

**AMNESTY
INTERNATIONAL**



29 October 2015

Committee Secretary
Senate Legal and Constitutional Affairs
Committee
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Parliament House
Canberra ACT 2600

AMNESTY INTERNATIONAL AUSTRALIA

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Dear Committee,

Inquiry into payment of cash or other inducements by the Commonwealth of Australia in exchange for the turn back of asylum seeker boats – request for late submission

I write regarding the ongoing Inquiry into payment of cash or other inducements by the Commonwealth of Australia in exchange for the turn back of asylum seeker boats.

Amnesty International has undertaken extensive research into the alleged incident. Our findings are documented in the attached report *By hook or by crook: Australia's abuse of asylum seekers at sea*.

The report is based on research undertaken in September 2015. Amnesty International conducted three interviews with the 65 people on board the May 2015 boat which is the subject of this inquiry, and two interviews with the six crew members. In addition, one interview was conducted with 15 of 25 people seeking asylum aboard another boat intercepted in July 2015.

Amnesty International also spoke to Indonesian police and government officials about these incidents.

Regarding the incident subject to your current inquiry, Amnesty International's report finds credible evidence that:

- Australian officials paid people smugglers 32,000USD to return a boat of asylum seekers to Indonesia.
- Australian officials intercepted and boarded an asylum seeker vessel in international waters, without permission. The boat was not in distress. It was not even heading to Australia.
- Australian officials may have unlawfully detained up to 50 asylum seekers for a week in two "cells" on an Australian vessel.
- Australian officials transferred the 65 asylum seekers to two boats and instructed them to sail to Indonesia. At least one vessel was equipped with inadequate fuel and exhausted its supply, resulting in a dangerous transfer at sea to the remaining boat.

Based on the evidence collected, our report finds Australian officials may have engaged in a criminal offence under Australian law through the 32,000 USD payment and instructions to enter Indonesia. The evidence also indicates Australian officials may have breached Australia's obligations under the

UN Convention on Transnational Organized Crime, international human rights law and international maritime law.

Amnesty International requests the Committee accept the attached report as a late submission to the ongoing inquiry. Amnesty International's researchers would also be available to appear before the Committee to expand on the findings in our report. We may also be able to facilitate a hearing by telephone with some of the asylum seekers involved in the May 2015 turnback incident, who are currently in limbo in immigration detention in Indonesia.

Yours sincerely

Stephanie Cousins
Government Relations Manager