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Strategic Command

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Minister

For Information:

CDF
CN

UNAUTHORISED ARRIVALS INFORMATION

Reference:

A. Telcon COS MINDEF/CN SEC 28 Feb 02

1. The information requested at Reference A is forwarded. The HSC point of contact is DGJOP Brigadier M. McNam tel 62650026.

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Enclosures:

1. Unauthorised Arrivals Incident Information

UNAUTHORISED ARRIVALS INCIDENT INFORMATION

1. Information has been sought from all ships that have or are participating in operations in northern Australia in support of the whole of Government approach to deter unauthorised boat arrivals (UBAs) as follows:

- a. Firstly, any incident where a child has been actually **dropped or thrown** overboard from a SIEV or other vessels during both current illegal immigration (from TAMPA onwards) and any other dealings that the RAN has had with any Suspected Illegal Entry Vessels (SIEVs).
- b. Secondly, any incident where a child has been **threatened** repeat **threatened** to be dropped or thrown overboard from a SIEV or other vessels during both current illegal immigration (from TAMPA onwards) and any other dealings that the RAN has had with any SIEVs.

2. Details are reported in the following format:

- a. date and time of incident;
- b. advice whether dropped, thrown or threatened;
- c. SIEV number or vessel name;
- d. detail background information;
- e. advice whether statements were taken and where they are held; and
- f. advice whether there is digital imagery or videos of the incident.

3. Ships that have reported incidents in accordance with paragraph one are HMA Ships ADELAIDE, ARUNTA, WARRAMUNGA, LEEUWIN (HS WHITE), WOLLONGONG, BENDIGO, DUBBO, and BUNBURY. The remainder of ships have responded and have indicated that they have no record of incidents of this nature.

Annex:

A. Glossary of Acronyms

Enclosures:

1. HMAS ADELAIDE
2. HMAS ARUNTA
3. HMAS WARRAMUNGA
4. HMAS LEEUWIN
5. HMAS WOLLONGONG
6. HMAS BENDIGO
7. HMAS DUBBO
8. HMAS BUNBURY

GLOSSARY OF ACRONYMS

SIEV	-	Suspect Illegal Entry Vessel
SUNC	-	Suspect Unlawful Non Citizen
PII	-	Potential Illegal Immigrant
MHQ	-	Maritime Headquarters
CJTF 639	-	Commander Joint Task Force 639
HQNORCOM	-	Headquarters Northern Command
AFP	-	Australian Federal Police
ACV	-	Australian Customs Vessel
RHIB	-	Rigid Hulled Inflatable Boat
BP	-	Boarding Party
TSE	-	Transit Security Element (Army)
AI	-	Ashmore Island
PWT	-	Pre Work-up Training
STBD	-	Starboard
EOTS	-	Electro Optical Targeting System
SEPCOR	-	Separate Correspondence

HMAS ADELAIDE

HMAS ADELAIDE was involved in SIEV 04 in vicinity of Christmas Island 7-10 Oct 01. No child, repeat no child was actually ever dropped or thrown overboard.

A small child was threatened only, repeat threatened only, to be dropped or thrown overboard.

Summary details are:

- a. 7 Oct 01
- b. Child **held over the side**
- c. SIEV 04
- d. Timings are from ships log.

0502(G) - having been boarded, it was reported that some SUNC's were threatening to jump overboard from SIEV 04.

0508(G) - one SUNC jumped overboard and was recovered by ADELAIDE RHIB. (SITREP eight – HMAS ADELAIDE 062200z OCT 01 refers).

0543 (G) - 0609(G) 13 SUNC's then jumped overboard in several waves shortly after sunrise 7 Oct 01 (SITREP nine – HMAS ADELAIDE 062300z OCT 01 refers). Most wore lifejackets though some discarded these. All were recovered by ADELAIDE RHIB and all were returned to SIEV 04. One of the overboards was a young male, possibly a teenager, though opinion (not fact) on his actual age varied from 13-15 to 18 - 22. All were males.

Approx 0600(G) - During these man-overboard incidents a man took a child aged approx five (5) years and dressed her in a lifejacket. He then took her to the SIEV's STBD side (aft coach house/superstructure) and held her up and outboard over the guardrail. The RHIB was instructed to intervene. A verbal exchange with the RHIB crew, other SUNC's and the man took place, and the child was then taken back inboard by the man, subsequently assisted by the boarding party. It was assessed at the time that the man's intent was to throw the child overboard as the RHIB was initially not in place and secondly, the height from the coach house was too great to safely pass the child into the boat. The Boarding Party regained control of the situation and the child was taken below deck.

Approx 0739(G) - there was one more adult male overboard (total now 15) - he was subsequently recovered by the RHIB (ADELAIDE SITREP - Eleven 070030Z OCT 01 refers).

- e. ADELAIDE 101136z OCT 01 and 110455z OCT 01 refer in detail to the sequence of manoverboard events. 15 sworn eyewitness statements (passed by secure Email to CJTF 639 and MCAUST on 11 Oct 01) from the ship's company (as viewed from the ship, the RHIB and the SIEV) and a CO's sworn statement (HMAS ADELAIDE ADA/I3M 110330z OCT 01 refers) were provided. Throughout ADELAIDE had a full view of the SIEV's port side and aft from less than approximately 200 yards and the RHIB and boarding party had a close view of the STBD side. At no stage, repeat no

stage was a child recovered from the water. At no stage did the SUNC's subsequently report a missing child. After the subsequent rescue of the 223 SUNC's from the water on 10 Oct, the SUNC's confirmed no one, repeat no one was missing. There was no loss of life ever reported by the SUNC's.

- f. EOTS video footage and some digital stills exist as reported and passed SEPCOR. EOTS video shows a small child being held over ships side by an adult male. Digital stills are inconclusive but show people preparing to jump and subsequently no longer in view, heads bobbing in the water in the distance, and subsequently males/youths recovered into the RHIB. All video and a CD of the 412 stills are held at MHQ.

HMAS ARUNTA

Threats of Children being thrown overboard as follows.

Incident One

- a. 290511Z8Oct 01
- b. During disturbance in which two male adult PIIs **jumped** overboard, one male PII **threatened** to throw child overboard
- c. SIEV 07
- d. SIEV 07 to be escorted by ARUNTA from ASHMORE Island to Indonesian Territorial Waters. During the passage, several incidents occurred including attempts to set fire to vessel and attempts by PIIs to set fire to themselves, including dousing themselves with diesel fuel.
- e. Statements from members of the boarding party taken and held onboard ARUNTA.
- f. A video of this incident (not related to the incident of 24 Oct 01 in Ashmore Lagoon) is held by MCAUST.

Incident Two

- a. 310231Z0-310235Z4 Oct 01
- b. 1 x Male SUNC **threatened** to throw young infant overboard. Restrained by Army TSE personnel onboard SIEV.
- c. SIEV 09 - SINAE BONTANG III.
- d. ARUNTA, in company with BUNBURY and GLADSTONE, intercepted SIEV 09 in the vicinity of Ashmore Islands during the period 31 Oct – 4 Nov 01. SIEV 09 was a 30-35 metre wooden vessel of small ferry like appearance. Engine was damaged by PII/Crew prior BUNBURY BP insertion. ARUNTA boarding party and TSE inserted and conducted handover from BUNBURY. Attempts to rectify defect and re-start engines repeatedly caused tension amongst PIIs and led to a series of incidents where PII were restrained, adult PIIs jumped overboard and threatened to throw children overboard.
- e. Statements from members of the Boarding Party and Boarding Officer taken and held onboard ARUNTA.
- f. Unable to confirm Digital Imagery or Videos

Incident Three

- a. 311217Z5 Oct 01
- b. One PII **attempted** to throw a child overboard, as another PII **attempted to strangle** a child. PII's restrained children safe.
- c. SIEV 09 - SINAR BONTANG III
- d. ARUNTA, in company with BUNBURY and GLADSTONE, intercepted SIEV 09 in the vicinity of Ashmore Islands during the period 31 Oct – 4 Nov 01. SIEV 09 was a 30-35 metre wooden vessel of small ferry like appearance. Engine was damaged by PII/Crew prior BUNBURY BP insertion. ARUNTA boarding party and TSE inserted and conducted handover from BUNBURY. Attempts to rectify defect and re-start engines repeatedly caused tension amongst PII's and led to a series of incidents where PII were restrained, adult PII's jumped overboard and threatened to throw children overboard.
- e. Statements from members of the boarding party and boarding officer taken and held onboard ARUNTA
- f. Unable to confirm digital imagery or videos held

Incident Four

- a. 010851Z5 – 010855Z Nov 01
- b. During a disturbance onboard, 5 male PII's **jumped** overboard whilst 1 x female PII **threatened** to throw young infant overboard. Restrained by Army TSE Personnel onboard SIEV
- c. SIEV 09 – SINAR BONTANG III
- d. ARUNTA, in company with BUNBURY and GLADSTONE, intercepted SIEV 09 in the vicinity of Ashmore Islands during the period 31 Oct – 4 Nov 01. SIEV 09 was a 30-35 metre wooden vessel of small ferry like appearance. Engine was damaged by PII/Crew prior BUNBURY BP insertion. ARUNTA boarding party and TSE inserted and conducted handover from BUNBURY. Attempts to rectify defect and re-start engines repeatedly caused tension amongst PII's and led to a series of incidents where PII were restrained, adult PII's jumped overboard and threatened to throw children overboard.
- e. Statements from members of the boarding party and boarding officer taken and held onboard ARUNTA
- f. Unable to confirm digital imagery or videos

Incident Five

- a. 020739Z1 Nov 01
- b. PII **threatened** to throw children overboard if not permitted to cook own food.
- c. SIEV 09 – SINAR BONTANG III
- d. ARUNTA, in company with BUNBURY and GLADSTONE, intercepted SIEV 09 in the vicinity of Ashmore Islands during the period 31 Oct – 4 Nov 01. SIEV 09 was a 30-35 metre wooden vessel of small ferry like appearance. Engine was damaged by PII/Crew prior BUNBURY BP insertion. ARUNTA boarding party and TSE inserted and conducted handover from BUNBURY. Attempts to rectify defect and re-start engines repeatedly caused tension amongst PIIs and led to a series of incidents where PII were restrained, adult PIIs jumped overboard and threatened to throw children overboard.
- e. Statements from members of the boarding party and boarding officer taken and held onboard ARUNTA
- f. Unable to confirm digital imagery or videos.

Note: Regret inability to confirm status of imagery or video as all key ARUNTA Personnel AOD undertaking PWT. Will forward follow up signal ASAP.

HMAS WARRAMUNGA

During boarding operations in vicinity of Ashmore Island (AI) of SIEV 03 the boarding officer, LCDR Gregg, witnessed one young child (approx age 2-3 years) **being held outboard** by a female PII.

Details as follows:

- a. 12 Sep 01 at 1824(I/K)
- b. **Threatened**
- b. SIEV 03 (KM SUMBER BAHAGIA)
- c. Following is extract of statement by LCDR Gregg – Quote after conducting a visual search of both starboard and port sides of the vessel for any dangers I proceeded to request permission from the master to board KM SUMBER BAHAGIA in both English and Bahasa. Permission was received from the master at 1820 but the boarding area was dominated by male PII's. Negotiations between male PIIs and I were conducted to move them forward of the cargo hold on the weather deck. The majority complied with the request and embarkation of BP commenced at 1831. One female PII was seen **holding a child over the side and threatening to throw the child over the side**. On embarkation of the first element of the BP the remaining male PIIs in the embarkation area were physically moved forward with the other male PIIs. The second BP element embarked at 1823. At 1837, I detained the vessel KM BUMBER BAHAGIA in position 1232.7S-12306.5E, approximately 9nm inside the Australian contiguous zone, approximately 15nm South of Ashmore Island. The Master acknowledged the vessel was being detained in Bahasa. The Department of Immigration and Multicultural Affairs 'notice to master and crew' written in English and Bahasa was signed at 1920 Unquote.
- e. Statement by LCDR Gregg was taken and passed onto AFP Rep in Darwin as part of SIEV 03 evidence pack.
- g. Video or digital imagery was not taken.

HMAS LEEUWIN

- a. 162000Z DEC 01
- b. SIEV 12
- c. **Threatened**
- d. BP boarded SIEV 12 and SUNCs were initially calm. BP attempted to start SIEV engines without success. At this stage there was a sense of tension, then a report of smoke forward was reported. A group of young SUNCs were yelling and then more smoke occurred from an area where fuel drums were present. At the same time a fire was lit aft. At this time the Quick Reaction Party were transferred to the SIEV to assist the BP. Also, at this time SUNCs were threatening to throw children over the side. These threats were intimidated by taking children to side of SIEV and demonstrating intent to drop children into the sea.
- e. No statements held.
- f. No digital imagery or vidoes held of this incident.

HMAS WOLLONGONG

- a. 081650 (I/K Nov 01)
- b. **Not observed**
- b. SIEV 10 – SUMBER LESTARI
- d. As a result of the torching and subsequent sinking of SIEV 10 by PII's, **33 children** under the age of 12 were **recovered from the water** by WOLLONGONG and ACV ARNHEM BAY crew. During the incident, PII's were abandoning ship en masse. Some children were observed being **held by adults as they entered the water**. The method of entry into the water by the remaining children cannot be determined. Members of WOLLONGONG Boarding party do not recall any person physically dropping or throwing a child overboard. Worthy to note that WOLLONGONG and ARNHEM BAY recovered several children without parents in attendance and conducted boat transfers between the vessels for family reunification purposes.
- e. Statements recorded by CO, NO, all members of boarding party, SMET Team, and boat crews. Copies held by CO WOLLONGONG, HQNORCOM J06 and AFP.
- f. No digital imagery or video of the incident exists, however still images and negatives of general SOLAS incident are held by CO WOLLONGONG.

HMAS BENDIGO

- a. 24 Oct 01 1000 I/K (0030Z)
- b. Child approximately three years old was **dangled** over side by the arm and then **dropped** into water.
- c. SIEV 07
- d. BENDIGO had relieved WHYALLA at Ashmore at 232300z and assumed custody of SIEV 07. About one hour after WHYALLA departure approximately fifteen PII's jumped overboard and started swimming away from SIEV 07. Majority of swimmers were wearing life jackets. Three RHIBS were in the water trying to recover swimmers (one from BENDIGO and two from ACV ROEBUCK BAY). Remaining PIIs in SIEV 07 gathered on STBD side of vessel yelling and screaming at men in water. One female PII **dangled a young child over the side by its arm**. Other women in the area were yelling and screaming and the child was screaming. The woman then **dropped** the child into the water. One of the male PIIs in the water swam to the child and recovered it holding it out of the water on his chest. He then returned to SIEV 07 with the child and was assisted by other PIIs to recover himself and the child from the water.
- e. Two statements taken from ABETW Flenley and ABBM Levi. The only two members of boarding party who witnessed entire incident. Other members sighted child in water but did not witness female dropping child. Statements passed to and held by CJTF 639 staff at HQNORCOM.
- f. Nil digital or video imagery of incident.

HMAS DUBBO

- a. 011200Z NOV 99
- b. **Holding children over the vessels side** as BP approached. Not clear to BP whether this was undertaken in a threatening manner or to merely indicate that children were on board SIEV
- c. HARAP AN SATU
- d. DUBBO conducting operations in vicinity of Ashmore Reef investigating and subsequently boarding possible SIEV. After boarding vessel was directed to anchor at AI as propulsion plant had been sabotaged. Once vessel was at anchor a processing and medical team was despatched and passports were found to have been thrown overboard.
- e. Statements were taken, whereabouts unknown (unsigned copy of CO statement held in DUBBO but does not mention incident) members of BP in North Australian Area are POB Watkins (COMAUSNAVPBGRP) and AB Twine (DUBBO)
- f. No imagery

HMAS BUNBURY

HMAS BUNBURY has not observed any children being thrown overboard however during SIEV 06 operations the ship's boat crew and BP observed one child being **threatened**.

- a. 220814(I/K) 7 Oct 01
- b. **Threatened.**
- c. SIEV 06
- d. As BUNBURY Boarding Party closed to board SIEV 06 the boats crew and several members of the Boarding Party observed a large male standing atop the vessel's coachhouse. He picked up a young girl (aged 4-5 years) by one leg and **held her over the STBD side of the vessel** and started yelling. The young girl appeared very distressed. All observers noted that she had a cast on her left arm. As this occurred BUNBURY's CBM started removing his webbing in order to enter the water after the girl. The RHIB was ordered to board the vessel shortly afterwards and as they moved in the man released the child. It was estimated that the child was upside down for approximately 15-20 sec.
- d. Nil statements held.
- e. Nil Imagery

Note: Incident was noted in the Ship's Boarding Log in the handwriting of the previous CO (LCDR Michelle Miller). It is not known whether she observed the incident or noted it in the Log after the BP reported it.