

Project SafeCom News and Updates

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1. Abbott government appointments to Australian Multicultural Council come under fire

The Age
January 24, 2015
Gareth Hutchens

Abbott government appointments to the Australian Multicultural Council have come under fire, with concerns raised about the way in which their appointments were made and some of its members' links to the Liberal Party.

Former minister for social services Kevin Andrews announced six new members to the council days before Christmas last year, in one of his last acts in the social services portfolio.

But Professor Andrew Jakubowicz, from the University of Technology Sydney, has raised concerns about the way in which their appointments were made.

Professor Jakubowicz said the appointments lacked transparency, with no public call for expressions of interest, while at least three of the six members had "close links" to the Liberal Party.

"Under the previous government, the council's membership was drawn from a public call of expressions of interest ... this time around, however, there was no public call, and the appointments process was even less transparent."

One member, Vasan Srinivasan, a property consultant, is the founder and chairman of the Victorian Multicultural Liberal Business Club, which has hosted at least one gala dinner for federal and Victorian Liberal politicians.

Another member, Charlotte Vidor, is a multimillionaire from the hospitality and property development industries, whose family donated \$25,000 to the Liberal Party in 2010-11.

Professor Jakubowicz has also raised concerns about the political affiliations of the council chairman, Dr Sev Ozdowski, a Howard-era Human Rights Commissioner.

But Social Service Minister Scott Morrison defended the appointments, saying he supported them all and looked forward to working with them.

"Criticisms of their appointments represent nothing more than cheap political shots that disrespect the significant contributions that these appointees have made and will continue to make to our country, including in these new roles," Mr Morrison said.

"Vasan is a significant figure in the Indian community in Victoria, having held numerous positions, including where he played a highly constructive role with the then Victorian state Labor government at a time when there was serious unrest in the community following some violent assaults on Indian students several years ago.

"Charlotte Vidor is part of a highly successful immigrant family who have made a significant contribution to this country."

"Sev's record speaks for itself, both personally from his own immigrant history ... and during his time at the Human Rights Commission, where he was constructively critical of the Howard government on children in detention."

Dr Ozdowski said he did not actively support any party.

"I was Human Rights Commissioner and conducted an inquiry into children in immigration detention, which was very highly critical of the Howard government," he said.

"If you look at my public life I'm impeccable in terms of being fair and non-political."

Mr Srinivasan and Ms Vidor could not be contacted.

Shadow minister for multiculturalism Michelle Rowland said she was concerned about the appointments.

"New Minister for Social Services Scott Morrison has some serious questions to answer regarding these appointments to the AMC," Ms Rowland said.

"Labor will be lodging questions to Minister Morrison on the selection process, links with the Liberal Party and the functioning of the AMC."

<http://www.theage.com.au/federal-politics/political-news/abbott-government-appointments-to-australian-multicultural-council-come-under-fire-20150124-12xqud.html>

2. Take aim, fire at will: Australian hypocrisy on a high pedestal

The Jakarta Post
Pierre Marthinus, Jakarta
Sat, January 24 2015, 10:24 AM

The Australian media is engaged in a surreal form of hypocrisy by criticizing the execution of those convicted of drug trafficking in Indonesia. Canberra's exceptionalism stands out as it puts its double standards with respect to human lives and dignity on a high pedestal, problematizing the death penalty only when Australians are put before the firing squad.

First, Indonesian state treatment of convicted drug traffickers differs only slightly from Australia's treatment of asylum seekers. Asylum seekers desperately trying to seek refuge in Australia and convicted drug traffickers vacationing in Bali are similar "abject bodies": individuals that the sovereign state does not want and plans to effectively and efficiently dispose of.

In a nutshell, the only difference between Indonesian and Australian treatment of "abject bodies" lies merely in each country's preferred legal methods and the distance considered comfortable and acceptable by its public.

Indonesia provides open and accessible trials, opportunities for appeal, sympathetic media coverage, rehabilitation programs and a chance at being granted presidential clemency.

On the other hand, Australia seemingly prefers secretive on-the-spot extra-judicial actions, better known as "on-sea-matters" that the Abbott government refuses to comment on.

Furthermore, Indonesia prefers openly using its own firing squad, having solid legal justification and being fully accountable for the lives it takes.

Meanwhile, Australia prefers the outsourcing and subcontracting of their deeds to private companies and offshoring them to distant locations that are conveniently out of sight and out of the mind of its public, such as Manus Island, Nauru and Cambodia.

In July 2014, the forced return of Australian-bound refugees to Sri Lanka also indicated that Canberra is content with practices bordering on "forced disappearance" of civilians at sea while effectively breaching international legal principles of non-refoulement, the UN Refugee Convention and UN Convention against Torture.

Asylum seekers, sometimes including children, in Australian detention facilities have undergone hunger strikes, sewn their lips shut, inflicted self-harm and attempted suicide, swallowed razorblades and even burned themselves to death in protest at the "Australian solution".

Currently, 700 asylum seekers are on hunger strike in Manus Island. Two asylum seekers from the camp, Reza Barati and Hamid Kehazaei, have already died but not a single asylum seeker has been successfully resettled to date. This makes the facility more of a death camp than a resettlement camp.

Second, insistence on saving individual Australians misses the bigger picture which should be the abolition of the death penalty and upholding human dignity in Indonesia, Australia and beyond. When former president Yudhoyono left his presidency, he controversially granted Schapelle Corby parole.

His act of conceited generosity fostered Australian exceptionalism, giving the impression that the death penalty is avoidable by turning convicted Australians into media darlings, concluding backroom negotiations, having your appeal heard by the president and finding legal loopholes that Australians can exploit.

Before concerned Australians can start seeing the bigger picture and join ranks with like-minded liberals and reformists in Indonesia, Australian parents will continue to worry about their youth vacationing in Bali, knowing that once caught experimenting with recreational drugs, their loved ones might be sent to the firing squad.

Third, implying that executions will affect bilateral relations to the disadvantage of Indonesia is ridiculous. Former Australian prime minister John Howard and opposition leader Simon Crean were not opposed to the execution of convicted terrorists Amrozi bin Nurhasyim and Imam Samudra in 2008 and Canberra, through its counterterrorism aid, had actually subsidized the bullets used to execute them.

Australian media coverage of their executions was surprisingly detailed and even savored many of its graphic moments. Australia's main ally, the United States, enforces the death penalty in the majority of its states and one of Canberra's largest trading partners and paymaster, China, performs one of the highest numbers of executions worldwide and has only stopped harvesting organs from executed prisoners this year. If anything, Australian hypocrisy and exceptionalism risks worsening its public image in Indonesia as a neighbor that not only disrespects international law and Indonesia's borders, but now also Indonesian law and legal corridors.

Australian government appeals are neither heroic nor heartfelt; Canberra is merely trying to save their own "subject bodies" from the firing squad, while slowly disposing of "abject bodies" it does not want through inhumane detention camps or

returning them to foreign regimes that will probably finish the job for them. Indonesia paying “blood money” to save the “subject bodies” of Indonesian domestic workers in Saudi Arabia from beheading is no less hypocritical as these efforts are done against the backdrop of killing off “abject bodies” that were once warmly received as guests in Bali.

Australia and Indonesia betray human rights and violate human dignity alike by abusing the criminalized and illegal “abject bodies” in surprisingly similar ways, differing only in their preferred legal methods and comfortable distance acceptable to their respective publics.

All lives matter greatly, not just Australian ones. Any debate that does not start from these fundamental premises of equality of human life and dignity is not worth visiting and is a waste of the Indonesian public’s valuable attention and time.

The writer is executive director for the Marthinus Academy in Jakarta.

<http://www.thejakartapost.com/news/2015/01/24/take-aim-fire-will-australian-hypocrisy-a-high-pedestal.html>

3. Eight former Australians of the Year call for release of asylum seeker children

Indefinite detention of children, who are not accused of any crime, is ‘inhumane and unnecessary’, write former winners in an open letter

The Guardian
Ben Doherty
Monday 26 January 2015 07.33 AEST

Eight former Australians of the Year have used Australia Day to call for the immediate release of all refugee and asylum seeker children from immigration detention.

In an open letter published on Monday morning, the Australians of the Year write that the indefinite detention of children, who are not accused of any crime, is “inhumane and unnecessary”.

“We are a country of hope, with a commitment to the freedom and dignity of all people ... that strives to protect the rights of the most vulnerable. Indefinite detention of children and babies is at odds with these hopes and principles.

“These children and their parents came to us in desperation, seeking our help. They came to us seeking safety, knowing of Australia’s reputation as a fair, inclusive and just society and knowing we are a people who are never afraid to lend a hand to those in need.”

The letter is signed by eight winners of the Australian of the Year Award: Prof Ian Frazer (2006), Prof Peter Doherty (1997), Ian Kiernan (1994), Prof Gustav Nossal (2000), Simon McKeon (2011), Geoffrey Rush (2012), Prof Fiona Stanley (2003), and Prof Pat McGorry (2010).

The letter, co-ordinated through Unicef, argues children are damaged when they are held in detention, often for years.

“We know that serious mental ill health is a frequent consequence of prolonged detention, especially for children. Such prolonged detention is clearly inconsistent with our hard-won reputation for humanity and fairness.

“If we continue to detain these children and their families, it would not only be inhumane but unnecessary, and diminish our reputation as a fair and mature nation.”

Currently 468 children are held in Australia’s immigration detention system. Of those, 135 remain on Nauru, while 333 are in “alternative places of detention” on the Australian mainland.

In December, then immigration minister Scott Morrison promised crossbench senators that all children and families held on Christmas Island would be released from immigration detention in exchange for the senators’ support for government legislation reintroducing temporary protection visas.

Those 94 children, and 100 family members, have been taken from Christmas Island, but they remain in detention, at Blaydin Point in Darwin. The government says they will be released from detention in “early 2015”.

Overall, the number of children in immigration detention has decreased from 1,038 to 468 over the last year, though the number of children held in detention on Nauru has increased by 19.

Fiona Stanley, the epidemiologist who was Australian of the Year in 2003, told Guardian Australia the letter was not a partisan attack, but rather a call for all Australia’s political leaders to reconsider policies that had proved ineffective, inhumane and harmful.

"People I speak to are anguished about the fact Australia is keeping children in detention. All the data, all the studies we have, show that children are seriously damaged by being held in detention, there is damage to their mental health, their physical health, their general wellbeing and chances for the future. We are causing long-term harm to these children."

Stanley said Australia's international reputation as a nation committed to human rights was being degraded by its holding asylum seeker children in detention.

She said Australia's immigration detention regime for all asylum seekers should be reconsidered from a more humanitarian perspective, but that children should be released from detention immediately.

"As a mother and a grandmother, I feel anguished. No developed country, no country like Australia, with its respect for human rights, should have children, who have committed no crime, held behind wire. That should stop immediately."

<http://www.theguardian.com/australia-news/2015/jan/26/eight-former-australians-of-the-year-call-for-release-of-asylum-seeker-children>

4. Sri Lankan refugee draws on own experience in detention to raise awareness during 32-hour march

ABC News Online

By Adrienne Francis

Posted Wed 28 Jan 2015, 1:42pm

Tamil refugee Aran Mylvaganam is taking part in a 32-hour asylum seeker march in Canberra after arriving in Australia by boat unaccompanied at age 13.

Mr Mylvaganam, now aged 31, is among a small group of people peacefully protesting Australia's treatment of asylum seekers by marching around the national office of the Australian Security Intelligence Organisation (ASIO).

The protesters said each hour in the Walking 4 Freedom march, which began at 11:00am (AEDT), represented one asylum seeker who had been given an adverse security assessment and was still in detention after five years.

The group said originally 54 men from Sri Lanka, Burma, Kuwait and Iran were given adverse security assessments, but 32 men from Sri Lanka and Iran still remained in detention.

Mr Mylvaganam, the spokesperson for the Tamil Refugee Council, said he took a week off work as a union organiser in Melbourne to join the Canberra protest.

For the past five years he has been working as an advocate for the Sri Lankan Tamils negatively assessed and indefinitely detained by ASIO.

"Many of them have attempted suicide, spent many months in mental hospitals and one person I have been close to in Villawood Detention Centre committed suicide," he said.

"There are many other terrible stories and I want their suffering to end."

Mr Mylvaganam said he hoped the protesters calls would be heard by ASIO and that the 32 men given adverse security assessments would be released.

He said he had never walked for such a long period and he was relying on soft drinks for sustenance.

But he said he could relate on a very intimate level with what asylum seekers experienced.

Mr Mylvaganam said he fled war-torn northern Sri Lanka as an unaccompanied minor at the age of 13.

"Having lost my brother who was cut in half by the Sri Lankan Army, having seen the deaths of three of my cousins and many of my friends, it was not easy," he said.

"I had decided to leave my parents, my siblings and all the world that I knew.

"My uncle sent me with the people smugglers.

"I stayed at the Villawood Detention Centre and the first night I spent all night crying.

"Over time I got used to it, but three years later while living in the community I became very depressed."

Mr Mylvaganam was later diagnosed and treated for severe depression.

"Once my parents came to Australia my life changed for good," he said.

<http://www.abc.net.au/news/2015-01-28/refugee-draws-on-experience-in-detention-during-32-hour-march/6052500>

5. David Corlett: Sinhalese asylum seekers' on-water claims accepted by UN

Asylum seekers sent back to Sri Lanka after Scott Morrison's 'on-water' interviewing have been confirmed as refugees by the UNHCR.

The Saturday Paper
Jan 31, 2015
David Corlett

Manoj sits cross-legged on the concrete floor. Apart from the sheet of plastic on which he rests, and a piece of paper beside him, the room is bare.

In the kitchen, there are no table and chairs, just the absolute necessities for cooking and eating. There is no heating, despite the cruel temperatures of Nepal. Manoj – not his real name – lives in this apartment with his wife and two children, aged 7 and 9.

"I feel free now," he says. "I feel free now because I have to?..." He breaks down before he finishes the sentence, breathing his sadness away, his head in his hands, tears in his eyes.

Manoj's family, among the 16.7 million refugees living in varying degrees of poverty and desperation around the world, are the collateral damage of Australia's turn-back-the-boats policy.

More than that, they are proof that, despite government claims to the contrary, Australia, in its haste to stop the boats, has breached the fundamental principle of refugee protection: that refugees shouldn't be returned to the places from which they fled if they face persecution or other serious human rights violations.

Full story at <http://www.thesaturdaypaper.com.au/news/politics/2015/01/31/sinhalese-asylum-seekers-water-claims-accepted-un/14226228001441>

6. Martyn Namorong: Blood money: PNG is profiting from human misery on Manus

Martyn Namorong
Namorong Report
01 February 2015

(INFO: Martyn Namorong is a recipient of the PNG Crocodile Prize for new writers)

IS Manus simply a question of how much rent we can collect on the sale of our sovereignty?

The legitimacy of what is happening on Manus Island hasn't brought the political, legal, moral, and religious debate that it deserves.

What is certain though is that Papua New Guinea is profiting from the exploitation of human beings. Fellow human beings are being held against their will so that this nation can collect rent from Australia.

We may not have a history of slavery but our people have been black-birded and kept against their will to make profit for the sugar plantation owners in Queensland.

The only way I can describe what is happening on Manus is that it is like a rape victim helping the rapist to rape other people and getting pleasure out of it.

As black people with the collective experience of exploitation of blacks, we ought to be moral beacons of emancipation of humanity just like Nelson Mandela and Martin Luther King Jnr. Instead we collude with our oppressors to oppress others.

So how much have we made from these poor souls?

According to the Australian High Commission website, around 827 Manusians are employed at the detention centre at Lombrum and a further 120 work on construction jobs related to the detention centre deal.

Twenty-five businesses on Manus benefit from the K1.2 million in purchases made each week by the detention centre.

Australia will spend \$513 million to upgrade immigration related infrastructure in PNG. In addition, Manus Island will receive \$37 million in direct aid.

The Australian government will also provide an additional \$420 million in aid for redeveloping Lae Hospital, deploying Australian Federal Police, rehabilitating infrastructure at the University of PNG and scoping and design work for the Lower Courts complex in Port Moresby, and constructing the Madang – Ramu highway.

PNG will receive over a billion Australian dollars in goodies in exchange for keeping fellow humans in unlawful detention against their will.

Papua New Guinea's unlawful detention of people who never committed a crime on PNG soil can be viewed as kidnapping for ransom.

A state-sponsored kidnapping aimed at making money from Australia.

http://asopa.typepad.com/asopa_people/2015/02/blood-money-png-is-profiting-from-human-misery-on-manus.html

7. Merged border force sees upgrade with bootcamp physical tests planned for employees

The Age
January 29, 2015
Noel Towell

Thousands of public servants at the Immigration Department and Customs service will have to get physical if they want a job at the new "Australian Border Force".

"Operational" workers at the agencies hoping to be picked for the nation's new border protection team must first prove themselves in boot-camp style tests of strength and stamina including push-ups, squats and shuttle-runs.

Those who do not shape-up will be shipped-out to desk jobs in the new 14,000-strong department.

The news comes days after departmental boss Mike Pezzullo told his staff in an Australia Day message that they must be prepared to "man the ramparts and protect our borders".

Private sector coaches will put the bureaucrats through their paces with female border officials in the over-55 age group expected to perform four push-ups and six repetition squats as well as undergoing heart rate tests after mounting 22 steps in 60 seconds.

There will also be multi-stage shuttle runs, a technique usually involving 20 metre runs and used by sporting teams to test of cardiovascular fitness.

Younger public servants, aged up to 34 years, will be expected to perform 8 push-ups with 15 repetitions squats for male officials in the age group and 12 for females.

There will also be a requirement for the officers, most of whom will be getting fitness-tested for the first time in their working lives, to demonstrate the tricky "bridge hold" position.

The "Border Force Basic Fitness Assessment" is the latest surprise for Immigration's public servants who also face tough "Organisational Suitability Requirement Assessments" as their department is taken over by the smaller Customs service.

There will also be a crackdown on second jobs, social media use and sloppy appearances among the department's employees, as the Customs agency hierarchy tightens its grip on Immigration.

The new fitness requirements are being trialled among Customs officers in Victoria, it is understood, ahead of a roll-out to the service across Australia within a month.

Customs told Fairfax Media the fitness tests would apply to officers working on investigations and compliance operations, Australian and offshore detention centres, and those on duty at air and sea ports "and land and maritime domains".

Mr Pezzullo made his comments about the nation's ramparts in an Australia Day message to Immigration and Customs staff that also emphasised the departments' roles as Australia's "gateway" and an "open conduit" to the rest of the world.

A Customs spokeswoman said on Thursday that workers moving into the Border Force would be physically assessed to ensure they could carry out their duties safely and effectively,

"Officers assessed as not yet operationally ready will be provided with support and guidance to assist them to meet the requirements of a Border Force Officer," she said.

"This includes the opportunity to be reassessed within a specified timeframe.

"If after reassessment an officer is deemed not operationally ready they will receive assistance to transition to an alternate workforce stream within the organisation."

The Australian Border Force merged entity is set to launch in July.

<http://www.theage.com.au/national/public-service/merged-border-force-sees-upgrade-with-bootcamp-physical-tests-planned-for-employees-20150129-12zvrb.html>

8. Australia confirms 15 boats carrying 429 asylum seekers have been turned back

Immigration minister announces Operation Sovereign Border figures as commander says some turnbacks were done without Indonesian cooperation

The Guardian

Shalailah Medhora and Ben Doherty

Wednesday 28 January 2015 18.51 AEST

A total of 15 boats containing 429 asylum seekers have been turned back since the Australian government enacted its Operation Sovereign Borders (OSB) policy, the immigration minister, Peter Dutton, has said.

Some turnbacks to Indonesia were undertaken without the support of local authorities.

"We work with Indonesia as closely as we can, and in some circumstances, we see activities which we work with [the support of Indonesian authorities]," the operation's commander, Lieutenant General Angus Campbell told reporters on Wednesday. "In other cases we undertake turnback operations without."

Campbell said the boats were returned only to Indonesia and Sri Lanka.

"There are turnbacks, there are also those activities where we work with another country to return those in what you could describe as a take back. And there are some circumstances where we might assist persons in a safety of life at sea circumstance," Campbell said.

"Only one vessel has arrived in Australia in 2014, and all of those aboard that vessel were transferred to Nauru," Campbell said. "There were no known deaths as a result of our OSB activities in 2014."

Dutton said the Coalition had succeeded in its election promise of stopping the boats.

"OSB and our turnback policy has restored the integrity of our borders," Dutton said.

Then immigration minister Scott Morrison introduced the OSB policy in December 2013.

Dutton's acknowledgement of the turnbacks is a move away from his predecessor's policy not to discuss so-called "on the water matters".

He refuted claims that Australia was sending asylum seekers back home to potential harm, saying Australia was still bound by international law principles.

Dutton said there were still seven children in mainland immigration detention awaiting security clearances before they could be released into the community.

Six adult refugees have been moved from the Manus Island detention centre to the refugee transit centre in nearby Lorengau, where they will be housed temporarily before being moved to another part of Papua New Guinea.

But the PNG prime minister, Peter O'Neill, has told the ABC that he believes the majority of the more than 1,000 asylum seekers in the Manus detention centre are not genuine refugees but economic opportunists who do not have legitimate claims for protection.

"I think many of them are just out there trying to have economic opportunities that Australia and other countries offer to them and that is why they're seeking refugee status," O'Neill said.

"I think it will be in the very small numbers [found to be legitimate refugees]. Most of the other people who are in the processing centre: we're now talking to their governments and we will start repatriating many of them in a very short time."

He said his government would quickly return people found not to be refugees to their countries of origin.

"We are now trying to work with some of their governments where they come from, like Iraq and Iran ... we are trying to determine this as quickly as possible

Iran does not accept involuntary returns of its citizens, and Iraq, historically, has also refused to accept citizens repatriated against their will.

The United Nations has previously raised concerns about PNG's refugee assessments, arguing there are "shortcomings in the legal framework", no rights for review, and concerns about the efficiency and fairness of the process.

Under international law – codified in the refugees convention, to which Australia and PNG are parties – a refugee cannot be returned to "territories where his/her life or freedom would be threatened".

And Australia retains an international legal responsibility for people moved to offshore detention centres.

If PNG were to return a person forcibly who was later found to be a refugee with a genuine fear of persecution to a place where they faced harm, Australia would be in breach of its international obligations, under "chain refoulement", where refugees are sent to a safe third country which ultimately returns them to persecution.

In September 2014, the incoming United Nations high commissioner for human rights, Zeid Ra'ad Al-Hussein, said that Australia's asylum policies were "leading to a chain of human rights violations, including arbitrary detention and possible torture following return to home countries".

<http://www.theguardian.com/australia-news/2015/jan/28/australia-confirms-15-boats-carrying-429-asylum-seekers-have-been-turned-back>

9. It's 145 Days Since Hamid Kehazaei Died, And The Abbott Govt Is Still Keeping The Final Death Report Secret

A report into how an asylum seeker died from a foot infection has been handed to the coroner. But the public still remains in the dark. Max Chalmers reports.

New Matilda
28 Jan 2015
By Max Chalmers

A Department of Immigration report into the death of Hamid Kehazaei has not been publicly released despite the government admitting a "draft final report" has been provided to the Queensland Coroner, and 145 days passing since the Iranian asylum seeker had his life support switched off.

The report was promised by former Immigration Minister Scott Morrison after 24-year-old Kehazaei died in a Brisbane hospital as a result of a foot infection he received while detained on Manus Island.

"The minister has asked the department's chief medical officer to conduct an in-depth clinical review on the background to the transferee's medical condition and care while at Manus OPC," a spokesman for Morrison told Fairfax in September.

But a spokesperson for new Immigration Minister Peter Dutton confirmed to New Matilda the report had not yet been made publicly available, despite admitting a "draft final report" had been handed to the Coroner.

Since Kehazaei's life support was switched off in September 2014 the government has refused to outline a clear version of events or explain how a foot infection was able to kill an apparently healthy 24-year-old.

But a series of witness statements and leaks have led to accusations of severe neglect on behalf of the Department.

In December a medical report leaked to the media revealed Kehazaei's evacuation from Manus was delayed by more than 24 hours, apparently because of visa issues.

Dr Richard Kidd, a co-founder of Doctors for Refugees, told New Matilda the documents also revealed an inadequate supply of basic antibiotics on the island, and that "cheap and available" drugs could have saved the young Iranian.

Kehazaei was eventually evacuated from Papua New Guinea to Brisbane's Mater Hospital, where he was pronounced dead on September 5.

Because Kehazaei died in Queensland the matter was referred to the state's Coroner.

In a statement provided to New Matilda, a spokesperson for Dutton said no further comment would be provided "until the Coroners [sic] findings are made and considered".

"Medical services at the Manus Regional Processing Centre are broadly comparable with health services available within Australia. GP, nursing and mental health care clinics are available seven days a week and there is after-hours medical staffing to respond to any medical emergencies," they said.

After Kehazaei's death Morrison described the level of medical care on Manus as "outstanding". But Greens Senator Sarah Hanson-Young said the government was more interested in covering up the incident than preventing another tragedy.

"Despite the government's refusal to be upfront with the Australian people, we know that Hamid's death was a preventable tragedy," she said.

"Leaked reports and medical records have exposed shocking delays in Hamid's treatment and a damning lack of medical care.

"Hamid's death, just like the death of Reza Barati earlier in the year, cannot be swept under the carpet despite the Abbott government's best efforts.

"The government must release the report in full, immediately."

Daniel Webb, the Director of Legal Advocacy at the Human Rights Law Centre, also criticised the government for remaining "tight-lipped" on the circumstances surrounding Kehazaei's death, as well as that of Reza Barati and the recent detainee hunger strike, which included hundreds of asylum seekers.

"Manus is hidden behind a veil of secrecy," he said.

"Journalists aren't allowed in, staff who work there have to sign strict confidentiality clauses and the Australian people are constantly forced to rely on snippets of leaked information.

"Having seen conditions inside the Manus camp first hand, it's clear what all the secrecy is about – the Government keeps the place hidden from view because it knows conditions inside would offend most people's sense of decency and fairness."

A spokesperson for the QLD Department of Justice and Attorney-General told New Matilda that Kehazaei's death was still under investigation and would be followed by an Coronial inquest.

"These proceedings will be heard in an open court, meaning that they will be open to the public," they said.

No date has been set for the proceeding.

Doctors, whistleblowers, and advocates in communication with those held on Manus have long warned the conditions in the island's detention centre make the likelihood of future casualties high.

"There's no doubt Australia retains legal and moral responsibility for the rights and wellbeing of asylum seekers it sends offshore," Webb said.

<https://newmatilda.com/2015/01/28/its-145-days-hamid-kehazaei-died-and-abbott-govt-still-keeping-final-death-report-secret>

10. SURVEY: Boats and votes don't go hand-in-hand

The Abbott Government has delivered on its pledge to stop the boats, but asylum seekers are now devalued political currency for the Coalition and it has not been rewarded, write Peter Lewis and Jackie Woods.

ABC The Drum

By Peter Lewis and Jackie Woods

Posted Wed 28 Jan 2015, 11:02am

There's something plaintive in the Government's attempts to refocus attention to their achievements amidst the furore over budget barnacles and bizarre knighthoods.

C'mon guys, we axed the tax and stopped the boats.

And it's true; the Government has delivered key elements of its pre-election mantra.

Reports of desperate protests filtering out from Manus Island and the High Court delivering its verdict on the legality of detaining Tamil asylum seekers on a customs vessel for a month merely serve as reminders that the Government has implemented its "stop the boats" platform with enthusiasm and commitment.

Labor's failure to develop a credible policy to stem the flow of asylum seekers became a rallying cry for the Coalition across the 2010 and 2013 elections.

Building on the work of his predecessor John Howard in 2001, Tony Abbott transformed the issue into a mantra that split the Labor Party between their "latte sippers" and "battlers": concern about human rights and international law on one side, and resentment about taxes funding suspicious queue-jumpers on the other.

It was always a cartoon caper but it was based on real - and wicked - policy dilemmas, part of a global trade in people that could only be addressed through international coordination.

But the asylum seeker debate was rolled political gold for the Coalition, a way of convincing ordinary folk that a national government, so captive to the ebbs and flows of a global economy on jobs and growth, could actually do something to protect the national interest.

An Abbott Government would turn back the boats.

Not even their staunchest critics could deny the fervour that Abbott and his chief border protector Scott Morrison have pursued their mission. Heavy-handed? Culturally insensitive? Basely opportunist? Cruel? Sure. But Mission Accomplished.

But for all its success in delivering on its Stop the Boats promise, there seems to have been zero political dividend.

Look at the evidence. On treatment of asylum seekers - along with just about every indicator - the Coalition is running at a net negative.

Full story at <http://www.abc.net.au/news/2015-01-28/lewis-woods-boats-and-votes-dont-go-hand-in-hand/6051624>

11. David Corlett: "Queue jumping": the view from afar

The fairness of Australia's refugee policies looks different at the Al Zaatari camp, writes David Corlett.

Inside Story
27 January 2015
David Corlett

I am sitting on a mattress on the floor of a demountable building in the Al Zaatari refugee camp in Jordan. After meeting me at a neighbour's, Fatema brought me here to drink tea, meet some of her family, and tell me about her circumstances. She and her family have been living here since they fled the fighting in Syria.

Fatema is the lively matriarch of a family of twenty. Quick to laugh and brimming with stories from five decades of life in Syria, she explains how she ended up in the camp. "I saw myself dying," she tells me. "We were all threatened. It was really hard for us. It was war. Would you stay in a place that had war? I had to take all my kids and flee. There was no food, there was nothing. Airstrikes every day." She laments the loss: "Oh my village, oh my village. It is all demolished now. It is empty now."

Jamal Ahmed is another of the millions of victims of the war in Syria. Although he isn't part of Fatema's family, he has joined us while we have been talking. With his greying stubble and moustache, he sits opposite me, smoking, next to Fatema's son, Ibraheem. He has something to tell me, but I am preoccupied for a while with what others are saying. Eventually, though, our attention moves to Jamal, who tells me he was tortured by the Syrian regime and wants to show me the evidence. I am reluctant: I have seen enough of the remnants of torture, and it seems voyeuristic to comply. He also wants to show me YouTube videos of Syrians being tortured. I refuse the latter, but finally agree to look at his injuries.

He turns and lifts his shirt to reveal a scar the shape of a hawk stretching from one shoulder to the other. The skin, he says, was melted with a cigarette lighter by Syrian government torturers in the shape of the regime's coat of arms. Now it sags unevenly.

Full story at <http://insidestory.org.au/queue-jumping-the-view-from-afar>

12. Australia's treatment of asylum seekers 'diminishes human rights record'

Human Rights Watch report also criticises government policies on indigenous incarceration and 'draconian' counterterrorism laws

The Guardian
Ben Doherty
Thursday 29 January 2015 20.05 AEST

Australia's global reputation as a defender of human rights is being undermined by its continued "harsh" treatment of asylum seekers, persistently high Indigenous incarceration rates, and "draconian" new anti-terrorism laws that restrict citizens' freedom, the Human Rights Watch annual global report says.

In particular, Australia's obsession with "stopping the boats" and sending asylum seekers offshore is distorting the country's foreign policy and weakening Australia's moral authority in the region, it says.

The Human Rights Watch World Report 2015, released on Thursday evening Australian time, is an assessment of the human rights record of 90 countries and territories.

The report says Australia had a solid record of protecting civil and political rights, but that its current asylum policies "fail to respect international standards" and undermine Australia's ability to call for stronger human rights protections abroad.

"Besides trade and security, a large driver of the Australian government's foreign policy is its single-minded focus on ensuring that all asylum seekers or refugees are processed at offshore facilities. The government has muted its criticism of authoritarian governments in Sri Lanka and Cambodia in recent years, apparently in hopes of winning the support of such governments for its refugee policies," the report says.

HRW's Australia director, Elaine Pearson, said Australia's moral authority in the Asia-Pacific region was compromised because it relied on the assistance of governments with questionable human rights records.

"Unfortunately, Australia's obsession with offshore processing of asylum seekers means that government is willing to turn a blind eye to human rights abuses in places like Cambodia and Sri Lanka, because Australia feels it needs those countries onside in order to achieve its policy goals," she said.

Pearson said the negative impact of offshore processing policies on asylum seekers themselves had been documented by human rights organisations, the United Nations, Australia's parliament, and the media.

"Harsh refugee policies may score domestic political points," she said, "but the human toll is unacceptable."

The HRW report says Australia's steps towards a referendum on constitutional recognition for Indigenous Australians, and some improved health and socio-economic indicators, are positive developments. But Indigenous Australians still suffer significant and persistent disadvantage.

"Indigenous Australians account for only 3% of Australia's population [but] they account for 27% of Australia's prison population. In part because they are disproportionately represented in the criminal justice system, Indigenous Australians are more likely to face stigma and discrimination in employment."

Indigenous Australians die, on average, 10 to 12 years earlier than non-Indigenous Australians, have an infant mortality rate almost twice the non-Indigenous rate, and suffer disproportionately from preventable diseases such as diabetes and respiratory illnesses.

Pearson told Guardian Australia that with the world in a tumultuous state and the rise of new terrorism threats such as Isis, there was a temptation for governments to respond with wide-ranging anti-terrorist laws.

But Australia's suite of counterterrorism legislation was "overboard" and would "infringe on freedoms of expression and movement". New laws could define sharing links on social media as "advocating terrorism", and could see people prosecuted simply for travelling to certain "declared areas".

But in particular the National Security Legislation Amendment Act, which could see government whistleblowers, journalists and activists jailed for up to 10 years for disclosing information about special intelligence operations, would have a "chilling effect, leading to cover-ups", Pearson said.

"Australia's new counterterrorism laws mean journalists, whistleblowers and activists will risk prison for certain disclosures – even if it's in the public interest," she said.

Last week Guardian Australia revealed that journalists reporting on asylum seeker issues are regularly referred to the AFP for investigation.

<http://www.theguardian.com/law/2015/jan/29/australias-treatment-of-asylum-seekers-diminishes-human-rights-record>

13. Church leaders given spent convictions after children in detention protest at Julie Bishop's electorate

ABC News Online

First posted Wed 28 Jan 2015, 10:07am Wed 28 Jan 2015, 10:07am

Updated Wed 28 Jan 2015, 1:20pm Wed 28 Jan 2015, 1:20pm

Church leaders charged with trespass after a sit-in protest at the electorate office of Foreign Minister Julie Bishop have been given spent convictions.

Eight ministers from various Christian church groups were arrested for staging the sit-in at the Subiaco office of Ms Bishop on December 10.

The ministers, who were protesting about children being kept in immigration detention, were charged with trespass after the incident.

Earlier today, about 60 people held a rally outside the Perth Magistrate's Court, protesting against the church leaders' arrest.

The ministers claimed they were arrested, locked up and strip-searched by police before being charged with trespass.

After the court ruling, the protesters stripped to their underwear and started marching back to Ms Bishop's office in Subiaco from court.

A spokesman for the group, Allan McGrechan, said the detention of children was wrong.

"We are asking for the release of children in immigration detention and for more humane policies around refugees and asylum seekers," he said.

"Children in detention I think is very inhumane ... every day that they are locked up in immigration detention they have no hope of a better life."

Mr McGrechan defended the sit-in at the Subiaco office of Ms Bishop.

"We've written many letters to MPs, tried to get meetings with other MPs and at this stage we see there may not be any other way to draw attention to the inhumane treatment of refugees and asylum seekers," he said.

Pastor Jarrod McKenna of WestCity Church of Christ said instead of strip-searching church leaders, the nation should be "searching its heart for a humane response to those seeking safety".

"Today we call on the Government to make a public commitment to release the 135 children currently imprisoned on Nauru," Pastor McKenna said.

"These children have been cruelly shipped off, locked up and left in limbo, deprived of their precious childhoods."

West Australian Greens senator Scott Ludlam and state Labor senator Sue Lines also attended the protest.

"I have great respect for their courage to not be silent and I am proud of their action to stand up for refugees seeking asylum in Australia," Senator Ludlum said.

<http://www.abc.net.au/news/2015-01-28/church-leaders-given-spent-convictions-after-detention-protest/6051614>

14. Christians strip off in Perth court protest at detention of asylum seeker children

Eight people pleaded guilty to trespass in foreign minister's office, then declared intention to resume protest immediately

The Guardian
Calla Wahlquist
Wednesday 28 January 2015 16.37 AEST

Christian activists protesting at the detention of asylum-seeker children stripped to their underwear on the steps of the Perth magistrates court and declared their intention to march on Julie Bishop's office, less than an hour after receiving spent convictions for another protest action at Bishop's electorate office in December.

Eight people from Love Makes A Way, a group set up to lobby for the release of asylum seekers in detention, pleaded guilty to trespassing in the foreign minister's Subiaco electorate office on 10 December.

They were arrested after an eight-hour peaceful sit-in protest against the detention of children on Nauru.

Common Grace national director Jarrod McKenna, 34, Uniting Church pastor Richard Telfer, 29, retired Uniting Church minister Bev Fabb, 68, former missionary Alex McGrechan, 28, Anglican minister Lorna Green, 59, Riverview community services manager Alex McKeller, 39, musician Sarah Menogue, 32, and social worker Teresa Lee, 34, appeared before deputy chief magistrate Elizabeth Woods in the magistrates court on Thursday.

Woods issued a spent conviction to all eight, subject to a three-month \$500 conditional release order. If they committed another offence in that period they would forfeit the \$500 and a conviction would be recorded. They were also each ordered to pay costs of \$79.

Speaking on the court steps after the hearing, McKenna said it was a “good result” but more action was needed.

He quoted from Matthew 5:38, telling the watching media pack he wanted it to “understand biblically, for us, what it’s about,” before stripping off.

“We want to send a clear message that we will continue to be obedient to Jesus until these refugees are recognised as people and their rights observed,” he said.

“So while we’ve turned the other cheek, we will now give our outer-garments as well.

“Those who thought that strip searches would be enough to stop us; well, we serve with Jesus, who was strip-searched before he went to the cross.”

McKenna said the group intended to walk single-file, in their underwear and wearing “refugees are people” sandwich boards, to Bishop’s electorate office, “because it was our intention to have a meeting”.

“I’m going to need my shoes, because it’s about an hour’s walk to Julie Bishop’s office,” he said.

Earlier, a police prosecutor told the court the group arrived at Bishop’s office at 8.45am on 10 December and “gained entry into the office by deceit” by buzzing the security intercom.

He said the group brought food and water and took up residence in the office, where they began “chanting and praying”.

Bishop’s staff continued working and at 3.45pm said they had called police and the group would have to leave.

He said the group failed to leave and were arrested at 5pm after “negotiations failed”.

The protesters’s lawyer, Shash Nigam, said the group did not gain entry by deceit, but identified themselves as from a church group. They brought flowers and shared “freshly baked choc-chip cookies” with staff and police.

“I am instructed that police did eat a few of those cookies,” Nigam said.

The prosecution opposed applications for spent convictions in the cases of McKenna and McGrechan, who had been given spent convictions on similar charges before.

About 50 people rallied outside the court in support of the protesters.

Addressing the rally, Green said she would do the same thing again.

“It was a horrible experience for us, but it pales into insignificance compared to what might be experienced by the men, women and children in detention,” she said.

“We cannot sit on our hands and do nothing.”

Fabb, who worked as a Uniting church pastor in Port Hedland, said she became involved in the plight of refugees after attending a Christmas celebration at a detention centre in 2002. She described seeing the detention centre worker, dressed as Santa, address the children in detention.

“Much to my horror, as he called them forward, he called them forward by number,” she said.

“That’s what detention does to children, it dehumanises them.”

McKenna, a coordinator of Love Makes A Way, said he did not want the experience of the protesters to overshadow the plight of those in detention.

Labor senator Sue Lyons and Greens senator Scott Ludlam also attended the rally.

“As a Labor senator I made the decision long ago to speak out about this, within my own party too - Labor’s policies need to change too,” Lyons said.

As the Love Makes A Way protesters were preparing to go into court, refugee advocates began a 32-hour walk around the Asio head offices in Canberra.

Walk for Freedom organiser Jasmine Pilbrow said they aimed to raise awareness about 32 people who have been held in indefinite detention since they were declared a security risk by Asio in 2010 and 2011.

Pilbrow said they were calling for the 32 to be released and given citizenship and for all 54 people who received an adverse security rating by Asio be given the reason for that decision.

<http://www.theguardian.com/australia-news/2015/jan/28/christians-strip-off-perth-court-protest-detention-asylum-seeker-children>

15. Christians guilty over Julie Bishop office Nauru kids sit-in protest

The Sunday Times / PerthNow
AAP
January 28, 2015 3:16PM

EIGHT Christian leaders have stripped to their underwear and marched to Julie Bishop's Perth office after being given spent convictions for staging a sit-in there last year.

The group held a prayer vigil at the foreign minister's electorate office in Subiaco on December 10, calling for the release of 135 children locked up on Nauru and for an end to offshore detention.

It was one of several sit-ins as part of a national day of action by the Love Makes A Way Christian movement, which seeks to end Australia's current asylum seeker policies.

Ms Bishop was not in the office at the time.

Jarrod McKenna, Teresa Lee, Alexandra McKellar, Alan McGrechan, Lorna Green, Richard Telfer, Sarah Mills Menogue and Beverley Fabb all pleaded guilty to trespass in Perth Magistrates Court on Wednesday.

Prosecutors said the group claimed to have an appointment, before spending the day chanting and praying while staff worked around them.

The defence lawyer said they came with flowers and cookies, only to be later strip-searched by police.

All eight were granted spent convictions, given three-month conditional release orders with a \$500 undertaking and ordered to pay court costs of \$79.

That was despite McKenna and McGrechan having previously committed similar offences.

Outside court, Pastor McKenna quoted scripture to reporters as he and his co-offenders began stripping to their underwear.

"If someone wants to sue you and take your outer garment, give them your undergarment as well," he said.

The group then put placards on and walked to Ms Bishop's office, followed by a string of supporters.

"Those who thought that strip-searches would be enough to stop us, well we serve Jesus who was strip-searched before he went to the cross," Pastor McKenna said.

A Love Makes A Way spokeswoman said they requested an interview with Ms Bishop, but left when they were denied a meeting, leaving behind flowers and soft toys to represent the children in detention.

They plan legal action over the strip-searches.

<http://www.perthnow.com.au/news/western-australia/christians-guilty-over-julie-bishop-office-nauru-kids-sit-in-protest/story-fnhocxo3-1227199598437>

16. High Court to hand down decision on treatment of Tamil asylum seekers held on Customs vessel

ANC Radio CAF - AM
By South Asia correspondent Stephanie March
First posted Wed 28 Jan 2015, 5:33am
Updated Wed 28 Jan 2015, 5:39am

The High Court will hand down its decision today on a legal challenge to the Australian Government's detention of 157 asylum seekers on board a Customs vessel for almost a month.

The group of Tamil asylum seekers were picked up by an Australian Customs vessel in June last year after leaving from a port in southern India.

They were held at sea for several weeks before being taken to Nauru after Canberra's plan to return them to India failed.

Lawyers working for the Tamils said their treatment on the Customs vessel was inhumane and cruel, while relatives and Tamil community representatives in India said the experience had deterred others from making the same journey.

Late last year the Australian Government made changes to legislation which asylum seeker advocates said could make it difficult to challenge boat turn-backs and detention at sea in the future.

Refugee not on boat with family 'sick with worry'

Last June, in a Tamil refugee camp in southern India, Thangamma Chellaturai woke to find her three sons, daughter, daughter-in-law and grandchildren had left on a boat headed for Australia.

"I felt sick with worry after they had left," she said.

"I almost turned crazy but I now feel better, and even though my body is here all my thoughts are with them."

For weeks the Australian Government refused to confirm the asylum seekers were being held on a Customs ship.

Ms Chellaturai had no idea where her loved ones were and she feared the worst.

They are now being held on Nauru. She said she was grateful they were safe but she still worried about their wellbeing.

"My youngest son and his wife are living at one camp and they are having a hard time," she said.

"My daughter is separated from the rest of them and I am very worried about her wellbeing."

Regardless of the court decision or whether or not any of those on board are deemed to be refugees, the Australian Government has said the 157 Tamils will never be settled in Australia.

Despite that, Ms Chellaturai said she hoped her family did find a home there and that maybe one day she could join them.

While only a small number of asylum seeker boats are thought to have left from the Indian coast in recent years, the fate of this venture had dissuaded others from embarking on the same journey.

"There is a lot of dissuasion because of the fact that they have realised that it's difficult to get across," said Samual Chelvanayakam Chandrahasan, from OFFER, an organisation that supports Sri Lankan Tamil refugees.

"And there was some anxiety because of the fact that their whereabouts were not known for some time and they went through agony.

"So all in all it is most of the people who are reasonable feel that this is not a voyage that should be taken."

<http://www.abc.net.au/news/2015-01-28/high-court-hand-down-decision-treatment-tamil-asylum-seekers/6050642>

17. Sri Lankan asylum seekers legally detained at sea, High Court rules

ABC News Online

By Elizabeth Byrne

First posted Wed 28 Jan 2015, 11:28am

Updated Wed 28 Jan 2015, 11:47am

A group of 157 Sri Lankan asylum seekers were legally detained at sea by Australian authorities last year, the High Court finds.

The asylum seekers were picked up and held on a Customs boat for nearly a month last June after leaving a port at Pondicherry in southern India.

They were eventually taken to Nauru after efforts to return them to India failed.

Lawyers for the group argued the detention outside Australia was illegal and at odds with international obligations, and their treatment on the Customs boat was inhumane and cruel.

Asylum seeker advocates were concerned over changes to legislation made late last year that could make it difficult to challenge boat turn-backs and detention at sea in the future.

The changes meant detention powers can not be ruled invalid on the basis of international obligations.

The High Court found the Government acted lawfully and the group was not entitled to damages.

Last July, then immigration minister Scott Morrison said the asylum seekers were economic migrants and they would not face persecution if they were sent back to India.

<http://www.abc.net.au/news/2015-01-28/sri-lankan-asylum-seekers-legally-detained-at-sea-high-court/6051426>

18. Detention of 157 Tamil asylum seekers on board ship ruled lawful

High court finds asylum seekers who set sail from India were legally detained at sea by Australian authorities

The Guardian

Ben Doherty and Paul Farrell

Wednesday 28 January 2015 14.46 AEST

The high court has ruled that the detention of 157 Tamil asylum seekers at sea for a month was lawful.

The 157 Tamil asylum seekers, who fled Sri Lanka via India, were intercepted by the Australian customs vessel Ocean Protector in June.

They were held at sea, with only limited communication and without being told where they were going, for a month while Australia tried to return them to India.

The group was brought to Australia briefly – where they refused to meet Indian government officials – before being transferred to Nauru, where they remain in immigration detention.

In a judgment handed down by the court on Wednesday, a majority of the seven high court judges found the detention was lawful at all times, and dismissed a claim for damages.

The government had initially refused to admit the group, which included 50 children, was in its custody. The group was kept below decks on board the Ocean Protector, held in windowless rooms for 22 hours a day, and given limited access to legal representation.

Court documents later revealed that the asylum seekers on board were asked no questions about their reasons for leaving India, their reasons for leaving Sri Lanka, whether they were fleeing persecution, or where they wanted to go.

Most of the group were not told they were being taken back to India. A handful of men were trained in how to pilot the ship's lifeboats back to India.

Guardian Australia revealed in July that the government planned to take the asylum seekers to the Cocos Islands to be transported to the Australian mainland, in what was seen as a blow to the federal government's policy of not allowing asylum seeker vessels to reach Australia.

The group was taken to Curtin detention centre in Western Australia, before being moved to Nauru.

The high court case was brought by one detainee, known as CPCF, who challenged the legality of his detention at sea.

The court considered seven questions to test whether the government was authorised and had the power to detain the asylum seekers on board the vessel with a view to taking them to India.

Four of the high court judges ruled that the government had the power to detain the asylum seekers at sea.

Chief Justice Robert French, Justice Susan Crennan, Justice Stephen Gageler and Justice Patrick Keane found that the Maritime Powers Act authorised the government to detain the asylum seekers for the purpose of removing them to India, without the express consideration of the Customs officer on board the Ocean Protector.

Justices Virginia Bell and Kenneth Hayne wrote a joint dissenting judgment on this point, but said the Maritime Powers Act could have authorised the government to move the asylum seekers if they had the right or permission to enter India.

Justices Bell and Hayne found: "The plaintiff had neither the right to enter India nor permission to do so. The journey to India, and the plaintiff's consequential detention, were not done in execution of the statutory power.

"The detention of the plaintiff during some or all of the period from 1 July 2014 to 27 July 2014 was unlawful and the plaintiff is entitled to claim damages in respect of that detention."

Justice Susan Kiefel found in a separate dissenting decision that the Maritime Powers Act did not authorise the maritime officer on board the Customs vessel to implement the decision to take the asylum seekers to India, or to detain them for the purposes of their removal to India.

<http://www.theguardian.com/australia-news/2015/jan/28/detention-157-tamil-asylum-seekers-on-board-ship-ruled-lawful>

19. Asylum seekers legally detained on Customs vessel, High Court rules

The Age
January 29, 2015 - 12:24AM
Sarah Whyte

The Australian government acted legally when it detained 157 Tamil asylum seekers on the high seas for a month last year, the High Court has ruled.

In a 4-3 majority decision announced on Wednesday afternoon, the court found that the 157 asylum seekers were lawfully held by Australian authorities on the Customs vessel Ocean Protector and the asylum seekers, who are now in Nauru, were not entitled to any compensation.

Lawyers for the asylum seekers had argued during a two-day High Court hearing in October that the government could have sent the group straight to Australia or Nauru once they were rescued from their boat which had suffered a pump failure 16 nautical miles off Christmas Island on June 29.

According to the judgment, the Customs vessel then sailed to India - where the asylum seekers were believed to have departed from - under the direction of the national security committee of cabinet, which included then immigration minister Scott Morrison.

But there was no agreement that the asylum seekers would be able to disembark in India. The passengers were then detained for a "further period" until Mr Morrison decided that it was "not practicable" to discharge the asylum seekers, instead sending them to Cocos Island.

For four weeks the asylum seekers were detained on the boat where they were allowed only limited hours of daylight before eventually being transferred to the offshore processing centre in Nauru.

The boat was the first asylum seeker vessel to reach Australian shores in more than six months of the Abbott government's hardline asylum seeker policy. At the time, Mr Morrison refused to acknowledge the existence of the boat.

In a press conference after the judgment, new Immigration Minister Peter Dutton said the government's actions had been "vindicated".

"I am pleased with the result and obviously there's a 157-page judgment that the government will now consider in detail," Mr Dutton said.

It was also revealed on Wednesday that there had been 15 boat turnbacks during 2014.

The head of Operation Sovereign Borders, Lieutenant General Angus Campbell, said some of these had occurred under the new minister's watch, but would not specify how many.

He said not all of the returns had been to Indonesia and emphasised that the turn backs had taken "various forms".

In its ruling the High Court said the detainment was lawful under the Migration Powers Act, which enables maritime officers to detain a person outside Australia.

Lawyers acting on behalf of the asylum seekers said while the result was "disappointing" the case had forced the government to be more transparent in its operations and "on water" matters.

"It took this case for the government to finally break its secrecy and confirm that it was detaining 157 people - including 50 children as young as one - on a boat somewhere on the high seas," said Hugh de Kretser from the Human Rights Law Centre.

"If it hadn't been for this case, the Australian public may never have known what happened to those 157 people."

A cost analysis by Fairfax Media showed the Abbott government's failed attempt to return the asylum seekers to India cost taxpayers more than \$12 million.

<http://www.theage.com.au/federal-politics/political-news/asylum-seekers-legally-detained-on-customs-vessel-high-court-rules-20150128-13029z.html>

20. Australia's high court questions legality of asylum seeker boat turnbacks

In ruling on Tamil asylum seekers held at sea, judges raise concerns about others being returned to their countries of origin if they face potential harm

The Guardian

Ben Doherty

Thursday 29 January 2015 17.36 AEST

The high court has questioned Australia's right to "turn back" boats – to send asylum seekers back to the countries they are leaving – raising the prospect of further legal challenges to a key plank of Australia's offshore asylum policies.

Australia has participated in the return of 15 boats in the past 16 months, sending boats back to Indonesia and Sri Lanka.

One of the returns to Sri Lanka involved 37 Tamils being involuntarily repatriated to that country, where they were charged before a court.

On Wednesday, the full bench of the high court split 4:3 in ruling that Australia's detention of another boat of 157 Sri Lankan Tamil asylum seekers at sea for a month, and attempts to take them to India, were lawful.

The 157 – who were fleeing Sri Lanka via India – were intercepted in Australia's contiguous zone and held on board the customs vessel the Ocean Protector. The group was first taken back across the Indian Ocean to just off the Indian coast, then, when India refused to accept them, brought to Australia and moved to Nauru.

The group was held on board the ship for 28 days. They were not asked any questions about why they had left India or Sri Lanka, or whether they faced persecution in either country.

The immigration minister, Peter Dutton, said the court's decision had "vindicated" the government's policies.

"Operation Sovereign Borders and our turnback policy has restored the integrity of our borders. We will do whatever is possible," he said, "to stop people smuggling from taking place."

While it was not of direct concern in the case of the 157, several high court justices raised concerns about asylum seekers being returned to their countries of origin if they faced potential harm there.

Justices Kenneth Hayne and Virginia Bell, in their dissenting judgment, rejected the government's argument that the Maritime Powers Act gave broad powers to Australia to return boat passengers to any place outside Australia, and that it did not need to question people as to why they were fleeing their homelands.

The justices said Australia could not, in the instance of Sri Lankan Tamils, return them to Sri Lanka without first being satisfied they would be safe.

"If, then, it had been intended to take the plaintiff to Sri Lanka, a maritime officer could not have been satisfied, on reasonable grounds, that it was safe to put him in that place without asking the plaintiff some further questions including, at least, whether he feared for his personal safety in that place.

"And if, as might be expected, the plaintiff did say that he feared going back to Sri Lanka, and the maritime officer could not decide that the fear was ill-founded, the maritime officer could not be satisfied, on reasonable grounds, that it would be safe to place him there."

Chief Justice Robert French also rejected the government's argument that it could take asylum seekers to a place without being legally bound to consider their safety. French said Australia was obligated to assess whether a place would be safe for someone to be returned to.

"A place which presents a substantial risk that the person, if taken there, will be exposed to persecution or torture would be unlikely to meet the criterion 'that it is safe'."

Joyce Chia, a legal academic specialising in refugee law, said the court's judgment was "far from a full-blooded affirmation of the government's actions and does provide limits on the government's powers on the high seas".

"The high court made clear that the government was required to transfer people within a reasonable time and could not take them to any place the government desired, and that these limits could be supervised by the courts."

Chia said the government's power to return Tamil asylum seekers to Sri Lanka – from where human rights organisations, the UN, and international media have consistently reported the persecution and abuse of returned asylum seekers – could be open to challenge.

"This [judgment] leaves open the question of whether the government does in fact have power to turn back boats, and whether it was lawful for the government to return the other boat of Sri Lankans to Sri Lanka."

George Newhouse, special counsel with Shine lawyers, and who acted for the plaintiff in the 157 case, said high court decisions were too often "reported like football games, with winners and losers", but that this week's judgment raised important issues for future cases.

The court's ruling established baseline standards for the interception of asylum seeker vessels and for where those asylum seekers could be taken, he said.

"The court found there are limits to the government's power in these matters, asylum seekers have to be taken to a safe place, they cannot be taken somewhere where they would face harm or persecution. The decision is not a green light for the government to do anything they want to aliens on the high seas."

<http://www.theguardian.com/australia-news/2015/jan/29/high-court-questions-legality-of-asylum-seeker-boat-turnbacks>

21. Jane McAdam: Our obligations still apply despite High Court win

The High Court decision on the detention of Tamil asylum seekers at sea turned on a technical reading of statutory provisions, not an assessment of Australia's international refugee and human rights obligations.

Sydney Morning Herald
January 30, 2015 - 12:27AM
Jane McAdam

The High Court has decided that the month-long detention of 157 Tamil asylum seekers at sea was legal under Australian law.

It was a narrow win for the government – three of the seven judges dissented. The decision turned on a technical reading of statutory provisions, not an assessment of Australia's international refugee and human rights obligations. It is important to understand the outcome within this context.

The decision has no bearing on the lawfulness or otherwise under international law of Australia's interception, detention and removal of asylum seekers. Australia's international law obligations have not disappeared, but current policy leaves us wide open to breaches.

The plaintiff in the case was a Tamil asylum seeker from Sri Lanka. Along with 156 other asylum seekers, he was intercepted by an Australian border protection boat in June last year.

The people had set sail from a refugee camp in India but were stopped 16 nautical miles from Christmas Island. Cabinet's National Security Committee, a closed group of seven ministers, led by the Prime Minister, decided that the asylum seekers should be returned to India, in line with the government's policy that anyone seeking to enter Australia without a visa would be removed. The asylum seekers were placed on the Australian boat, which arrived near India 10 days later. The plan was to unload them in India. But India refused.

The broader issue – and the one that is front and centre in international law – is this: is Australia at liberty to send asylum seekers to places where they might be at risk of harm, either directly or because that other country sends them to such a place?

This brings us to the legal principle of non-refoulement, which prohibits countries from sending asylum seekers to any place where they have a well-founded fear of being persecuted for reasons of their race, religion, nationality, political opinion or membership of a particular social group.

This principle also prevents removal to a risk of torture, cruel, inhuman or degrading treatment or punishment, the death penalty, or arbitrary deprivation of life. These are Australia's international obligations, which are also reflected in the Migration Act.

The principle of non-refoulement travels with the state in all its guises. Australian naval, customs and immigration officials remain bound by it even when they act outside Australian territory or waters. This is because governments are responsible for the actions of their officials wherever they assert effective control.

What matters most is who is acting, rather than where.

The same rules apply in Europe, where unprecedented numbers of asylum seekers and migrants are crossing the Mediterranean. As the European Court of Human Rights has stressed: "The special nature of the maritime environment ... cannot justify an area outside the law where ships' crews are covered by no legal system capable of affording them enjoyment of the rights and guarantees provided by the convention, which the states have undertaken to secure to everyone within their jurisdiction."

The United States has been a lone objector to the otherwise consistent view that the principle of non-refoulement applies extraterritorially. The US Supreme Court has been criticised for upholding this approach in the 1993 Sale decision, which examined the US's obligations in relation to Haitian asylum seekers intercepted at sea. That decision was based on domestic, not international, law, and must be confined to and understood within that context – just like this week's High Court decision.

The UN refugee agency, UNHCR, has protested constantly the US interpretation of the Refugee Convention. Further, no other government – apart from now Australia – has ever objected to UNHCR's position. It is an important indication that other countries agree with UNHCR.

International law is binding on Australia. But in our legal system, courts cannot make decisions about Australia's international legal obligations unless they are also reflected in domestic law. As Justice Keane explained in the High Court: "Australian courts are bound to apply Australian statute law 'even if that law should violate a rule of international law'."

Australia's international law obligations to refugees and asylum seekers remain unchanged. The principle of non-refoulement continues to bind Australian naval, customs and immigration officials wherever they act.

The fact remains that Australia is accountable internationally for its actions.

Professor Jane McAdam is director of the Kaldor Centre of International Refugee Law at UNSW.

<http://www.smh.com.au/comment/our-obligations-still-apply-despite-high-court-win-20150129-1316fm.html>

22. MEDIA RELEASE: Manus Mike compounds ends hunger strike

Monday January 26, 2015
Refugee Action Coalition
www.refugeeaction.org.au
Ian Rintoul
mobile 0417 275 713

The compound that started the mass hunger strike on Manus Island has ended their hunger strike -- 13 days after it began -- for now at least.

It is expected that asylum seekers in Mike will begin eating this evening.

The protest was called off after Wilson's security entered Foxtrot this (Monday) morning. It is reported that a number of people were arrested but there are no details available.

Wilson's had flown reinforcements to the island on Sunday afternoon. The much-anticipated raids on the compounds began at Foxtrot this morning. Asylum seekers in Foxtrot were herded into the gym area, and guards began going room to room.

It is clear that Foxtrot was targeted because a lot of information was coming out of that compound.

"It is tragically ironic that the Immigration Department celebrated Australia Day by trying to stamp out free speech on Manus Island," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"The information from Manus Island has put the lie to government statements about the mass protests since day one, when Minister Peter Dutton denied the protest was taking place. The government, the Minister, Transfield and Wilson's have all been exposed as abusers of human rights on Manus. "That news has gone around the world.

"The hunger strike has prevented the planned forced transfer of refugees to the accommodation at Lorengau that was planned for 22 January. Now the government must halt any plan to force refugees into that temporary housing. And address the stark fact that there are no arrangements for safe resettlement in PNG.

"Independent observers are still urgently needed to ensure there are no reprisals against compounds or individuals. Those held in isolation must be released. All of those in Lorengau jail must be returned to the detention centre.

"Sooner or later, the government will have to face up to the fact that offshore processing is untenable; the sooner the better.

"Manus Island must be closed and all of the asylum seekers and refugees must be brought to Australia."

It is understood that the hunger strike is continuing in other compounds in the detention centre.

A photograph of a banner drawn by asylum seekers in Mike compound for Australia Day is attached. Poignantly it celebrates an "enjoyment of freedom" for the Australian people - a freedom they are being denied.

For more information, contact Ian Rintoul mob 0417 275 713

23. MEDIA RELEASE: More abuse evidence but hunger strike continues

Monday January 26, 2015
Refugee Action Coalition
www.refugeeaction.org.au
Ian Rintoul
mobile 0417 275 713

Manus Island detainees are bracing for increased security harassment today (Monday 26 January) after the arrival of more Wilson security guards on the island yesterday.

Hundreds remain on hunger strike into the 14th day, with almost 100 per cent of Mike and Oscar compounds involved in the protest.

Meanwhile more evidence of the witch-hunt and medical abuse emerges. One Sudanese asylum seeker in Mike Compound collapsed, and was taken to IHMS on 20 January after six days on hunger strike.

At the medical centre, three security guards sprayed him with chemical spray before he was forcibly restrained and removed to an isolated room where he was tied to a bed. He was isolated for three days, before being returned to Mike compound. He states that he still cannot see clearly and the damage to his eyes is still clearly visible, in the photos (attached) taken on 24 January.

FEARS FOR JAILED ASYLUM SEEKERS

Despite media reports it seems that no asylum seekers shifted to the Lorengau jail in the round up of so-called ringleaders, have yet been moved to Port Moresby.

Fifteen of them have been moved back to the detention centre, the rest of the 58 remain in Lorengau jail.

One of the jailed asylum seekers swallowed razor blades and has been admitted to Lorengau hospital.

"Manus Island urgently needs independent human rights observers. The numerous reports of collective punishment and human rights abuses, must be investigated," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"Wilson's and the Immigration department are running rampant. Holding people in Chauka is a clear violation of their human rights. But the Immigration department is acting with impunity.

"The people in Lorengau have been arbitrarily jailed to try and break the mass protest. It seems very clear that detaining the asylum seekers with no charge violates the PNG constitution.

"It should be obvious that more force is not going to resolve the hunger strike protest. It is the brutality and arbitrary detention that is driving the protests. Manus Island must be closed."

Refugee advocates are now trying to engage legal assistance for the asylum seekers being held in Lorengau jail.

International protests over Manus Island are planned over the next couple of days:

- Berlin: 6pm - 7.30pm Tuesday Jan 27, Outside the Australian Embassy, Wallstrasse 76-79, 10179 (Opp. Märkisches Museum U2)
- Brussels: 6pm Tuesday Jan 27, Avenue des Arts 56, Region de Bruxelles-Capitale.
- Boston: 6pm - 7pm Tuesday Jan 27, outside the 'Australia Day Boston Dinner', The W Hotel Boston, 100 Stuart St, Boston, Massachusetts 02116
- Cambridge: 3pm Monday 26 January, The Guildhall, Market Street, Cambridge, Cambridgeshire

For more information, contact Ian Rintoul mob 0417 275 713

24. Manus Island hunger strike continues as six refugees released into community

Australia Day saw more arrests at the detention centre as security seized mobile phones and took away suspected ringleaders in the protests

The Guardian
Ben Doherty
Tuesday 27 January 2015 12.31 AEST

The fortnight-long hunger strike on Manus Island continues, though some compounds have decided to end the protest, and some detainees have begun life outside the wire.

There were more arrests on Australia Day as security swept Foxtrot and Mike compounds, seizing mobile phones and taking away suspected “ringleaders” in the protests.

Fifty-eight detainees are already being held in Lorengau jail by Papua New Guinea police. It is unclear whether they have been, or will be, charged with any offence.

In Mike compound, where the protest first started 14 days ago, men began eating late on Monday night. But detainees in Foxtrot said they would continue their protest.

“They took everything which belonged to the hunger-strikers which include all fans and sheets, and personal property. At the moment we have laid on the concrete ground without any blanket or sheet under us and it is very hot.

“They are trying to break our peaceful hunger strike but we will continue our way which ends to our goal that is freedom,” one detainee said on Monday.

One of the first six men released from Manus Island detention centre to live in the community in nearby Lorengau has told the ABC he is pleased to be out of detention, and says he is happy living “outside” in PNG.

“After a long time living in detention, around 18 months, absolutely I am very, very happy that I could leave [the detention centre],” Iranian Reza Mollaghipour said.

More than 50 men have been granted refugee status, but many have said they will refuse to be moved to the brand-new \$138m Australian-built Refugee Transit Centre, designed as temporary accommodation before refugees are moved to other places in PNG.

Australia has warned detainees they will be forcibly removed to the transit centre if they resist. The detainees argue they will not be safe living in the community – citing previous violence between local staff and detainees – but locals argue reports of tension are overblown.

In both of Australia’s foreign offshore detention centres, detainees were acutely aware of Australia Day and held protests to mark the occasion.

On Manus, where more than 1,000 men are held, detainees made a sign wishing Australians “Happy Australia Day ... and wishes of happiness, prosperity, and enjoyment of freedom”.

On Nauru, where 760 adults and 135 children are held in detention, asylum seekers staged a protest, holding up signs reading “how many deaths does it take till you know that the people are dying at offshore detentions” and “stop using people for policies”.

<http://www.theguardian.com/australia-news/2015/jan/27/manus-island-hunger-strike-continues-as-six-refugees-released-into-community>

25. Manus Island asylum seekers declare end to two-week long hunger strike

At least 60 detainees are being held at Lorengau jail after being arrested during the protest as the PNG prime minister says ‘issues’ on Manus have been resolved

The Guardian
Ben Doherty
Tuesday 27 January 2015 18.58 AEST

Detainees on Manus Island have declared a two-week long hunger strike over.

Up to 700 men were refusing all food and fluid at the height of the protest, but several sources on the island confirmed that almost all men had resumed eating now.

Several men remain under medical supervision for acts of self-harm, at least four swallowed razor blades during the protest, while others collapsed from dehydration during the protest and were taken into medical care.

“The hunger strike is over in Manus,” a detainee told Guardian Australia on Tuesday.

The protest ended peacefully, but at least 60 men – alleged to be “ringleaders” in the protest or men who have been communicating with the outside world – are being held at nearby Lorengau jail, while the whereabouts of several other

detainees is unclear.

It's believed some are being held in Chauka – the secret solitary confinement unit of the Australian-run detention centre – while others are elsewhere within the detention centre.

The protest began on 13 December, when more than 100 men in Mike compound refused all food, and more than 15 sewed their lips together. They were protesting about conditions in detention, the length of time their refugee assessments were taking (some have been in detention more than 18 months) and plans to forcibly resettle them in PNG. Some asked to be handed over to the United Nations.

The protest quickly spread to other compounds, but, for two days, the federal government denied any hunger strike was occurring.

As the hunger strike spread, extra security and medical staff were rostered on, with authorities anxious to avoid a repeat of the violence of February 2014, when riots across the compounds saw 70 detainees injured and one killed as PNG police and local workers invaded the centre and allegedly attacked detainees.

The protest was de-escalated without loss of life this time, but some of those arrested allege they were beaten by guards and police.

Detention centre guards, dressed in riot gear, forcibly broke down a barricade in Delta compound and arrested alleged protest ringleaders last week.

The PNG and Australian governments deny any excessive force was used, immigration minister Peter Dutton saying a “degree of force was used ... that’s appropriate”.

A final flurry of arrests on Tuesday morning, and the confiscation of fans, sheets, and other personal property, appears to have ended the will of protesters to continue.

Mobile phones were also seized by guards, despite Transfield’s guarantee detainees would “be able to communicate freely with family, friends, diplomatic or consular representatives, and other representatives”.

Meanwhile, one of the first six men released from Manus Island detention centre to live in the community in nearby Lorengau has told the ABC he is pleased to be out of detention, and says he is happy living “outside” in PNG.

“After a long time living in detention, around 18 months, absolutely I am very, very happy that I could leave [the detention centre],” Iranian Reza Mollaghipour said.

More than 50 men have been granted refugee status, but many have said they will refuse to be moved to the brand-new \$138m Australian-built Refugee Transit Centre, designed as temporary accommodation before refugees are moved to other places in PNG.

Australia has warned detainees they will be forcibly removed to the transit centre if they resist. The detainees argue they will not be safe living in the community – citing previous violence between local staff and detainees – but locals argue reports of tension are overblown.

PNG prime minister Peter O’Neill met with his Australian counterpart Tony Abbott in Canberra on Monday and said the “issues” on Manus Island had been resolved.

“The Papua New Guinea government and the officials have exerted control over the processing centre and as a result normalcy has returned,” he said.

O’Neill said the deal his government had struck to resettle refugees from Australia was “a good initiative ... as a result we can see a genuine desire for resettlement in PNG”.

“Those who are deemed not to be a genuine refugee will be sent back to their respective countries,” he added.

O’Neill said his government officials had already begun discussions with governments of countries of origin, in preparation for sending people back.

<http://www.theguardian.com/australia-news/2015/jan/27/manus-island-asylum-seekers-end-hunger-strike>

26. Manus Island refugee looking forward to settling in PNG

Refugee released from Manus Island Detention Centre, Reza Mollaghipour, says he is happy to settle in PNG

By PNG correspondent Liam Cochrane
Posted Tue 27 Jan 2015, 4:44am Tue 27 Jan 2015, 4:44am

One of the first refugees to be released from the Manus Island detention centre says he is happy to be free and is keen to contribute to Papua New Guinean society.

Reza Mollaghipour is a 38-year-old civil engineer from Iran who has been granted refugee status by Papua New Guinea's government.

On January 21, Mr Mollaghipour and a Pakistani man left behind the protests that had unsettled the detention centre for a week, taking a step towards eventual permanent resettlement in PNG.

The ABC spoke to Mr Mollaghipour as he wandered around the Lorengau market, looking at sea turtles, coconut products and traditional woven baskets.

"After a long time living in detention, around 18 months, absolutely I am very very happy that I could leave there [the detention centre]," Mr Mollaghipour said.

"You can see I'm walking around here without any [security] officers, without anything, I'm alone," he said, smiling.

Comfortable transit facility for refugees

A total of six refugees have moved into the brand new \$137 million accommodation complex next to a school on the outskirts of Lorengau town.

They include three Iranians, two Pakistanis and an Afghan man, with more transfers expected as word spreads about the comfortable housing and freedom of movement.

"Yesterday we had some more people here for visiting and they also decide to come," said Mr Mollaghipour.

"We can say that we have real living in there ... Australian immigration and PNG immigration really help us.

"This place [the East Lorengau transit facility] is very different with our last place and I'm really, really happy to live there and I don't have any problems."

Local residents have told the ABC the accusations of tensions between them and the asylum seekers have been exaggerated.

Security guards and former guards at the detention centre said they felt sorry for the majority of the detainees and considered them brothers.

"People in Manus maybe they want these refugees to stay with us because we need them to stay with us to develop our province or our country in Papua New Guinea," said one man, who works at the centre and chatted to Mr Mollaghipour as they walked through the market.

Others spoke of smuggling in special food for asylum seekers and criticised the strictness of expatriate guards.

Mollaghipour urges protesters 'to think'

When asked his opinion about the current protests and hunger strikes at the Australian-run detention centre, Mr Mollaghipour struggled to fully express himself in English and tried to be diplomatic.

"I cannot say they are right or they aren't right but the majority of people from there don't have any purpose, unfortunately."

"I cannot say that I refuse [disagree with] them or I accept them, but in my understanding they never do that and they have to really think."

"I hope they can really think," he said.

For two weeks now, hundreds of asylum seekers have protested against plans to move refugees to the East Lorengau.

Some asylum seekers are demanding that they go to Australia or be handed over to the United Nations for resettlement in a country other than Papua New Guinea.

It is not clear how many asylum seekers willingly participate in the protests, with reports from people inside the centre of bullying by the stronger, more vocal detainees.

The PNG police are detaining 58 so-called "agitators" at the Lorengau provincial jail and police cells.

It is not clear if they have been charged, and local media is reporting 14 men will be transferred to a section of the Bomana prison complex in Port Moresby currently used for "reformed prisoners".

"The people in Lorengau have been arbitrarily jailed to try and break the mass protest," said Ian Rintoul, spokesman for the Australia-based Refugee Action Coalition.

"It seems very clear that detaining the asylum seekers with no charge violates the PNG constitution," he added.

Police said a search of Delta and Oscar compounds – following a three-day blockade - found weapons, stockpiles of food and mobile phones.

Governments give asylum seekers option to 'stay or go'

The PNG and Australian governments have been firm in saying the only options for asylum seekers on Manus Island are to return to their home country or resettle in Papua New Guinea.

At least 50 men have been granted refugee status by the PNG government, including a human resources manager and a jeweller.

The refugees will not settle permanently on Manus Island but will study the country's main language and complex cultures while they wait for a job opportunity in another province.

Mr Mollaghipour is eager to put his skills as a civil engineer to use.

"I hope I will be one useful person for this country," he said.

<http://www.abc.net.au/news/2015-01-27/first-refugee-released-from-detention-explores-manus-island/6046602>

27. Most asylum seekers 'economic opportunists' says PNG Prime Minister

The Age
January 27, 2015
Nick Toscano

Papua New Guinea's government believes most asylum seekers being held on Manus Island are economic opportunists whose protection claims will be rejected.

As the first six Manus Island refugees move into transitional housing ahead of resettlement, PNG Prime Minister Peter O'Neill said the majority of those still in detention were not "genuine" asylum seekers and confirmed a "substantial number" would be sent home within weeks.

Mr O'Neill told the ABC that last week's riots at the Manus Island detention centre were fuelled by many detainees' anger at drawn-out processing periods and PNG immigration officials' demands for documents they did not possess.

"Many of our officials are frustrated by a lack of documentation," Mr O'Neill said on the ABC's 7.30 program.

"It is our belief that most of the refugees are not genuine ... I think many of them are just after economic opportunities that Australia and other countries offer to them and that is why they are seeking refugee status."

He said there would be "very small numbers" of other asylum seekers who would be granted refugee status in PNG.

Under questioning from host Leigh Sales about the grounds for determining most detainees did not have legitimate claims, Mr O'Neill said immigration officials were liaising with the governments of asylum seekers' home countries such as Iraq and Iran.

"How can you trust the government of Iran to tell you truthfully if somebody is likely to face persecution when they return home?" Sales asked.

Mr O'Neill said he was "hopeful" that other governments cared about their citizens and would "try and do what is best".

Tensions boiled over on Manus Island earlier this month when as many as 600 detainees launched a hunger strike.

Almost 60 asylum seekers from Somalia, Iran and Sudan were arrested by PNG police during the unrest. The PNG government also confirmed that a number of men had swallowed razor blades, stitched their lips together and had swallowed washing powder.

28. Greens criticise Papua New Guinea's plans to repatriate Manus Island asylum seekers

ABC News Online

By PNG correspondent Liam Cochrane

Posted Wed 28 Jan 2015, 3:25pm

The Australian Greens party has criticised Papua New Guinea's plans to repatriate a "substantial number" of asylum seekers currently detained on Manus Island.

In an interview with the ABC's 7:30 program last night, PNG prime minister Peter O'Neill said most of the 1,035 asylum seekers detained on Manus Island were economic migrants and would be returned to their home countries.

"I think many of them are just out there trying to have economic opportunities that Australia and other countries offer to them," Mr O'Neill said.

"We have already started talking with their representatives here in Canberra and we are asking those governments to facilitate the transfer of these people."

Mr O'Neill was asked how PNG could trust the Iranian government to truthfully assess whether an asylum seeker who had fled Iran would face persecution on his or her forced return.

"I'm hoping that we all care about our citizens and they will care about the people who are in this predicament and we will all try and do the best for these people," he said.

The Greens said the comments were extremely concerning.

"Forcefully returning refugees to danger is a death sentence and, if it is allowed to go ahead, many lives will be lost," Greens senator Sarah Hanson-Young said.

"The asylum claims haven't even been processed yet, but the PNG government has already decided to deport everyone to danger in coming weeks."

Immigration Minister Peter Dutton said the talks with Iran and Iraq were an issue for PNG and rejected the idea that asylum seekers would be forced to return home.

At least 50 men on Manus Island have been granted refugee status and six of those refugees have moved to a transit facility to wait for permanent resettlement in another province of PNG.

Mr O'Neill said he expected only "very small numbers" of asylum seekers to be deemed refugees and the rest would be returned "within weeks".

However, previous timelines given by the PNG government for immigration processing have not been met.

Mr O'Neill blamed the slow processing of refugee applications on asylum seekers not having documents and not being forthcoming with information.

"We are now trying to work with some of their governments, from where they come from like Iraq and Iran, but as you know sometimes getting information out of those countries is not an easy task," Mr O'Neill said.

He said PNG officials were working with Australian government agencies on processing the asylum applications of those on Manus Island.

Mr O'Neill was in Australia on Tuesday to meet with Prime Minister Tony Abbott.

<http://www.abc.net.au/news/2015-01-28/greens-criticise-pngs-plans-to-repatriate-asylum-seekers/6052826>

29. UN questions PNG's plans to return asylum seekers, says lives are at risk in Iraq, Iran

ABC News Online

By Papua New Guinea correspondent Liam Cochrane

First posted Fri 30 Jan 2015, 7:27am

Updated Fri 30 Jan 2015, 7:30am

The United Nations High Commission for Refugees (UNHCR) has questioned Papua New Guinea's plans to send back asylum seekers currently detained on Manus Island.

This week PNG's prime minister Peter O'Neill told the ABC he believed most of the 1,035 asylum seekers at the Manus Regional Processing Centre were not genuine refugees and would be sent home "within weeks".

Mr O'Neill said talks were underway with Iran and Iraq to return the men home.

"I'm hoping ... [Iran] will care about the people who are in this predicament and we will all try and do the best for these people," he said.

More than 100 men have received answers to their asylum applications, but it was not clear how many asylum seekers had completed the refugee status determination process.

"Asylum seekers and refugees should not be forcibly sent back to a place where their lives are at risk," said Babar Baloch, a spokesman for the UNHCR based in Geneva.

"This act would be against the principle of non-refoulement [no forced return] under the customary international law," he said.

"UNHCR advocates that asylum seekers should be given access to a full and efficient refugee status determination process."

Asylum seekers 'deserve better than squalor, risk of violence'

The organisation Human Rights Watch (HRW) was critical of Australia and Papua New Guinea in its World Report 2015, released yesterday.

"Asylum seekers on Manus Island deserve better than to be locked up in squalor and at risk of violence," Australian HRW director Elaine Pearson said.

"Both Papua New Guinea and Australia are clearly failing in their commitment to provide safe and humane conditions for asylum seekers.

"Facilities on Manus Island are overcrowded and dirty, and asylum claims are not processed in a fair, transparent, or expedient manner, contributing to detainees' physical and mental health problems."

Six refugees have left the Australian-run detention centre and moved to a transit facility elsewhere on Manus Island to wait for an employment opportunity.

Three men were from Iran, two from Pakistan and one was from Afghanistan.

Papua New Guinea does not have a detailed policy for resettling refugees or a welfare system.

The country's immigration minister has announced plans to grant 12-month visas to refugees and help them find employment, but it was not clear what, if any, further support might be offered.

An estimated 10,000 asylum seekers and refugees who fled Indonesian control in Papua and West Papuan provinces have spent decades in PNG without being permanently resettled.

With no legal status for seeking employment, many lived in poverty and were at constant risk of eviction and violence from police.

<http://www.abc.net.au/news/2015-01-30/un-questions-return-of-asylum-seekers-from-manus-island/6056752>

30. MEDIA RELEASE: Moving message as Manus reprisal raids continue

MOVING MESSAGE AS MANUS REPRISAL RAIDS CONTINUE

REPRISAL RAIDS CONTINUE THE BRUTALITY ON MANUS ISLAND

Friday January 30, 2015
Refugee Action Coalition
www.refugeeaction.org.au
Ian Rintoul
mobile 0417 275 713

Wilson security guards have again carried out reprisal raids on asylum seekers in Mike and Oscar compounds this (Friday, 30 Jan) morning.

Increasingly Manus resembles a prison camp with arbitrary raids, threats against individuals remaining on hunger strike, and the arbitrary kidnapping of anyone thought to be 'of interest'.

"It is obvious that the Immigration department is desperate to silence the voices of the asylum seekers and stop the truth getting out of Manus. The photos and testimonies have exposed the brutality of Manus Island to the Australian public and to the world," said Ian Rintoul.

"The tactic of silencing the critics is typical of the dictatorships from which the asylum seekers are fleeing. Freedom of speech is reserved for the Minister of Immigration."

Mike compound was also raided yesterday (ie Thursday, 29 Jan) morning. "Aussie" guards with a handful of PNG police in support occupied the compound for five hours, systematically going from room to room, while the asylum seekers were corralled in the mess area.

More than 20 mobile phones were confiscated during the raid on Mike compound. One asylum seeker was "taken away", presumably to Chauka or Charlie compounds where up to 35 people are being held in isolation.

The immigration minister, Peter Dutton, says that Wilson's are confiscating "contraband". It begs the question of why mobile phones are "contraband".

But in Mike compound on Thursday, the raid also removed large amounts of personal items -- clothes, mp3 players, nail clippers, washing powder, sheets, blankets. Political banners were confiscated and asylum seekers warned not to make more banners and to keep away from the perimeter fences, on pain of arrest.

Meanwhile, in the aftermath of the ending of the mass hunger strike, a "message to the Australian people" (translation attached) has been released from the Manus Island detainees. In part it reads, "More than 900 people, 900 heroes, carried out the biggest hunger strike in history to deliver their oppressed voices to the ears of the whole world.

Fourteen days of struggle between the tyrant and the oppressed, between right and wrong, between the rich and the poor, ended today on 27th January. More than anything it showed the will power and determination of an oppressed collection of people, every single one of whom has fled from the tyrannies of their own countries and sought refuge in the free country of Australia."

CONCERN FOR THOSE IN JAIL

Concern is also growing for the welfare of the 60 people in Lorengau jail. The sixty are being held in the one crowded area.

Two asylum seekers who have swallowed razor blades in prison have not received medical attention. Lorengau hospital has refused treatment saying that the asylum seekers are not their responsibility.

For more information contact Ian Rintoul mob 0417 275 713

Message from Manus Island:

To the respected people of Australia.

Thirsty Manus has been quenched after 14 days. To all those who care about freedom and human rights, may you hear our message from Manus, a place that bears so much similarity to Guantanamo prison and has become known as the Australian Guantanamo. More than 900 people, 900 heroes, carried out the biggest hunger strike in history to deliver their oppressed voices to the ears of the whole world.

Fourteen days of struggle between the tyrant and the oppressed, between right and wrong, between the rich and the poor, was ended today on 27th January. More than anything it showed the will power and determination of an oppressed collection of people, every single one of whom has fled from the tyrannies of their own countries and sought refuge in the free country of Australia. But alas, today Australia shows no signs of a country with a commitment to human rights.

Respected people of Australia, what the Liberal government told you during the last 14 days was nothing but lies. Just as before, our movement was peaceful, free from any sort of violence and we believe in discussion and discourse in order to solve our problems. To our astonishment, different groups of Australian people and institutions, including the High Court, have chosen silence in the name of the national interest.

This unequal struggle finished today, while the United Nations failed to show any support. The great achievement of this movement was to send the message of freedom to the people of the world: the freedom that up to now, for us, has been only a dream.

But we are hopeful that with the help of different groups of Australian people - human rights institutions, lawyers, journalists and the media, refugee supporters, politicians and political parties, including the Greens, the Nationals, the Palmer United Party, the Labor Party and all of those from the Liberal Party - who still have a sense of humanity and are concerned about Australia's future, we can celebrate this old dream together, in the not too distant future.

To conclude, we would like to thank and show our appreciation for the help, support and sympathy of all the people in Australia, and other parts of the world, who stood by us and supported us during this time in every possible way. Your support and sympathy encouraged us and doubled our strength when going through this very rough and difficult path.

Viva freedom

31. Shipment of 'Freedom' brand muesli bars worth \$30,000 rejected by Manus Island detention centre operators

ABC News Online

First posted Fri 30 Jan 2015, 9:31am

Updated Fri 30 Jan 2015, 10:10am

The company running the Manus Island detention centre has refused a large shipment of "Freedom" muesli bars because the brand was thought inappropriate to give to asylum seekers who were locked up.

The ABC understands the \$30,000 shipment of muesli bars arrived at the Manus Island centre about two weeks ago after a contractor was specifically asked to buy the brand.

But after they arrived the centre's operator, Transfield Services, refused to accept the shipment.

The ABC has been told the decision came after the Australia's Department of Immigration and Border Protection intervened, which the department has denied.

Despite being briefed on the matter the department initially refused to discuss the situation when contacted by the ABC but in a statement later said the decision for where to get food was up to PNG authorities and service provider Transfield Services.

"The sourcing of food provided to transferees is a matter for the service provider and for the Papua New Guinea authorities responsible for the Manus Regional Processing Centre," the department said in a statement.

Those close to the issue have said that the bars, produced by the Sydney-based Freedom Foods, were not allowed to be given to the detainees because they were considered inappropriate for people who are locked in the detention centre, sometimes without any clear release date.

Conditions in the Manus Island centre have been in the spotlight recently, with a report earlier this month saying as many as 700 detainees were on hunger strike and up to 14 people had sewn their lips together.

In December there were 1,035 asylum seekers housed in the Manus Island centre.

Last year Transfield Services was given a \$1.22 billion contract to run the Manus Island and Nauru detention centres for 20 months.

Transfield also runs Australia's defence bases, and is believed to be considering distributing the bars via its Australian operation.

Living conditions in Australia's offshore detention centres have been criticised by the United Nations High Commissioner for Refugees.

Transfield Services was contacted by the ABC but referred the matter to the Department of Immigration and Border Protection.

Freedom Foods marketing manager Rebecca Carson said she was surprised by the events.

"Certainly we are disappointed that people there don't get to enjoy our product," Ms Carson said.

"I understand the bars will be distributed elsewhere, so they won't go to waste."

<http://www.abc.net.au/news/2015-01-30/freedom-muesli-bars-rejected-by-manus-island-detention-centre/6057430>

32. Asylum seekers forcibly removed from Darwin detention in middle of the night

Four men were suddenly returned to detention centres on Manus Island and Nauru after being brought to Australia for medical treatment

The Guardian
Helen Davidson in Darwin
Sunday 25 January 2015 16.58 AEST

Four asylum seekers have been forcibly removed from a Darwin detention centre where they were receiving medical treatment, and returned to Manus Island and Nauru in the middle of the night.

The men had been brought over from Manus Island and Nauru for medical treatment but their level of recovery before being returned is not known. It is believed one man suffers chronic pancreatitis.

Two asylum seekers were returned to Nauru and two to Manus Island. Guardian Australia has had the removal confirmed by separate sources, but multiple calls over several days to the office of immigration minister Peter Dutton have not been returned.

It is understood at least one detainee was able to alert advocates on Friday that he had been called for an impromptu meeting with his case officer – roundly considered a signal that he will be put on a flight that night and sent to the offshore facilities, often with no opportunity to contact legal representatives. The forced removals have occurred several times over recent months according to advocates.

Guardian Australia was told a man returned to Papua New Guinea two weeks ago had a medical condition which meant he could require immediate emergency care at some point. It's not known if he has been returned to the Manus Island facility or is being housed in Port Moresby.

Greens senator Sarah Hanson-Young said Manus Island "is in the midst of a humanitarian crisis" and no one else should be sent there.

"These four people had been sent to mainland Australia because of medical concerns, none of them deserve to be sent back to the hellholes of detention on Manus or Nauru," she told Guardian Australia.

"These offshore detention camps are making people sick. They are dangerous and inhumane and must be closed."

Darwin-based lawyer John Lawrence, who has been representing an Iranian man, referred to as Martin, who has been on hunger strike for more than two months, told Guardian Australia the forced removals are "typical of the arbitrary nature which this department deals with human beings".

Lawrence also described the transfers to Manus Island as "lunacy" considering the volatile current environment after protests saw more than 500 detainees refuse food and water, some sewing their lips together, others swallowing razor blades.

Fifty-eight detainees were forcibly removed from the facility by security and allege they were beaten. The men are now being housed in a windowless cell, despite facing no charges.

Both the Australian and PNG governments have denied using improper force.

Guardian Australia was also told some men – including two who allegedly witnessed the murder of Reza Barati during unrest in February – were placed in solitary confinement.

At least 15 more Iranian detainees inside Darwin's Wickham Point detention centre have embarked on hunger strike protests in the last two weeks. They have all been refused refugee status but cannot be sent back as Iran will not accept involuntary returns.

"The only choice left to him is to go back voluntarily and he's steadfastly refused to do that for the same reasons as [Martin]," Lawrence said of one 28-year-old detainee he had spoken with.

Calls to Dutton's office about the hunger-striking detainees have also gone unanswered.

<http://www.theguardian.com/australia-news/2015/jan/25/asylum-seekers-forcibly-removed-from-darwin-detention-in-middle-of-the-night>