

## **Asking Awkward Questions:**

### **The Uncomfortable Terrain of Moral Dissent**

**Tony Kevin**

My talk today is not focussed on the sinking of SIEV X, but rather on my experiences when I started to write about it. In letters, submissions to the Senate Committee into a Certain Maritime Incident, newspaper articles, and finally my first book, *A Certain Maritime Incident: The Sinking of SIEV X* (Scribe, 2004), I tried to arouse public knowledge and concern over the unexplained sinking of an unnamed asylum-seeker boat in October 2001. I named the boat SIEV X ('suspected illegal entry vessel, unknown'), using the ADF acronym for numbering intercepted boats: because this was the boat that was expected, but failed to arrive.

The sinking of SIEV X, which claimed 353 lives, was the shock that ended Australian border security authorities' secret war against whoever sent nearly 12,000 unauthorised boat people to Australia in the years 1998–2001.

The numbers of boat people arriving at Ashmore Reef or Christmas Island exploded between 1998 and 2001. They went from near-zero in 1997 to 4000 people a year in 1999, staying at this level for the next three years. These numbers are actually not trivial, and could be seen as a serious challenge to Australian border security. The Australian answer in September 2001, triggered finally by the Tampa incident, was Operation Relex, a major military border surveillance and interdiction operation in waters just south of Indonesia. But Operation Relex had been planned for years.

We have no convincing public explanation why this large refugee movement through Indonesia happened when it did. I believe, for want of a better answer, that it was facilitated by Indonesian national security elements, angry at what they saw as Australia's betrayal of good-neighbourly obligations when East Timor seceded from Indonesia in 1999. I believe that such elements covertly encouraged commercial people-smugglers to organise on a large scale refugee passages for money, using idle fishing boats and crews, as a way of punishing Australia.

I do not believe that there ever were international organised crime people smuggling syndicates, as Australian official sources claimed at the time. People smuggling was done by small local entrepreneurs: like Abu Quassey, the Egyptian national resident in Indonesia who organised the SIEV X and at least three earlier voyages, in which he was assisted and protected by senior Indonesian police. Abu Quassey is now serving a five-year jail term in Egypt for ‘accidental manslaughter’ over the sinking.

Nor is it clear why this three-year movement of nearly 12,000 people abruptly ended after SIEV X sank, occasioning world-wide horror. My hunch is that the anti-Australian mood in Indonesian security circles had run its course. Also, that these people had perhaps realised, after Tampa, children overboard, the Pacific Solution and SIEV X, that the Australian government was determined to do ‘whatever it takes’ to deter this trade. Again, I cannot prove this.

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I come at this secret history from a dissenting perspective: that the lives of these boat people should have mattered, that they were not expendable tokens in a secret undeclared battle of wills between two angry neighbours, but human beings with the same rights to life and dignity as we all have. The deaths of 353 people in seas where Operation Relex agencies had a duty of care requires an explanation.

From the start, there was large official reluctance to illuminate the subject. Whatever our border protection authorities did to protect us from boat people’s violations of our national sovereignty was, it seemed, not to be questioned, because it was national security. One wasn’t supposed to ask about how, where or why SIEV X sank. Thus, the fact that it sank some 60 kilometres south of West Java, in international waters that were being monitored daily by ADF radar and aircraft, is still not admitted. The names of most of the deceased passengers, though known to the Australian Federal Police, are still withheld. And so on. I suggested the Australian public needed to know such facts, for the sake of our national decency. Pursuing those questions meant three years of emotionally exhausting and finally unsuccessful activism.

I was scratching at raw, unhealed sores. We know from ABC *Four Corners* research that in the late 1970s, Australian divers secretly sank Vietnamese refugee boats

moored off the coast of Malaysia so that they could not sail on to Australia. There is a tradition of protecting our borders by covert operations.

Marr and Wilkinson's *Dark Victory* opened up important parts of the Operation Relex history, but my book went further. It asked: had the conduct of Australia's onshore people smuggling disruption program in Indonesia, and had our armed forces' failure to search for an overloaded unseaworthy boat in likely distress, known to have set out for Christmas Island but considered unlikely to reach it because of its reported unseaworthy condition, been contributory factors in the SIEV X disaster?

I broke a taboo in asking such questions about the Australian Federal Police, DIMIA and the Australian Defence Force. For a few heady months in 2002, I was not fighting alone—Senators John Faulkner, Jacinta Collins, Andrew Bartlett and others asked searching questions in the Senate CMI committee, as did Marg Hutton on her investigative website [www.sievx.com](http://www.sievx.com). Newspaper editorials gave support. But government authorities spun superficially credible cover stories, the CMI committee report mostly papered over the issue, and the media lost interest.

Our campaign had briefly threatened a successful covert national security strategy to deter boat people movements. That strategy had sent clear messages to asylum-seekers, and to whatever elements in Indonesia were encouraging their journeys, that people who used smugglers to try to reach Australia by boat risked their lives. Yet the Australian public had remained untroubled, confident that Australian border protection authorities would act ethically and according to Australian law; or if they did not, we would rather not know.

In 2002, John Faulkner, Marg Hutton and I broke that cosy illusion. Some Australians of conscience began to look more closely at what might have been done in our name on our northern maritime border. Though I had not exposed any official secrets, my writing had become an irritant to national security.

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When it became clear in 2003 that our SIEV X campaign had failed, I set out to write a book. I needed to bear witness, to get the story on library shelves before it was forgotten. In March 2004, following two distressing publisher refusals, Scribe

Publishing's Henry Rosenbloom bravely offered to publish my book. We both worked at breakneck speed, and the book was launched in August 2004. Its initial reception was generous: about fifteen reviews, mostly favourable. It won two literary awards. Its initial print run of 4000 copies sold out in eighteen months. In 2006, a small reprint was published.

Odd things happened. As I spruiked the book in talks and debated the issue in open-access websites, more and more angry and personally abusive letters appeared. I wondered, was I presenting the issue badly? Or was the issue just too confronting for some elements in Australian society to face? Or, might a 'dirt file' on me have been put into operation?

Dirt files exist: they are part of the tool-kit of both political parties and national security agencies. They set out to discredit the public standing and influence of persons thought to be a threat. It is hard to know if a dirt file has been set running, because they work through untraceable rumour and gossip. Like ripples in a still pond, one cannot see where stories begin. Dirt files work best if they contain some verifiable facts, and if they draw on accurate knowledge of a targeted person's errors and vulnerabilities. If a targeted person is rash enough to challenge a dirt file, this can be used to strengthen the claim that he is prone to conspiracy theories.

I found after I began my SIEV X public campaign in 2002 that university teaching and newspaper and journal connections that I had developed since my retirement from diplomacy in 1998 began to fall away. My stock of public credibility as a former ambassador ran down. I was being pushed towards the outer edges of respectable public life.

I redoubled my efforts to expose the Howard government's lack of moral decency. I knew the Howard regime was at the bottom of cruelties in border protection and treatment of refugees, the abuses of human rights in Iraq, David Hicks' detention, victimisation of Muslims, and so on. The only solution was to change the government.

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A month after my SIEV X book came out, I was invited to co-sign an open letter by 43 former ambassadors and senior defence officers, protesting at Australia's

involvement in the Iraq War. The day this letter was published, both Gerard Henderson and the Prime Minister claimed that its credibility was weakened because of my involvement with it. Henderson wrote in his *Sydney Morning Herald* column, 'There is always a risk-by-association in signing group statements along with some more ideological types. Take former diplomat Tony Kevin.'

In Parliament later that day, Howard agreed: 'They [the signatories to the letter] include one person who accused the Royal Australian Navy and the Australian Federal Police of complicity in the drowning of 353 refugees.' Howard made clear that he would not take seriously such a person's views on anything.

The message was clear. Tony Kevin was not a reputable person to associate with. My name would discredit and damage any cause I supported.

A few months later came extraordinary personal attacks by Andrew Bolt and other pro-Howard commentators on Hannie Rayson for her fine play *Two Brothers*, which explored questions of government and defence force moral accountability in an imaginary refugee boat-sinking scenario with some similarities to SIEV X. Rayson, a popular mainstream playwright, was viciously abused for daring to explore such themes. It did not intimidate her, but it might well have been a lesson to others not to go near SIEV X.

It is a fact that in Australian academic and political writing since 2002, SIEV X is rarely mentioned. 'Children overboard' and Tampa are often listed in texts and indexes, Operation Relex less so, SIEV X hardly ever. I wondered how an event that was so much discussed in the media during the Senate enquiry in 2002 has disappeared from academic memory almost totally since then. What has inhibited so many people from going near SIEV X?

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There was one welcome exception to this public silence: the SIEV X National Memorial, a beautiful memorial that now stands in Weston Park in Canberra. But this too had an odd public history.

In 2003, a group of idealistic Australians set out to build public support for a national SIEV X memorial in Canberra. Given the Howard government's deep hostility, it seemed an impossible dream. But the group persevered, steadily building commitment in Christian and secular schools and communities. It was a well designed and managed public advocacy operation. A national schools design competition was held and a design selected, of over 300 painted timber memorial poles running down to the shore of Lake Burley Griffin, each honouring a victim. The poles were erected in Weston Park three months before the 2007 election. They are still there, and look set fair to stay. I am pleased to see this powerful memorial in place.

But it is a memorial to what, exactly? From the very beginning, the organisers stayed clear of politics. The Memorial honours SIEV X as an Australian maritime tragedy, but in ways that do not invite disturbing public questions. Two explanatory plaques allude to Australia's harsh policies towards boat people at the time, that forced women and children desperate to reunite their families onto unseaworthy boats. But there is no hint of any possible Australian accountability in the sinking beyond that. The Memorial avoids those hard questions.

It was hurtful that the organisers did not acknowledge my contribution to community concern about SIEV X, and did not invite me to take part in their public organisation. Privately they explained to me that they had to keep a distance from me, in order not to risk their project. Once again, I and others were being reminded of my pariah status. But I held my peace, because their cause was good.

With the Memorial in place now for six months, it is not clear if the organisers have any further agenda. Even now, when they have achieved their main aim, they avoid public association with me.

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A year ago, when I thought SIEV X was finally behind me, I had an unpleasant surprise: a defamation suit from a person who felt he had a legitimate grievance at the way he was referred to in my book. As is his right, he sued me and my publisher. The case was settled prior to court eight months ago, a course urged on me by everyone I consulted with knowledge of how Australian defamation law works. My publisher and I each paid out a large sum of money. Scribe Publishing prudently withdrew my

book from sale: it seemed then, for an indefinite period. I felt that my sacrifices and efforts since 2002 had been in vain. With the SIEV X book withdrawn from access, what was left of value?

A friend wisely advised me: the only way to rebuild my self-respect and morale would be to fight back against the silencing of my SIEV X book. Scribe, to its great credit, has this month published an amended edition. This new edition remains true to my intention to record the history of SIEV X and the questions that this history raises, as accurately as can yet be publicly known.

Please buy this third edition. Know that Henry Rosenbloom and I suffered and took risks for the sake of speaking truth on an important issue of human rights and justice, and that we did not give up this fight when the going got tough.

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When the government changed last year, I hoped that Paul Keating was right that when you change the prime minister, everything changes. Perhaps naively, I enquired about possibilities to resume public service work in my former area of career expertise, foreign policy and national security.

A former professional colleague gave me private advice. He said that while nobody doubted my integrity or moral passion, I needed to know that my SIEV X work had aroused intense negative feelings against me in some areas. Some saw my efforts to illuminate SIEV X as a kind of betrayal of trust. I had broken unwritten public service codes of conduct. The fear would be that I might do something like this again.

A few things fell into place for me after that good advice. I am not applying for any government jobs. My career now is, simply, as an independent writer. In 2006, I went on a healing pilgrimage walk in Spain, out of which came my second book, *Walking the Camino*. I'm writing a third book now, on the culture of my former profession, diplomacy.

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Looking back, I can understand how some officials in government agencies might have looked for ways to slow me down. This could help explain why some people

whom I respect, and whom I know would suspect information emanating from political quarters, might have given more credence to things heard from more trusted official areas. It could help to explain some strange experiences over the years, the reluctance of some people whose work I admire to engage with me or the SIEV X issue in any but the most passing and non-accountable ways. I don't think I will ever find answers to such nagging questions, which go to the heart of one's sense of one's place in society.

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It is possible that the most important government documents on SIEV X were given conclusive never-to-be-released certificates in 2002. If so, FOI applications would be a waste of time and money. I am fairly sure that national security and foreign relations exemptions would ensure that anything important on SIEV X would not be released in 2032. We, the Australian public, may never learn the full story of SIEV X, unless the present or future Australian governments want us to.

For the moment, there seems to be a tacit political consensus that border security is beyond accountability. Labor's demands while in opposition for a full-powers judicial inquiry are moot, now that Labor is in government. Several of the senior officials involved in the SIEV X inquiry are still in senior public service jobs. Border security is still proclaimed by Labor's Immigration Minister as a high national priority. The AFP continues to list combating people smuggling as a major agency task. As far as I can see, nothing much has changed.

For me, it is not right for governments to 'move on' from SIEV X, to draw a line under it. The need to acknowledge a great moral wrong in public policy does not disappear because there has been a welcome change of government.

For the time being, my book and Marg Hutton's website are the only objective history that we have on SIEV X. I look forward to Hutton's Ph. D. thesis, in progress at Latrobe University. Her integrity as a historian is beyond question. [*Note; I was subsequently advised that this thesis has been discontinued*].

There are still many more questions than answers. I am not optimistic about death-bed confessions. It will probably be too complicated for individuals to remember details after all those years, unless some have kept private diaries.

We still don't know if any Australian official did anything wrong. Many examples of government wrongdoing or injustice are the result of complex, opaque chains of administrative orders or policy guidance: for example, the Stolen Children. It's hard to say at what point in the bureaucratic chain any particular public servant, defence or police official may have done evil deeds in a personal, morally accountable sense. Bad decisions can just accumulate along the chain of command. If people died as a result of an upstream disturbance program gone wrong, that's regrettable collateral damage, and no individual should be held to account.

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I challenged this way of thinking about people's lives, and I was not prepared to stop asking awkward questions. All Australians—not just those with top-level security clearances and a professional 'need to know'—should know the truth of SIEV X. I hope that, in time, if enough others express similar views, we might at last get to the truth, as a safeguard against anything like this ever happening again on our maritime borders. That is why I am glad that my book is on sale again, accessible to those who want to read it.

Was it worth it? Yes, despite the estrangement from my society and economic losses, it was worth it: for the same reason that some people cannot walk past human suffering. The Good Samaritan was not a popular person. He was despised before and after he helped the stricken traveller. But you do what your instinct tells you is right. You do not count the cost. And if your courage falters, if you lose heart or nerve, if you fall off the horse, you try to get back on.