ON a sultry mid-December day an Indonesian fishing boat manned only by its skipper chugged out of the port of Muara Angke, in north Jakarta, and headed west along the Javanese coast towards the Sunda Strait, the waterway that separates Indonesia’s main island from its larger neighbour, Sumatra. The fishermen and market vendors in the bustling harbour probably noticed nothing unusual about the Janga, except the sound of its engine revving like a tractor. It was a wooden vessel about eight metres wide and thirty-five long, with a blue tarpaulin rigged up on deck for shade. The boat had undergone repairs before it left but the motor remained faulty; perhaps its owner was unwilling to spend more on a boat he knew would be impounded and destroyed when it reached its destination. A close observer might have noticed that all its fishing gear had been removed.

The Janga’s first stop that day was a smaller port at the western end of Java, where it recruited three crewmen for the journey. One was a sixty-year-old fisherman, Abdul Rasjid, who had known the skipper for three years. Abdul Rasjid had never sailed this route before, but the down payment of a million rupiah (about A$108) with the promise of a further nineteen million was too good to refuse – more than a year’s income for a poor fisherman. The second recruit, a 32-year-old named Supriyadi, was an experienced fisherman but a novice on boats, with no knowledge of engines. Little is known about the third crewman, except that he was twenty-two and his name was Hardi Hans.

After the crew embarked the Janga headed for its next stop, the island of Palau Panaitan off the far south-western tip of Java, a remote World Heritage-listed wilderness inhabited by Javan rhinoceroses and Komodo dragons, fishermen and forest rangers, and Western surfers lured by its famous barrel waves. The skipper cut the rackety engine and moored the boat off the island to await its human cargo.
On shore, a 43-year-old Iraqi man I will call Abbass Hussein, his wife and their ten-year-old daughter clutched their meagre belongings and the food and water they had packed for the journey. Hussein and his family had fled their native Iraq amid the chaos of the first Gulf War and its aftermath, in the early 1990s, but found scant respite under the oppressive theocratic regime in neighbouring Iran. They left for Indonesia, and were joined by his sister-in-law, her husband and their daughter. Hussein, who has since secured refugee status in Australia, paid a people smuggler US$5000 for each adult for the journey. ‘We were all hopeful… I thought about a better future for my children. We were going to a nice country and all had hope for the future.’

Hussein handed his family’s savings to a forty-year-old Iranian known as Ali Hamid, who had migrated to Australia and secured citizenship in 2003. Hamid spent much of his time in Indonesia and created a lucrative niche in the people-smuggling trade. He was well known to Indonesian police, who believe he had sent five boatloads of asylum seekers to Australia in the previous two months. Hamid was an associate of Abdul Khadem, a veteran smuggler who spent two years in jail after pleading guilty to bringing 353 asylum seekers to Australia in November 1999. Indonesian police had briefly detained Hamid in 2009 after he was spotted escorting twenty-five Iranians, and both men featured on Four Corners in August 2010, secretly filmed discussing people shipments to Australia. By the end of that year they were still operating with apparent impunity.

Abbass Hussein had met Hamid at the airport in Indonesia, where the smuggler big-noted about being a millionaire and not needing the money, though he didn’t hesitate to take it. He assured Hussein the boat was shipshape and the journey would be safe.

On 12 December 2010 Hussein and his family were picked up from their lodgings in Jakarta and driven to West Java, where the Janga was anchored offshore. Eighty-nine passengers – mostly Iranians and Iraqis, fifty-five males and thirty-four females, ranging in age from two months to fifty-four years – were ferried in two small boats across the waves to board the Janga that night. The vessel was basic, overloaded and cramped. There wasn’t enough room below, so some had to stay on deck, sheltering from the monsoonal rain under the blue tarp. At the back of the boat a hole served as a toilet.

Hussein’s main concern was that there were only twenty or thirty life jackets aboard. Some passengers were annoyed; they had offered to buy their own life vests but were assured that wouldn’t be necessary. They were given no safety instructions, and the skipper showed little interest in the maritime law that makes the master of a vessel responsible for the safety of his craft and passengers at sea. Still, Hussein was optimistic as the boat set sail: ‘From the beginning I didn’t think it was going to be a dangerous trip.’
It was slow going as the Janga headed south through the darkness into the Indian Ocean. The engine seemed to struggle through the heaving seas, roiled by the north-west monsoon that bears down from November to March, when more prudent sailors avoid the trip. They saw no other boats, except for a small vessel that had trailed the Janga from the beginning. Hussein was glad his family had brought food and water as there wasn’t much aboard, despite the assurances they had been given.

The next day the seas became very rough, and towards evening the engine suddenly stopped. The engine room was half a metre deep in water and the pump wasn’t working. Passengers and crew formed a chain and began bailing water with a plastic bucket, handing it upstairs to be thrown overboard. This went on for almost an hour until the captain started the engine again. The voyage usually takes twenty-four to thirty-six hours, but they spent the better part of three nights and two days on the ocean.

THE JANGA’S DESTINATION, the Australian territory of Christmas Island, just ten degrees below the equator and more than a thousand miles north-west of the mainland, lay only three hundred nautical miles to the south. The island is a rocky outcrop, the flat summit of an ancient submarine volcano that rises 4500 metres from the ocean floor, fringed by a narrow reef and surrounded by deep, partly uncharted waters. Much of its coastline is sheer limestone cliffs, which ascend to a central plateau swathed in tropical rainforest. Before the influx of asylum seekers the island’s most famous inhabitants were its millions of red crabs, which stage a spectacular annual wet-season migration from burrows in the forest to the sea, to mate and spawn.

To outsiders Christmas Island may seem inhospitable, but its residents – fifteen hundred people of predominantly Chinese, European and Malay descent – pride themselves on offering sanctuary to newcomers. ‘Christmas Island is a place where displaced persons, people made homeless by terrifying and horrific acts of inhumanity, can find safety and care,’ the island’s administrator, Brian Lacy, said in 2010. ‘We are in that unique part of the world that can provide safe harbour to people who, driven from their homeland, want to be Australian… I am proud to [say that we] are members of a community that receives and cares for the asylum seekers who choose to come to our shore.’

The Australian government and mainland voters have been far less welcoming to the eighteen thousand asylum seekers who have arrived on Christmas Island in the past decade. The Australian Customs and Border Protection Service (CBP), whose task is to ‘protect Australia’s national interests in [its] maritime domain’, identifies ‘irregular maritime arrivals’ as one of eight security threats it is obliged to ‘mitigate or eliminate’. The service places such arrivals third on its list of threats, while the Defence Department lists them first: ahead of terrorists, pirates, illegal fishing boats, marine pollution, prohibited imports and other illicit activity.
The Defence component of border protection is known as Operation Resolute, which took over in 2006 from Operation Relex, the Howard government’s military-led campaign to get tough on ‘queue jumpers’ by stopping boats from landing in Australia. The current policy, which has softened somewhat, is to intercept all known irregular arrivals and divert them to Christmas Island: ‘The operational priority with regards to irregular maritime arrivals [IMAs] was and remains the prevention of mainland arrivals.’ Half of the Navy’s fourteen Armidale class patrol boats and four hundred Defence personnel are assigned to Operation Resolute. Between July 2009 and May 2010 they stopped and boarded more than 270 boats suspected of illegal fishing or people smuggling, and apprehended more than a hundred suspects. Defence and CBP work jointly under the control of Border Protection Command, headed by Navy Rear Admiral Timothy Barrett.

On Tuesday, 14 December 2010, as the Janga ploughed on towards its destination, two border-protection vessels were on duty at Christmas Island. The naval ship HMAS Pirie, an Armidale class patrol boat, had been deployed from Darwin in early December in response to the ‘perceived threat of future IMAs’. There had been a huge surge in arrivals over the previous two years: 195 boats brought almost ten thousand people in 2009–10, compared with just twelve boats carrying 309 people in the preceding two years.

HMAS Pirie was the designated ‘operational response vessel’ on duty, expected to undertake surveillance and to investigate and intercept any illegal vessel. The second boat on duty was the Australian Customs vessel ACV Triton, a 98-metre diesel-fuelled trimaran, operated for Customs by the marine contractors Gardline Australia. ACV Triton had arrived at Christmas Island the day before, ferrying 108 asylum seekers picked up from two illegal boats seized near Ashmore Reef on 9 December. The Triton had transported its human consignment to Ethel Beach, on the protected lee side of the island’s east, where it hoped to unload them. But the prevailing conditions were judged unsafe, so the people remained aboard. The ship had obtained an exemption from the Australian Maritime Safety Authority, allowing it to carry more than twice the number of people it was authorised to hold.

The weather had been deteriorating for days, as a monsoonal trough drifted south over Christmas Island. Around lunchtime on 14 December the Pirie’s captain, Lieutenant Commander Mitchell Livingstone, reported a four-metre swell and winds gusting up to forty knots; rain squalls and thunderstorms were forecast, and conditions expected to worsen.

The Pirie and the Triton were stretched already. While patrolling north of the island, the Pirie’s crew had discovered an engineering defect that needed checking, but it was so rough they retreated to the calmer waters at Ethel Beach. The Triton was there too, figuring how to offload its 108 seasick asylum seekers in the foul conditions.
There was more trouble brewing. Border Patrol Command had been advised that morning that two more Suspected Illegal Entry Vessels (SIEVs) were en route; one was expected at Ashmore, the other at Christmas Island. The advice had come from the People Smuggling Intelligence Analysis Team inside Customs, who provide a daily ‘threat picture’ based on material from open-source to highly classified information. The politics surrounding asylum seekers has become so charged that the classified assessment is distributed to the prime minister’s office, some ministers, agency heads and designated overseas missions.

Predicting SIEV arrivals ‘is not a science’, the deputy chief executive of Customs and Border Protection, Marion Grant, told federal parliament’s Joint Select Committee on the Christmas Island Tragedy in May 2011. Much of the information fed into the intelligence team is unreliable. ‘We have to make assessments as to whether it is disinformation [or] marketing material by the people smugglers. So even though we get a piece of information it does not actually indicate that that is a fact.’

As it turned out, the intelligence that day was spot-on. At 10:22 am Defence headquarters instructed HMAS Pirie to head off a SIEV spotted near Flying Fish Cove with eleven passengers and crew. The Pirie intercepted the vessel and escorted it to Ethel Beach. The boat, designated SIEV 220, was later identified as the first of the two illegal craft whose arrival had been predicted that morning.

The seas at Ethel Beach were calmer, but still too rough to transfer the eleven detained passengers and crew from SIEV 220 to land. But there was pressure to do so.

A senior officer from the Department of Immigration and Citizenship, Sonia Radovanovic, later testified to the Western Australian Coroner that Customs officials at Ethel Beach told her that the Pirie needed to offload the people from SIEV 220 because another boat was on its way. Immigration staff considered it dangerous to attempt disembarkation, and argued against it. Radovanovic said that when she questioned the urgency of the transfer Customs officers told her the Navy was expecting another boat. Eventually Customs prevailed and the eleven detainees were safely transferred to land. Radovanovic said she then directed her team on the island to prepare for the next arrival.

At the inquest headed by Coroner Alastair Hope seven months later in Perth, counsel for the Commonwealth, which has repeatedly insisted it had no forewarning of the janga’s arrival, objected to Radovanovic’s account and said it contradicted previous statements on the official position. This denial is at odds with the advice from the government’s people-smuggling intelligence analysts, who had indicated that a second boat was expected.

It is also at odds with Lieutenant Commander Livingstone’s evidence to the Coroner that, after SIEV 220 arrived on 14 December, the ‘threat level’ for the island increased from medium to high. According to an internal review by Customs in January 2011, a ‘high’ threat level equates to ‘imminent departures where both
passengers and the vessel are ready and when the venture is believed to be within seventy-two hours of departure (or has already departed).’ The Janga was only hours away.

ON THE AFTERNOON of Tuesday 14 December 2010, crewman Abdul Rasjid was woken from a nap aboard the Janga by the captain, who announced he was leaving the boat and going home to organise payment to the families of the three crew. Unlike the crewmen the captain no doubt knew what awaited them on arrival: detention, trial and imprisonment. Rasjid was more concerned about the engine, but the captain assured him it was fine and would last the journey.

Just before midnight the skipper abandoned ship and boarded the smaller vessel that had been trailing the Janga, to return to Indonesia. Rasjid was instructed to steer the boat 170 degrees on the compass and told that they would reach Christmas Island in about five hours. He did as he was told, but said later that he didn’t even know what direction he was going. The second crewman, Supriyadi, who had no experience of boats or engines, was told to look after the motor. He later said he had been ‘duped’. Rasjid was told that when they arrived ‘someone would pick them up’.

Around 2 am on Wednesday, 15 December, as the Janga neared Christmas Island, its engine stopped again. The heavy seas had swamped the engine room and the faulty water pump had broken down. Some passengers volunteered to start bailing again until the crew managed to restart the engine. Around this time the acting skipper, Abdul Rasjid, spoke by phone to one of the organisers in Indonesia – presumably Ali Hamid or an associate – who told him to ditch the GPS in the sea and order the passengers to throw their phones and passports overboard. Some, including an Iranian passenger, ‘Hafez’, who was travelling with his new wife, refused to do so. By this time they could see the lights at Flying Fish Cove. Rasjid gave some passengers a battery-operated flashlight and told them to wave it around to attract attention on shore.

NEARBY AT THE Christmas Island detention centre, asylum seekers who’d come on previous boats nervously awaited the incoming vessel. A Janga passenger later testified: ‘The detainees in Christmas Island were talking among themselves...they knew another boat was coming.’

At about 2.30 am an Iraqi detainee, ‘Malik’, was playing pool when a nervous and agitated man approached him. He told Malik he had just spoken by phone to a people smuggler who said the boat carrying his wife and two children was close and the passengers could see the lights of the island. Malik, one of the better English speakers, said the man wanted him to alert staff. ‘We knew how risky and dangerous it is to come on the boat so it would be normal for him to be that nervous at the time,’ Malik testified at the Perth coronial inquiry.
Malik said he then approached a guard from the private security firm, Serco, that runs the detention centre. The guard went away, then came back and said, ‘I called my manager to see what we can do and my manager said we can’t do anything now because it’s night, we have to wait until morning.’ Malik said when he told the other man this he got angry and started yelling. He ‘went insane. He left and then another guy went after him. [He] went to get a razor because he wanted to hurt himself.’ (Self-harm is common among detainees.) The man was taken to the medical centre and apparently sedated. Serco has denied this account and said there are no phone records or other evidence to support it.

By this time the *janga* was two or three kilometres from the island. Apart from the odd light Abdul Rasjid ‘couldn’t see anything at all’ through the three-to-four-metre waves and spray thrown up by winds gusting at gale force. He steered the *janga* slowly along the coast as he had been instructed, without trying to make landfall.

The Iranian passenger Hafez later testified: ‘People in the boat told me we had to stay in the sea for the night because Australian authorities or ships don’t come and take us during the night. So we have to sit and wait there until it became morning. In the morning they come after us.’ As counsel assisting the coroner, Malcolm McCusker QC, told the inquest: ‘On arrival, he was waiting for someone to pick them up, but no one did.’ The Australian authorities did not even know they were there.

MAINTAINING SURVEILLANCE OVER Australia’s maritime territory is an enormous task. The area stretches across eleven million square nautical miles, more than a tenth of all the earth’s oceans. The waters policed by Customs and Border Protection cover a tenth of that area, 1.1 million nautical miles. At a cost of $46,000 per hour, constant aerial surveillance is financially and logistically prohibitive, and impossible in bad weather.

Australia’s principal tool for maritime surveillance is the over-the-horizon Jindalee Operational Radar Network, JORN, a state-of-the-art alert system developed at a cost of $1.8 billion over twenty years, which operates from land-based stations at Laverton in Western Australia, Jindalee in the Northern Territory and Longreach in Queensland. According to the Defence Department website JORN provides ‘all weather detection of air and surface targets inside an arc of up to 3,000 km range extending from Geraldton in the west to Cairns in the east [and] makes a crucial contribution to broad area surveillance of Australia’s strategically important northern approaches.’

It emerged at the coronial inquiry, to the surprise of some observers, that JORN was not operating at the time of the *janga’s* arrival. Rear Admiral Barrett confirmed this, but did not explain why. In response to my question Customs deferred to the Defence Department, which sent a link to its ‘JORN FAQs’ page, which states:
‘JORN is not resourced or tasked to conduct surveillance operations 24-hours-a-day 7-days-a-week.’ According to one witness the system is switched off at night to save money.

However, expert witnesses testified at the inquiry that, even if it had been working, it was ‘highly improbable’ that JORN would have detected the Janga, as small wooden boats are usually invisible to radar (which primarily detects metal), especially in high seas and bad weather. Defence and Customs have been working to develop a new radar system for Christmas Island since July 2010. Field tests began in 2011, but Customs executive Marion Grant said the trials so far had proved unsuccessful in picking up timber fishing boats.

On Wednesday, 15 December 2010 the job of surveillance fell to HMAS Pirie, as part of its role as operational response vessel. It relied on its shipboard radar, electro-optic and visual means.

But as the Janga struggled in the swell on the north side of the island the Pirie was sheltering at Ethel Beach on the east, where its position, the high seas and atrocious weather severely restricted the effectiveness of its radar and visual lookout. The Pirie’s crew also had other things to worry about. Commander Livingstone had been on the bridge since 1.30 am because of concerns about the safety of the asylum-seeker boat he’d intercepted on Tuesday, SIEV 220, which was now under the control of some of his crew, lurching dangerously in the rough seas while it awaited destruction. ACV Triton was hunkered down four or five kilometres further south, with the 108 asylum seekers and crew from the two SIEVs it had intercepted near Ashmore Reef still aboard. Both ships were unable to moor and were steaming in the heavy seas, using only one engine each to conserve fuel because refuelling was too difficult in the conditions.

The weather had continued to worsen, with winds up to fifty-five kilometres an hour, rain squalls, thunderstorms and visibility down to 150 metres. The harbormaster at Flying Fish Cove had closed the port for the day; it was too dangerous for vessels to launch.

Australian authorities have insisted they had no specific forewarning of the Janga’s arrival. CBP states the vessel was ‘un-alerted and un-attributed’. Yet there was prior intelligence of another asylum-seeker boat. Should they have been looking out for it, and preparing assistance in the treacherous conditions? Under the International Convention for the Safety of Life at Sea, adopted in 1914 after the sinking of the Titanic, responsible authorities are obliged to assist any person in distress at sea and ‘deliver them to a place of safety’.

In evidence given to the Western Australian coroner and the parliamentary committee, however, Defence and Customs officials insisted that ensuring safe passage for asylum seekers is not part of their mandate. When asked by Coroner Alastair Hope if his command had a responsibility to anticipate the arrival of an
asylum-seeker boat in bad weather and be ready to assist it, Rear Admiral Barrett replied that he knew of no agency with that responsibility. Border Protection Command is ‘not a search and rescue organisation’, he said.

AS DAWN BROKE at 5.30 on Wednesday, 15 December, residents near Rocky Point, a jagged bluff at the north-eastern end of Christmas Island, were woken by screaming and yelling. Long-time resident Adrian Morganti thought it must have been an all-night party down the road. Biologist Brian Keed, who was staying at the Sunset Motel while attending a scientific conference, went out to his first-floor balcony and saw a boat floundering offshore, the people aboard yelling to attract attention. Dive operator Taruki Hamanaka was driving home from Ethel Beach, where he’d gone to check out the conditions, when he spotted a fishing boat wallowing in the waves and drifting closer to the rocks. Other witnesses reported that the boat was under its own power, but belching black smoke and diesel fumes and struggling in the swell. Amy Luetich, a teacher, rang 000 to report the boat was in trouble.

The first official sighting was at 5.40 by a Customs officer staying at the Mango Tree Lodge, who spotted the janga off Rocky Point and reported it to the Customs and Border Protection duty officer on the island. In contrast to some of the residents’ accounts, this report ‘did not indicate the vessel was in distress’. The advice was passed on to Customs’ National Operations Centre and the Australian Maritime Security Operations Centre, in Canberra. Neither saw any urgency. ‘From this point until 6.16 [am] it was being managed as a routine SIEV arrival,’ according to CBP.

But to the watching Christmas Islanders there was nothing routine about the janga’s plight. Paul Maberly, treasurer of the local volunteer rescue service, also called 000 after the fishing boat passed his house at about 6 am. ‘As the boat was extremely close to the shore I was concerned for the people on board because the weather conditions were so bad. I got through quite quickly to the operator [and] told him I saw a refugee boat outside the front of my house and said it needed someone to give it a hand, as it appeared to need assistance. The operator said something along the lines of “we are aware of that” or “we will take care of it”.

Maberley’s wife, Glenda, was distressed and Maberley felt frustrated at what seemed an inadequate response. He stayed on the phone, calling other members of the volunteer rescue and the local police. ‘I felt I still needed to raise the alarm.’

It wasn’t until 6.05 am, twenty-five minutes after the first official sighting, that Defence headquarters notified the commander of HMAS Pirie, whose crew were still mostly asleep, that a SIEV had been detected off the north of the island. The Pirie was not told that an emergency was unfolding, but simply that a routine interception was required. ‘The information we got at 0605 was, were we aware of another SIEV to the north of Flying Fish Cove,’ Commander Livingstone testified at the coronial hearing.
He said he and his crew ‘prepared for a boarding of the SIEV’, with no hint of urgency. ‘The narrative does not provide evidence of the vessel being in distress at this time,’ the CBP submission to the parliamentary inquiry asserts.

A few minutes later the Janga’s waterlogged engine finally gave up. The engine room flooded, the battery was flat and the fuel drum had gone overboard, spilling diesel into the sea. The crew and passengers frantically resumed bailing, until fatigue overwhelmed them. Children and adults were crying. Crewman Abdul Rasjid said he and his shipmates ‘could not do anything, just gathered and prayed’.

Abass Hussein grabbed some of the precious life jackets and put them on his wife and daughter; then, realising his sister-in-law didn’t have one, took his off and gave it to her. The Iranian passenger who had refused to throw his phone overboard, Hafez, dialled 911 and was diverted to 000, then handed the phone to another asylum seeker who spoke better English. The man’s anguished call, one of three from the boat that made it through to the emergency operator, was played in the Western Australian Coroner’s Court.

‘Help me, help me. My ship near beach, in island Christmas, my ship is dangerous, please help me,’ the man cries. The call lasts twelve minutes as the man tries to describe his location, telling the operator he can see a beach and ‘a big rock’ and that the boat is on fire, apparently mistaking the black smoke pouring from the engine for fire. The background is filled with screaming and yelling. While the operator tries to establish the boat’s location, the man pleads ‘please help...hurry, hurry’. The caller eventually breaks down, sobbing, and the line goes dead.

Aboard the Janga the distraught caller gave Hafez back his phone with the grim news: ‘they cannot find us.’

THE EMERGENCY CALL threw the agencies on shore into confusion. The operator reported that the caller had said his boat was on fire on a beach between Ashmore and Christmas Island; the authorities thought there was another boat in trouble. It took forty-five minutes to sort out the mix-up. It was unclear who was in charge and the various agencies struggled to ‘efficiently reconcile multiple streams of information’, the parliamentary committee later reported. Communications problems also hampered the response, as mobile phones became waterlogged or were useless in reception black spots around the island, and there were not enough VHF and UHF radio handsets.

At 6.16 am, thirty-six minutes after the first sighting, the Border Patrol office at Christmas Island informed headquarters in Canberra that the Janga had broken down a hundred metres offshore and ‘a major catastrophe was unfolding’. This was the first official indication that the vessel was in distress. This was passed on to the Maritime Security Operations Centre in Canberra, which advised that it would take HMAS Pirie half an hour to get there; in fact, it took more than an hour.
Inexplicably, another nine precious minutes elapsed before the *Pirie* was instructed by Defence headquarters, at 6.25, ‘to proceed at full power’ to the scene. By this time the *Pirie* master knew he was dealing with a ‘mass SOLAS [safety of life at sea] situation’. But Commander Livingstone told the parliamentary committee that, regardless of whether he is dealing with a routine SIEV interception or a SOLAS, ‘Our response does not change. We always [go] into a boarding with a SOLAS in mind as the worst-case scenario. So preparations [and] speed of response does not change.’

At about 6.30 onlookers on the cliffs near the Golden Bosun Tavern at Rocky Point watched in horror as the *Janga* was washed towards the rocks. Raymond Murray, the first to arrive at the scene, told the committee: ‘There was this overwhelming feeling of helplessness. Standing right out on the edge of the rocks, there were times when that boat was closer than you are to me now. I will never forget seeing a woman holding up a baby, obviously wanting me to take it, and not being able to do anything. It was just a feeling of absolute helplessness. It was like it was happening in slow motion. A wave would pick the boat up and almost hit the rocks and then go back again, and then finally it was like it exploded.’

Adrian Morganti recalled seeing ‘absolutely terrified men, women and children’ on the boat, then: ‘A massive wave came through [that] was higher than me where I was standing on the rocks. After this wave, stuff was everywhere and you could tell the boat was gone and people were in the water.’

Zainal Majid, president of the Island’s Islamic Council, later told a memorial service: ‘I cannot stop seeing the eyes, the faces, of the people on the boat as it was dashed against the rocks, the father desperately clinging to the boat with one hand and with the other clutching his child to his side. Then a child [was] swept from the arms of the mother. It was horrible.’

As the boat hit the rocks, Hafez, the passenger who had phoned 000, fell down among a tumble of bodies. ‘The only thing I remember was a lot of passengers were yelling, crying and praying.’ He stumbled to the stern, where his wife was holding someone’s child. ‘It was the last minute and I said everybody was going to die, so I wanted her to give the child back to her mother.’ He led her, terrified, to the front of the boat and they both jumped overboard and managed to grab life jackets thrown to them by Christmas Islanders on land. He saw a little boy struggling in the waves and threw him his jacket, but the child couldn’t grab it. Hafez and his wife were separated in the churning sea.

Abass Hussein was thrown overboard as the boat broke apart. ‘I can’t swim… I went into the water and when I came up from the water a life jacket came to me and I just grabbed the life jacket.’

On shore, residents had formed a human chain to throw life vests and ropes into the waves. One passenger managed to grab the end of a rope and was hauled
ashore. ‘We had one girl holding onto the rope but the rocks were razor sharp and just cut through it,’ Adrian Morganti recounted. ‘There wasn’t much we could do. I felt helpless and [in] absolute shock because all we could do was watch. I don’t know if they were men, women or children, they were all just heads in the water floating in the wreckage.’

Dive operator Teruki Hamanaka ran home and came back with an aluminium ladder. ‘I tried to lower it down to the cliff where the people were in the water but I couldn’t reach and it was dangerous for people to come up.’

Sergeant Peter Swann of the Australian Federal Police co-ordinated rescue attempts from the shore, as best he could. ‘I saw a small girl about four years old who was struggling, splashing around and trying to keep her head above water. I called out several times but she did not respond or move towards the cliffs. Her struggles became less until she stopped and lay face-down on the water.’ He also saw a woman standing on the timber wreckage, holding a baby to her neck, then watched them both sink under the waves. Swann said he had an urge to jump into the violent swell, but was restrained by a local who put a hand on his shoulder.

Immigration officer Fiona Andrew recalled: ‘I saw people standing on the rocks attempting to stretch out as far as they could to save people and I saw the look of despair when, exhausted, they realised they could do no more.’

THE FEDERAL POLICE are responsible for emergency and search and rescue on the island, but they and the local Volunteer Marine Rescue service were ill-equipped to help. Both rescue boats were out of service, having failed routine safety inspections by the Australian Maritime Safety Authority. They would have been useless in the conditions anyway.

Rescue volunteer Raymond Murray remembers ‘feeling ridiculous that I am a member of this group that is called Volunteer Marine Rescue and we had nothing we could do. The boat was not capable of being launched in that weather, and we had no equipment or no nothing. We were a volunteer rescue group by name only.’

Both the volunteer group’s boat, the Sea Eye, and the AFP vessel, MV Colin Winchester, are Leisure Cats, essentially pleasure boats not suited to the often wild weather at Christmas Island, because of poor buoyancy and stability. The volunteers had argued for single-hulled Naiads, which are more manoeuvrable and can be launched in monsoonal conditions, but Commonwealth officials had opted for the Leisure Cats. The AFP chose Leisure Cats ‘to maintain uniformity across the AFP fleet’, the coronial inquest was told. Sergeant Adam Mack from the Western Australia Water Police testified that the catamarans ‘do have their place, but they don’t have a place at Christmas Island’.
Even if they’d had the right vessel, the local volunteers weren’t trained for the treacherous conditions. ‘If the crew were trained in any vessel that had the capacity to work in those conditions then without hesitation I would have asked them to consider their launch that day. [But] we didn’t have a competently trained crew to handle those conditions,’ said the chief of the rescue service, Greg Riley. The parliamentary inquiry concluded: ‘No rescue boats of any kind could have been safely launched from the island.’

Even as the disaster unfolded, Paul Maberley, who had raised the alarm an hour earlier and been frustrated by the response, sent an email to the other rescue service members at 7 am: ‘This type of event is likely to be repeated in the future and I believe we need to ensure this community has a plan in place to deal with a vessel that sinks or runs aground on Christmas Island, especially with [a] large number of passengers on board.’

Another resident, Chris Su, told the parliamentary inquiry: ‘Canberra is asking the CI community to do a lot of things. When they house, at one point, three thousand asylum seekers on Christmas Island, they have to rely on our volunteer fire-fighting service, our volunteer ambulance drivers and our volunteer marine rescue. We are staffed by volunteers… For us to help Canberra look after the people they want us to look after, they need to give us more things to help do the job… We have had more than two hundred boats come in, and they know the CI cliff face is very sharp and very steep. Without them giving us the things to help people with, it is not very fair to us.’

AT 7.05 AM, half an hour after the Janga hit the rocks, a pair of rigid-hulled inflatable boats dispatched from HMAS Pirie were the first rescue craft to arrive on the scene. The Pirie was still labouring towards Rocky Point, slowed by the heavy seas and an engineering fault that caused an emergency shutdown while the fault was rectified and its engine restarted. By the time the inflatables arrived it was clear ‘there were less survivors and more deceased’, Commander Livingstone later testified.

As the inflatable rescue boats rounded Rocky Point Lieutenant Jeremy Evain, in charge of one of them, surveyed the scene in front of him. ‘The sea was throwing debris and people into the cliff face. I could hear shouting and screaming from the people in the water.’ The foaming sea was full of wreckage, bodies and about a hundred litres of spilt diesel, which coated the survivors and made them hard to grab. The inflatables had to stay clear of the debris, which would have blocked the intakes to their engines, and throw lines with lifebelts attached to the people nearest them in the water.

‘I had to ignore people’s cries for help, though I didn’t want to,’ said Lieutenant Evain. He hauled four people to safety, then noticed a child being dragged under
the water by a dead woman who was tied to the child’s life jacket, so he cut the 
woman’s body free. Leading Seaman Jonathan West counted sixteen dead in the 
water, including three children and a baby, none with a life jacket. His crew risked 
their own lives to haul in six people, only to see four of them washed away by five-
metre waves. Abbass Hussein, who had been in the water for more than thirty 
minutes, clinging to a life vest, was thrown a rope and pulled to safety with his wife 
and ten-year-old daughter.

Two tenders sent on ahead from the ACV Triton joined the rescue effort. Customs 
officer Michael Burgess and his crew pulled a man and woman, clinging together in 
the water, into their boat, where the woman screamed ‘my babies’ over and over 
again, pointing into the sea. His colleague Troy Daniels saw two men holding a 
piece of timber with an infant on it, still alive, but a wave hurled the plank into the 
cliff face and the baby disappeared.

Christmas Island administrator Brian Lacy watched the rescue efforts from the 
shore. ‘It was one of the most horrific things I’ve seen [done] by Navy personnel. 
They were putting their lives in danger… The wave conditions itself were just 
horrendous and at times you couldn’t even see the boat because of the rise of the 
waves and then them going down in the swell. It was just astounding how they 
operated.’

HMAS Pirie finally arrived at the scene at 7.18 am. ACV Triton made it a few 
minutes later. For much of the way the Triton had been steaming on one engine, still 
conserving fuel, until instructed to increase speed. Asked at the inquest how much 
sooner they would have arrived if they had moved more quickly the ship’s master, 
Captain Andrew Stammers, replied: ‘Probably twenty minutes earlier than when 
we did get there.’ He said he could also have launched his rescue tenders twenty 
minutes earlier, ‘if we had known’. Abbass Hussein testified: ‘In my humble mind, I 
think ten to fifteen minutes earlier, many people would have survived.’

Once there, both ships had to stand off from the immediate vicinity because they 
too were in danger of being washed onto the rocks. ‘We were at the absolute limit of 
what our ship could do,’ said Customs Supervisor Matthew Saunders, who was 
aboard the Triton. ‘What we were working with was probably beyond what it was 
even built for and was especially above our operational procedures… That is the 
thin line of risking your life to save someone else’s. I think we were right on the edge 
of that.’

The inflatables and tenders suffered repeated mechanical breakdowns as kelp 
and debris were sucked into their engines. One had to be towed back to the Pirie for 
repairs after its engine was clogged by wreckage, including the blue tarpaulin from 
the Janga. By the time it returned, there were no survivors to be rescued.

For people who had been in the water now for an hour, struggling to stay afloat, 
the response seemed agonisingly slow. An Iranian man, ‘Ali’, who was on the boat
with his wife and three-month-old son, later asked bitterly: ‘How long do you think a wife and a child can exist in water like that, even with a life jacket?’ Ali was eventually rescued but never saw his wife again; the last he saw of his child was the infant’s lifeless body floating face-down in the sea.

NAVY AND CUSTOMS rescue crews pulled forty-one people, including the three crewmen, alive from the ocean that morning. There were forty-two survivors, including the man who had been hauled to safety on the rocks. Thirty bodies were recovered, and another twenty were declared missing and presumed dead. All the survivors were in immigration detention by the end of the day.

The three crew were arrested and are awaiting trial on charges of illegally bringing non-citizens to Australia. The accused people smuggler Ali Hamid, who was deported from Indonesia in May 2011, could face up to twenty years in prison if convicted of bringing more than three hundred people to Australia on four boats between June 2010 and January 2011. The last boat he is accused of arranging arrived in Australia three weeks after the Janga.

The Federal Parliament’s Joint Select Committee on the Christmas Island Tragedy reported in June 2011 that, despite some shortcomings, the response was ‘professional, courageous and as effective as it could possibly be under the prevailing weather conditions’. The Western Australian coroner concluded hearings in September 2011 and was due to release his judgment later in the year. Coroner Alastair Hope put the head of Border Protection Command, Rear Admiral Timothy Barrett, on notice that there might be adverse findings.

Thirty-five Janga survivors have since been granted permanent protection visas and are endeavouring to restart their lives in Australia, while four remain in community detention awaiting a decision by the Immigration Department.

Ali, the Iranian man who lost his wife and three-month-old baby, might have been speaking for all them – not only the survivors but the rescue crews and Christmas Island residents – when he told the coroner: ‘We can’t sleep during the night because as soon as we shut our eyes, all these scenes and memories come to our eyes.’

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