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It is said that we have to have detention to deter the evil people smugglers, aka Indonesian fishermen.

I have found the following 89 boats and the sentences imposed on them. The sources are sievx.com and the senate.

<http://sievx.com/articles/sentences/dirlist.php>

Unlike the refugees they had trials, charges and sentences before being deported. As can be seen by the sentencing notes on the URL the justices claim "this is not a people smuggling exercise".

In effect Australia has been locking up two entirely innocent sets of people - the refugees and the fishermen who did nothing more than provide legitimate transport to them. In 1994 all offences for being in or entering Australia were removed and administrative, indefinite detention was introduced. No-one seems to know why.

As Gummow J indicated in Al-Kateb at [86] ff, the current Migration Act, unlike its precursors, does not make it an offence for an unlawful non-citizen to enter or to be within Australia in contravention of, or in evasion of, the Act.

31 Further, as Hayne J observed in Al-Kateb at [207]-[208] the description of a person's immigration status as "unlawful" serves as no more than a reference to a non-citizen not having a "valid permission to enter and remain in Australia". The use of the term "unlawful" does not as such refer to a breach of a law.

It only came to light in the case of Al Kateb that there is no offence.

As you can see the sentences for the so-called smugglers are far shorter than those still detained.

#### SO CALLED SMUGGLERS - SENTENCES

1 .CALDER - 28/7/99  
Pajan - Good behaviour bond  
Kadir - " " "  
Pajan, Amin - 12 mths non parole  
Sadlil - 18 mths np

#### 2. DRUITT - 31/7/99

Suleiman - 20 mths np  
Sukarni - 17 mths  
Ranjane - 11 mths  
Husayni - 11 mths

#### 3. HAWTHORN - 25/8/99

Gurapin - 12 mths  
Hapis - 12 mths

4. IDA - 30/80/99

Sidik - 6 mths susp

Najar - " "

Salihin - 12 mths

Sirup - 12 mths

Kuni - 12 mths

5. JAGGED - 31/8/99

Taher - 13 mths np

Syarif - 13 mths np

Parlin - 13 mths np

Sadiri - 17 mths np

Bacao - 13 mths np

Harsono - 17 mths

6. KEMBLA - 3/9/99

Darmo, Rajuin, Laduma, Idris - 1 year each

7. MACEDON - 17/9/99

Samsul - 10 mths

Nursia - sent home 22/7/00

8. NEBO - 19/9/99

Syukur - 15 mths

Ndolu - released 6/12/99

9. STROMLO - 5/10/99

Bukran - 12 mths np

Muyamadiya - 1 year

10. UNBUNBAROO - 11/10/99

Rajiman released 7/9/00 without sentence

Sandi - 14 mths np

Syarif 14 mths np

Latif - 14 mths np

Rusdy - 25/10/99 gd behaviour bond 6 mths.

Nuluk - 14 mths np

Muluk - 14 mths np

Syaiful - 14 mths np

11. VICTORIA - 13/10/99

Saiful - 6 mths suspended 19/10/99

Sumsudin - x

12. ADELONG - 1/11/99

Min - 3 yeas np

Jafar - 12 mths suspended 7/9/00

Arifin - 2 yrs np

Wachid - 2 years np

Ismail - 2 years np

NB ABDUL KADEM SERVED MORE THAN 4 YEARS FOR  
TRANSLATING IN INDONESIA AND BRINGING HIS IRAQI FAMILY  
FOR PROTECTION, HE IS NOW TENUOUSLY IN IRAQ

13. FINLEY - 16/11/99

Daeng - 13 mths np

Man - 13 mths np

14. GOONDOONGA - 16/11/99  
Heri, Ngarari - 1 year np
15. HENTY - 18/11/99  
Junaedi, Muhamad - released 6/10/00
16. JERILDERIE - 19/11/99  
Bukran, Abdulrahim - 1 year np
17. LOCKHART - 26/11/99  
Badi - 3 years np  
Mawar, Hasan, Rano - 18 mths np  
Lapati - 1 year np  
Ranno - 1 year suspended  
Yusuf, Kali - released on bond 6/10/00
18. QUIRINDI - 8/12/00  
Suradi, Sutikno - 10 mths np
19. ORANGE - 1/12/99  
Hungan - 12 mths np  
Dethan - released 5/10/00
20. POKATOROO - 7/12/00  
Husaini - 15 mths np  
Abang -, Hal, Husein, Kadir, - 2 years np  
Handalo - 18 mths np
21. RAPPVILLE - 16/12/99  
Bey, En, Lasani - 18 mths np  
Hatim - 2 years np  
Kadir, Rudianto - 15 mths np  
Abdullah - 7/1/00 released
22. SCONE - 16/12/99  
Sulaiman - 12 mths np  
Andika - 9 mths suspended
23. TUMBRUMBA - 18/12/99  
Latif - released 17/3/01  
Simin, Anus - 20 mths np  
Rahman -, Husin - 15 mths
24. WARRAWEE - 21/12/99  
Hartonto, Baron, Belgianto - 12 mths np
25. ZAHLIE - 7/1/00  
Tumawijay, Tuafik, Jacobus - 12 mths np
26. ALBANY - 17/1/00  
Dai - 18 mths np, 2 year bond  
Ndolu, Lete - 12 mths np  
Dong - 6 mths susp.
27. CAIGUNA - 25/1/00  
Risman, Waru - 18 mths np  
Loe, Karabi Key, Min Mustafa - 14 mths  
Kura - 1 year
28. HOVEA - 1/3/00

Santiago, Dahlan, Muin - 1 year np  
Henuk - 2 years  
Ansyarudi - 18 mths

29. LEEDERVILLE - 26/3/00  
Baco - 2 years  
Binsimin, Gomang - 18 mths  
Bin, Baco Usman - 12 mths np

30. MANJIMUP - 28/3/00  
Kalomana - withdrawn after 6 mths remand  
Hasan, Taluma - 8 mths remand, withdrawn

31. NANNUP - 3/4/00  
Modo - 18 mths  
Adu - suspended 7/4/00  
Pah - 12 mths  
Balu - 10 mths

32. QUINNINUP - 9/5/00  
Nafie, Loe, Badu, Rhindi - 18 mths  
Amal, Sellu - 1 year

33. ROCKINGHAM - 16/5/00  
Lobang, Suhardi, emtayeb, Kaharuddin - 1 year

34. STONYVILLE - 1/6/00  
Minasai - 18 mths  
Andi - 15 mths

35. AUGATHELLA - 14/9/00  
Siregar - Johannes, Sahamudin - 15 mths np

36. CHARLEVILLE - 27/9/00  
Mini, Bauki - 15 mths  
Musa - 6 mths suspended  
Bolang - 18 mths

37. EMERALD - 7/10/00  
Abdullah - 2 yrs  
Mancora, Wardeansa - removed 5/12/00  
Laidi - 18 mths  
Ahmad - 12 mths

38. BULLER - 21/7/99  
Nggadas, Suleiman, Tuka, Lay - 6 mths

39. ELIZA - 11/8/99  
Baco, Latif, Lahaya, Mustafa - 12 mths  
Matinos - 15 mths

40. FOX - 13/8/99

Ali - 30 mths  
Darmondao - 20 mths

41. - GRENFELL - 23/8/99  
Muchlis - 12 mths  
Suhartang, Hasan Basri - released 6/9/99

42. LEURA - 14/0/99

Sukrisman, Ruddin - 18 mths

43. WILLIAM - 18/10/99  
Alam, Alwi - 1 year

44. RICHMOND - 2/10/99  
Kusan - 18 mths  
Mohamad Saleh???? - 21 mths

45. ZEPHYR - 24/10/99  
Rasid, Sam - 12 mths

46. XARAG - 22/10/99  
Ur, Umbu - 20 mths  
Kadir Usman - 2 years

47. YULE - 22/10/99  
Laduma, Hanafi - 33 mths  
Laduma, Dede, Klau, Olang, Kasim, Lury - 2 yrs

ALI BAKHTIYARI - 10 MTHS PORT HEDLAND, 16 WKS  
VILLAWOOD ON FALSE ARREST, 2 YEARS BAXTER - THEN  
DEPORTED ILLEGALLY TO PAKISTAN. ANOTHER REFUGEE WHO  
WAS GRANTED A VISA THEN HAD IT REVOKED WAS ON THIS  
BOAT, - HIS NAME WAS THE SAME AS ALI'S ACTUAL BROTHER  
(MOZZAFAR ALI)

48. COOTAMUNDRA - 7/11/99  
Wahab - 30 mths  
Ilu , Udin- 2 years  
Amir, Amar - children released

49. BOGIBILLA - 5/11/99  
Wetangki - 2 years  
Yusef - 18 mths

50. DAPTO - 8/11/99  
Haris, Wijaya - 1 year

51. EUMENGERIE - 8/11/99

Julu, Sukandi - 2 years  
Basite - 18 mths

52. NIMMATABEL - 27/11/99  
Lamaha -33 mths  
Abdullah, Makmur - 20 mths

53. XMAS - 21/12/99  
Gomang, Tallo, Abang - 1 year

54. ULLADULLA - 20/12/99 - 228  
Ilyas - 30 mths  
Rahmat, Alwi - 3 years

55. DONNYBROOK - 1/2/00 - 281  
Cita, Salama - 42 mths

ONE REFUGEE REMAINED IN BAXTER FOR 4.5 YEARS

56. FIMISTON - 16/2/00 - 22  
Darwan, Halili, Bayuni - 18 mths

ONE REFUGEE WAS IN DETENTION FOR 5.5 YEARS

57. KALGOORLIE - 21/3/00  
Aman, Udin - children, 9 mths

58. TAMBELLUP - 19/8/00  
Nuru - 21 mths  
Anton, Fijai - 18 mths  
Ridwan - child, 9 mths

59. UTAKARRA - 27/6/00  
Dullalah - 2 years  
Keren, Salim, Cewan - 12 mths

60. VARLEY - 10/7/00  
Baharudin, Emman - 18 mths  
Budain - released 5/12/00

61. WAGERUP - 11/7/00  
Tobi, Bou - 2 years

62. YAKAMIA - 17/8/00  
Nason 20 mths  
Ifan, Rudin - 8 mths children

AT LEAST ONE IRANIAN FAMILY STAYED IN DETENTION FOR  
4.5 YEARS

63. ZANTHUS - 4/9/00  
Ud-Din - 2 years  
Juma, Ley, Abu Jamal - 18 mths  
Mustafa - 6 mths

64. GARGETT - 25/10/00  
Joni - 18 mths  
Parences, Muhammad - 4.5 mths, children  
Ujang - 13.5 mths

65. HELIDON - 28/10/00  
Jon, Saleh - 27 mths  
Bahrudin, Linus - 21 mths  
Sani - 4.5 mths, child

66. JONDARYA - 10/11/00  
Mal - 18 mths  
Edison, Musa - 1 year

67. KILKIVAN - 16/11/00  
Amin - 18 mths  
Mohammad, Burhan, Amirudin - 15 mths

68. 21/12/00 - SAPPHIRE  
Frenggi, Bram - 1 year  
Rahman - 15 mths

69. - TOOWOOMBA - 21/12/00  
Yermius - 20 mths  
Wisnu - 17 mths  
Gusti - 14 mths

70. FRUITGROVE - 15/10/00  
Jamal - 18 mths  
Muhamed - 15 mths  
Bahrudin - 8 mths

71. INNISFAIL - 2/11/00  
Andi - 27 mths  
Kasim - 17 mth  
Lamila - 14 mths

72. QUINLOW  
Jafar, Nurdin, Halung, Hamzah - 18 mths

73. URANGAN - 27/12/00  
Narang, Ali - 15 mths

RECENT SENATE QUESTIONS HAVE SHOWN THAT DIMA SAID  
THESE WERE ALL PAKISTANI'S BUT NONE WERE.

74. MAROOCHYDORE - 16/12/00  
Abung - 21 mths  
Hartaso, Hussein, Amoro, Rajab - 18 mths

75. ECHUCA - 24/3/01  
Hamid, Usman - 21 mths  
Daman - 18 mths

76. ILLOWA - 8/4/01  
Risou, Kong, Thi, Mohamad - 2 years

77. ROSALIE - 21/12/00  
Endang, Samsudin, Salim - 15 mths each.

STRANDED 9 DAYS LA GRANGE ISLAND, 3 DROWNED  
SWIIMMING TO GET HELP.

78. LEICHARDT - 28/11/00  
Ismak, Musik, Nangi - 18 mths  
Sudarwin - 14 mths

79. WAHGUNYAH - 30/6/01  
Eduard - 2 years  
Benny, Sipa, Lakli - 1 year  
Udin - 8 mths

80. ZILLMERE - 15/1/01  
Alimin - 2 years  
Adu - 21 mths  
Silang - 15 mths

ROQIA BAKHTIYARI, MAHZAR ALI, ALAMDAR,  
MONTEZAR, NAGINA, SAMINA AND AMINA - 4 YEARS  
THIS FAMILY WERE EVENTUALLY DEPORTED TO PAKISTAN  
WITHOUT PAPERS JUST THREE DAYS AFTER AMANDA VANSTONE  
RECEIVED CONFIRMATION THEY WERE FROM AFGHANISTAN.  
THEY WERE SENT WITHOUT LEGAL PAPERS 18 MONTHS AFTER  
DIMA KNEW THAT MAZHAR ALI WAS ILLEGALLY DEPORTED AND  
ARRESTED IN KARACHI - THESE PAPERS WERE GIVEN TO  
SENATOR KIRK THIS YEAR.

81. OUTTRIM 4/5/01

Mohammed - 2 years  
Yunus - 15 mths  
Hajab - 1 year

THIS BOAT SANK, TWO SINGLE MOTHERS AND THEIR CHILDREN  
STAYED IN DETENTION FOR 2.5 YEARS AND ALMOST 4 YEARS

82. JUMBUNNA - 12/4/01  
Idris - 20 mths  
Idham - 1 year  
Usman - child, released

83. MALLACOOTA - 20/4/01  
Melki, Faridz - 21 mths  
Lasarus - 18 mths  
Bae - 15 mths

84. LILLIMUR - 18/4/01  
Nikos - 2 years  
Royogo, Fons - 18 mths  
Ahmad - 15 mths

85. ULLINA -6/6/01  
Hussein - 42 mths 2nd offence  
Commando - 30 mths  
Samoudin - 20 mths

86. SERPENTINE - 3/6/01  
87.

88. Sarap, Rustam, Saffrudin, Handy and Mahmud - 1  
year

WAS 100 NM SOUTH OF ASHMORE

89. XVIC - 2/8/01

Landa - 21 mths  
Sarafudin, Mohamid, Ahmid - 1 year

LEFT ON 12/7/01, LEFT TO DRIFT, REACHED  
DARWIN 7 AUGUST 2001 UNDER TOW

90. RATNA MAJIRA - 10/9/01 (OPERATION RELEX)

Tamrin - 2 years  
Lukman, Herman, Hamdin, Nur, Abdullah - 21 mths

LEFT AT ASHMORE FOR 12 DAYS THEN TO NAURU

91. SUMBAR BAHANGIA - 12/9/01

Amir - 41 mths  
Amgar, Ali - 21 mths'  
Haribu, Roand - 19 mths.

2 REFUGEES FROM RELEX STILL ON NAURU AS AT 23 MAY 2006



