they saw floating luggage. The survivors were quickly taken back to Jakarta and pre-

vented to the waiting international media, as a tragic object lesson of the huge dangers of people smuggling.

The next day, the Indonesian government reversed its previous firm opposition to the Australian navy towing asylum-seeker boats back to Indonesian waters. Indonesia also finally agreed to co-host an international anti-people smuggling conference, something Australia had been pressing Indonesia to do for months. The flow of boats stopped within a couple of weeks. Boat people arrivals have not been a problem for the Australian government since then.

Quassey was arrested, tried and sentenced to a few months in jail for passport offences. He admitted to having accomplices, but would not say who they were. He became nervous when asked by an SBS *Dateline* reporter if his accomplices were from the police or military.

Survivors say that they were warned on pain of death to never testify against Quassey. If he was part of a Polda people-smuggling disruption operation, the Polda units concerned will have many ways to protect and reward him.

I do not think that any reasonable person could now claim, faced with all the circumstantial

evidence outlined here, that the sinking of SIEV-X was nothing more than the tragic result of a greedy people-smuggler overloading his boat in collusion with equally greedy Polda accomplices. There are just too many smoking guns in this story now.

I believe this was a great and deliberate crime — an utterly ruthless entrapment and deterrence operation, whose planners must have known that they were looking at the possibility of huge casualties if the boat did not sink early in the voyage and close to shore.

There is no evidence at this point that any AFP officers helped plan the SIEV-X sting. But the huge silences in AFP testimony, and its manifest reluctance to reveal the truth on the disruption program, do not encourage confidence that the AFP will share readily what it may know about what happened to SIEV-X — especially if there is a possibility of any arms-length criminality being established.

[Tony Kevin retired from a 30-year career as an Australian diplomat in 1998. Concerns that Kevin first raised in March led to the "children overboard" Senate inquiry launching a parallel investigation into SIEV-X. This is an abridged version of a talk given at an October 3 Newcastle Action for Refugee Rights public meeting.]

From Page 2.

Operation Relex

While border protection was boosting the Government's poll figures, in the northern waters of Australia Relex in its original guise was on the brink of failure.

In the end, the more aggressive strategy under Relex worked as a deterrent, but at some cost. The navy, with army units on board, began towing asylum boats to Indonesian waters. But this increased the SOLAS problems for the navy. Confrontations on board the boats led to accusations by asylum seekers that the navy had left them in dangerous vessels to drift in Indonesian waters.

Both Howard and Reith maintained tight control over the military conduct of Relex until the end of the election campaign, issuing directions through a public servant task force, the People Smuggling Task Force. At times, the records show, Reith and Howard, directly or through their offices, tracked particular confrontations with boats and boarding operations.

Reith, in one scribbled note, tells Barrie: "I'd appreciate a regular stream of sitreps [situation reports] - preferably in writing - 2 or 4 hourly." In another boarding operation during the election campaign on October 21, Reith writes to defence

headquarters: "Please also keep the PMO [Prime Minister's Office] directly informed."

Ultimately, the Government gambled on Operation Relex and pulled victory from the jaws of near defeat. But other factors besides Relex also had an impact on stopping the boats, including the sinking of SIEV X with more than 400 passengers on board in late October.

As well, the overthrow of the Taliban government in Afghanistan by US-led forces encouraged many Afghan refugees stuck in camps in Pakistan and Iran to return to their homeland.

Delay claim in sea rescue



8.11.02 *The West Australian*

A TEENAGE asylum seeker tried desperately to save the life of a 55-year-old woman after they jumped from a burning people-smuggling boat, the Coroner's Court was told yesterday.

Ali Reza Sedeqi, 16, was giving evidence at the inquest into the deaths of the 55-year-old, Nurjan Husseini, and 20-year-old Fatimeh Husseini.

Mr Sedeqi said he was convinced the older woman was breathing as he struggled to hold her head above rough seas off Ashmore Reef for about an hour until he reached the Customs boat Arnhem Bay.

The two women, who were not related, drowned after jumping from a 20m wooden boat, the *Sumber Lestari*, which had caught fire on November 8 last year.

Questioned by his lawyer, John Cameron, Mr Sedeqi, who spoke through an interpreter, said he found the woman, who was wearing a life-jacket, lying face down in the ocean minutes after they had jumped from the boat.

He pulled her head out of the water

and pushed her chest and stomach in, forcing foam and water out of her mouth.

Mr Sedeqi said the woman remained unconscious but he was certain she had started breathing and was alive when they reached the Arnhem Bay. He believed the woman would be alive if she had been rescued earlier.

"...the woman would be alive if she had been rescued earlier."
—Ali Sedeqi, Refugee Witness

Questioned by lawyer Mark Ritter, for the Human Rights and Equal Opportunity Commission, Mr Sedeqi said navy and Customs rubber boats passed by a few times as he struggled to keep the woman's head above water. He claimed it was about 40 minutes before rescue teams started rescuing people.

The inquest was told previously that rescue teams started saving people almost immediately and that all 164, mainly Afghan asylum seekers,

and crew were recovered within about 50 minutes of jumping from the *Sumber Lestari*.

Mr Sedeqi said he saw light-coloured smoke coming from the *Sumber Lestari*'s engine room after it accelerated when rubber boats from the Arnhem Bay and the patrol boat HMAS *Wollongong* arrived.

The *Sumber Lestari* carried up to five 1000-litre fuel containers. People were frightened when the *Wollongong*'s gun was aimed at the *Sumber Lestari* after it changed direction. He later saw thick, black smoke appear suddenly and people began screaming and crying.

"I do not think the fire was started deliberately," he said. "I don't think people would be that mad to do that while they have got so many barrels of petrol and people up on deck."

Mr Sedeqi said his father paid for him to flee from the Taliban regime in Afghanistan after he was stabbed in the arm. He travelled through Pakistan, Iran, Malaysia and Indonesia with the help of several people smugglers.

The inquest before Coroner Alastair Hope in Fremantle continues.

*From Page 1***WA Coroner Inquest....**

Human Rights Council of Australia must be lauded for initiating the West Australian Coroner to open an inquest into the death of two women. Currently the HREOC is to submit a report to the Coroner whether the right to life have been compromised in the government's interception operations.

Despite these developments, the NetIPR remains concerned by reports that the refugee witnesses who appeared before the Coroner's court were intimidated by government authorities. Sources noted that refugees witnesses have been indicated they will not receive favorable consideration about their refugee application should they testify before the Coroner's court.

Reports also indicate that Australian government is applying a climate of fear — the fear of deportation — upon Afghan asylum seekers in Nauru and Christmas Island. Public media and NGO access to these detention camps has also been unavailable. For this reason NetIPR seeks UN Secretary General's intervention to this situation.

Help write letter to UN Secretary General

10 December 2002

Mr Kofi Annan
UN Secretary General
United Nations Headquarters
New York N.Y. 10017
United States of America
Facsimile: (+1-212) 963-4879

Dear Secretary General:

Re: the state of the asylum seekers in Pacific Islands

We draw your attention to the continuing plight of asylum seekers, mostly Afghan and Iraqi nationals, held by the Australian government's off shore detention facilities in Nauru, Papua New Guinea and Australia's Christmas Island. We are especially concerned about the well being of Afghan asylum seekers held in detention in Nauru. We are aware that most Afghan asylum seekers arrived prior to the down fall of the Taliban government and that they were held in detention in Nauru and Christmas Island. The Australian government has delayed processing their visa application for more than one year. Despite the fall of Taliban government, the humanitarian and safety situation on the ground has not improved in Afghanistan. We have received reports that 113 Afghans from Nauru went back to their country by coercive means. We are extremely concerned about the situation of the remaining asylum seekers in the Pacific Island nations, especially because the media is not allowed to visit those asylum seekers.

We also wish to report on matters relating to an inquest held by the West Australian Coroner regarding the drowning deaths of two women near Ashmore Reef in November 2001. There are unconfirmed reports that Australian authorities threatened the refugee witnesses who appeared before the Coroner's Court. The Human Rights and Equal Opportunity Commission here has also been seeking to compile and submit a corroborated witness report to the Coroner. In this instance, we are particularly concerned that the threat of deportation is being used to instill fear amongst Afghan asylum seekers.

We are therefore seeking that the UN Secretary-General intervenes in the cases of Afghan asylum seekers. Especially, we would like you to ensure that there be no interference with the refugee witnesses while the Coroner and HREOC are examining the pending case. We trust that you will use all available resources to ensure justice being done in this inquest.

Yours respectfully,

(EXECUTIVE COMMITTEE)
Network for International Protection of Refugees

Promote and Protect the human rights of refugees in Australia and Asia Pacific

It is a privilege to be recognized by the community of NetIPR for our members as well as our workers and friends

Dr U Ne Oo
Secretary, NetIPR
18 Shannon Place
Adelaide SA 5000
Australia

Email: netipr@senet.com.au
druneoo@chariot.net.au

We are on the Web
<http://users.senet.com.au/~netipr>


NetIPR

Network for International Protection of Refugees (NetIPR) was founded on 10 December 1998, to commemorate 50th Anniversary of Universal Declaration of Human Rights. Our Network focuses on the situation of Refugees within Asia-Pacific region, including those refugees and asylum-seekers in Australia. We usually campaign for the protection of refugees, i.e. refugees or group of refugees to be properly recognized by governments in accordance with UN Refugee Convention.

We are South Australian based and self-funded, independent non-government organization. Donation of post stamps, A4 size copy papers etc by the members and friends are greatly appreciated by the secretary.

15th November 2002

<http://www.catholic.org.au/>

Two organisations of the Australian Catholic Bishops' Conference today renewed calls to the Minister for Immigration, Multicultural and Indigenous Affairs, to grant residency to 1,800 East Timorese asylum seekers who are facing deportation. The renewed calls from Caritas Australia and the Australian Catholic Social Justice Council come following last week's notification of 84 Timorese that their visa applications were unsuccessful and they had 28 days to leave Australia.

Bishop William Morris, Chairman of the Australian Catholic Social Justice Council said, "Three weeks ago Archbishop Carroll, President of the Australian Catholic Bishops' Conference, wrote to the Hon. Philip Ruddock asking him to grant the expatriate East Timorese permanent residency. To date, there has been no reply.

"We call on the Minister to exercise his discretion and allow the East Timorese to stay. These people were offered protection from horrors such as the Dili massacre at Santa Cruz cemetery. Many have lived in Australia for over seven years as their applications have been processed. In that time they have integrated into

the life of the Australian community, with children growing up, new families forming and people working to support their new life in Australia. Given these circumstances, and out of a sense of justice, our nation could afford to recognise the East Timorese as permanent residents of Australia" Bishop Morris said.

Jack de Groot, Director of Caritas Australia said, "To return the East Timorese asylum seekers to a country that has neither the resources,

Churches call for East Timorese Stay

economic and social infrastructure nor opportunities to support them raises serious questions about the operation of Australia's immigration policy.

"Returning Timorese will be entering one of the world's poorest countries, where 80% of children are estimated to have internal parasitical infection, where one in five children are chronically malnourished and where TB is a major problem" Mr de Groot said. "Inevitably some of those returning will face significant health problems. Some, born in Australia, have never lived there and will face even greater risks."

Caritas Australia has significant

programs in East Timor addressing food security and shelter needs, and supporting victims of sexual assault.

Caritas Australia and the Australian Catholic Social Justice Council, which are organisations of the Bishops' Committee for Justice, Development, Ecology and Peace, urged the Minister to exercise his discretion in granting residency to the East Timorese. "Australians have close ties and affection for Timor. Given the long history of Australian gov-

ernment action in Timor and the particular circumstances faced by these asylum seekers, it would be appropriate now to welcome them formally into the Australian community," they said.

For further information:
Bishop William Morris Chairman, ACSJC Tel: 07 4632 4277, John Ferguson, National Executive Officer, ACSJC Tel: 02 9956 5811 ; Jack de Groot National Director, Caritas Australia Tel: 02 9956 5799