

Project SafeCom News and Updates

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1. Preventing political advocacy by environment groups an 'attack on democracy'

The Age
May 18, 2015 - 8:34PM
Heath Aston

Any move by the Coalition to narrow the definition of what constitutes an "environmental organisation" – and strip them of their charitable status as a result - would represent an "attack on Australian democracy", legal experts have warned.

Donors to 600 Australian environment groups, including Greenpeace and the World Wide Fund for Nature (WWF), face losing the right to deduct donations from their tax as a parliamentary committee investigates the register of organisations administered by the federal environment department.

Campaigners believe the inquiry is being driven by the mining industry. It was announced in March after a number of state-based Minerals Councils began publicly agitating for the charity status of environment groups to be revoked following effective campaigns against threats to the Great Barrier Reef, the coal seam gas industry and Queensland's mega expansion of coal mining.

They believe there is a political edge to the inquiry because the government has chosen to focus on the estimated \$90 million returned to individuals for donations to environment groups rather than the \$1.6 billion in deductions associated with churches and the big welfare charities and aid agencies.

The inquiry, chaired by Liberal backbencher Alex Hawke, will assess whether environment organisations focus on "on-ground" activities or political advocacy and whether they should retain "deductible gift recipient [DGR] status".

Legal academics have raised concerns around freedom of speech and the likelihood of a High Court challenge if the government tried to dictate that groups stick to "on-ground" activities and stay out of the political sphere as the cost of retaining their charitable status.

In a submission to the inquiry, six members of Adelaide University's law school said any legislative change that weakens debate about matters of public importance "has the potential to weaken Australian democracy".

"This participation has already been weakened after federal funding cuts to state and territory conservation councils and Environmental Defenders Offices," they said.

"A definition that excluded groups engaging in political debate from the environmental register – and, thus, from DGR status – would arguably place a burden on the freedom of political communication. It would do so by removing one incentive to make donations and thus depriving those organisations of funds they would otherwise be able to use for their political advocacy activities.

"We believe narrowing the definition of 'environmental organisation' to exclude groups engaging in political debate would not only be bad policy, but would also run the risk of constitutional invalidity.

"If activities are broadly within the public good, we submit the government ought not to discriminate between them on the basis of their perceived benefit, regardless of whether they align with the government's own beliefs of what is in the public good.

Thousands of submissions from the big miners down to local grassroots environment groups and their supporters are expected.

In a speech in February, Michael Roche, chief executive of the Queensland Resources Council, questioned why the "Fight for the Reef" campaign could afford TV advertising during last year's state-of-origin series.

"The top dozen activist groups – 11 of which have tax deductible status – have an estimated 476 staff. Their annual revenues total almost \$90 million. They are combining these resources to go up against fossil fuels," he told a dinner hosted by the Australian Pipeline Industry Association.

"As we know in Queensland, the Great Barrier Reef is being used as a stalking horse ... Activists are misrepresenting the threats to the reef from shipping and ports – ignoring in the main the scientifically documented pressures from crown of thorns starfish, poor water quality, bleaching and storms – which we can expect are doing more damage right now.

"The whole aim of this campaign and others is to pressure governments into making coal and gas exports from Queensland uneconomic. Remember, for the activists it's all about incremental gain."

Prime Minister Tony Abbott's conservative counterpart in Canada Stephen Harper has launched special tax audits on environmental groups and recently widened that to other aid organisations. He has been accused of "bullying tactics" and trying to silence criticism of the energy sector.

Russia, China and India have passed laws to silence opposition to mining and energy developments.

<http://www.theage.com.au/federal-politics/political-news/preventing-political-advocacy-by-environment-groups-an-attack-on-democracy-20150518-gh4dak.html>

2. NT News: ASRC CEO and founder Kon Karapanagiotidis has saved many lives

KYLIE STEVENSON

NT News

May 20, 2015 1:11PM

KON Karapanagiotidis has saved lives. Many of them, in fact. Thousands of vulnerable people have walked through his doors seeking help, some barely clinging to life, about to give up.

Karapanagiotidis has offered them his care and compassion, his practical advice and assistance.

He's been their voice with an enthusiasm to make the late Steve Irwin blush.

He's helped the afraid feel safer; the weak feel stronger; the powerless powerful.

Yet the OAM recipient says he receives hate mail by the inbox-full.

Some threaten his life. Some say they hope his family members are raped. Some suggest he deserves to be beheaded.

All because the people who he helps are asylum seekers.

The CEO and founder of the Asylum Seeker Resource Centre (ASRC) in Melbourne was in Darwin this week to meet with advocates, lawyers and the general public.

Karapanagiotidis's talk at the Trailer Boat Club at Fannie Bay on Thursday night drew a fair crowd. It was even hen-bombed by a bride-to-be and her sashed friends at the neighbouring tables. His impassioned speech could not be overpowered, not even by a group of raucous Territory women.

"I'm deeply shocked by what I am hearing and seeing here in Darwin," he said of his meetings with refugee advocates.

More than 700 people are being held at Darwin's Wickham Point Detention Centre – 45 of them are children.

"Legally, economically and morally, what Australia is doing now is indefensible."

Humble beginnings

Karapanagiotidis, a lawyer, social worker and teacher, started the ASRC in 2001 with some of his students. Their plan was to welcome and assist their city's most vulnerable new arrivals.

Their \$500 budget may have been lean, but their hearts were full of hope.

Growing up in country Victoria as the son of Greek migrants, Karapanagiotidis says he was exposed to racism and intolerance from a young age.

He says he and his family, after a lifetime in this country, still fall victim to racism.

"Even now my mum will be walking down the street, speaking in Greek and someone will come up to her and say 'speak English, this is Australia'. She just says to them, 'This is my country as much as yours. And I've raised two sons to be lawyers, what have you done?'"

The ASRC has since trained and mobilised hundreds of volunteers and 32 paid staff to provide more than 10,000 asylum seekers with free assistance worth more than \$200 million.

The organisation runs 30 programs designed to help asylum seekers with everything from job training to food aid, medical problems to legal issues. It doesn't accept money from the government on principle, so is funded through private donations.

Despite the centre's rapid ascent – they have outgrown several premises – indicating they have strong community support, Karapanagiotidis describes the current state of affairs regarding asylum seekers as "the worst it's been in 20 years".

"We have politicised and demonised humanitarian issues," he says. "We have created a space where you can be racist and intolerant, and that's considered being a patriotic Australian."

His points of complaint are plenty: children in detention; conditions in detention centres, particularly those offshore; length of time in detention; offloading people to impoverished countries like Cambodia; the inhumanity and illegality of turning back boats; freed asylum seekers' lack of rights, particularly to work; cuts to foreign aid and a stagnation in the number of refugees Australia accepts; the immorality of sending people back to countries where their lives are under threat.

Over a 30-minute interview, he rattles these off, and more with relating stats, without pausing for breath.

Particularly poignant is Australia has settled 69,000 refugees in the last 39 years. Turkey has taken more than one million refugees in the past 39 days.

Time for change

Despite the polarising effect this issue has, Karapanagiotidis is determined to change the narrative around asylum seekers and acknowledge the positive contributions they could make if given the opportunity.

"Darwin is the perfect example," he says. "What's Darwin without multiculturalism? It'd be dead tomorrow."

He knows the shift in attitude is a steep mountain to climb, particularly given he is up against the government, which he is not adequately armed to take on in a fair fight.

"When Scott Morrison was immigration minister, he had 94 full-time PR people. At the ASRC, we have only just hired our first PR person," he said.

There's no denying the Government's reach is far greater. Their "stop the boats" message is in constant surround sound. But Karapanagiotidis says the policy of turning back boats is not solving the problem and is still putting many lives at risk.

"They say they've stopped the drownings, they've stopped the boats. But what they're really saying is 'go die somewhere else'. Don't die in our waters where the Australian conscience will be challenged."

And what would that change in conscience look like if Karapanagiotidis and his colleagues succeed in their mission?

"We would be in a country that welcomes people who seek asylum and be proud of that. Those people would be allowed to thrive and fulfil their potential and build our country."

Despite being spammed daily with hate, Karapanagiotidis says he still has hope that Australians will open their hearts to those who've come across the sea.

"I won't stop believing the best of Australians," he says.

"Most are decent, compassionate people.

"We are not going to foreclose on hope."

<http://www.ntnews.com.au/news/northern-territory/asylum-seeker-resource-centre-asrc-ceo-and-founder-kon-karapangiotidis-has-saved-many-lives/story-fnk0b1zt-1227361471916>

3. Human Rights Commissioner Gillian Triggs: 'I'm not going anywhere' message for government

Canberra Times
May 20, 2015 - 9:56AM
Noel Towell

Australian Human Rights Commissioner Professor Gillian Triggs has sent a defiant message to her critics in the Abbott government: she is not going anywhere.

Professor Triggs told a conference in Canberra on Tuesday she was determined to see out her five-year appointment, despite the "horrifying" experience of her clash with the government over asylum-seeker children.

She said the political backlash against her inquiry into children in detention was the lowest point of her 47-year legal career but she was determined to see her five-year term as commissioner through.

But speaking at the "She Leads" conference for female leaders organised by the YWCA of Canberra, Professor Triggs warned women in public sector leadership roles of the dangers of failing to consider politics when making big decisions.

The commissioner was at the centre of a political storm early in 2015 when Prime Minister Tony Abbott and Attorney-General George Brandis accused her of orchestrating a stitch-up over children in detention and said she had lost the confidence of the Australian people over some of her other decisions.

The row intensified when Professor Triggs said the secretary of Senator Brandis' department offered her an inducement to resign and the commissioner was targeted for personal attacks by the right wing press.

Although she conceded to some naivety in stepping into such a politically charged arena, Professor Triggs insisted she was doing her job when she launched the inquiry.

"My job does include the right to inquire into acts and practices, including those of the Commonwealth government," she said.

"Now, no human rights commission in the world could have turned its back on the number of children held in prolonged and indefinite and mandatory detention as asylum seekers.

"So as far as I was concerned I was simply doing my job according to the law.

"But what I didn't realise was that I forgot about the politics."

The commissioner said she had found herself in a horrifying position in the wake of the report but that she had no intention of resigning her position.

"It was horrifying for someone who has been a practising barrister and solicitor for 47 years to suddenly find they were in this kind of environment where allegations are made, attempts are made persuade for an alternative position and I'm unable because of my position to defend myself in any public way and was subject to eight hours of unremitting question by the Senate," she said.

"So it was an extraordinary experience and one which I think was the lowest point of my professional career.

"But it's one that I'm absolutely determined to manage my way through,

"Mercifully I'm protected by my position as a statutory officer by five-year provisions that guarantee [I] cannot be deposed for political reasons unless I'm bankrupt or commit a criminal offence."

<http://www.canberratimes.com.au/national/human-rights-commissioner-gillian-triggs-im-not-going-anywhere-message-for-government-20150519-gh59xn>

4. Savitri Taylor: Equal protection of the law?

Has Australia cut itself adrift from international law? Savitri Taylor looks at the implications of recent refugee-related legislation

Inside Story
Savitri Taylor
14 May 2015

Like it or not, Australia is subject to two legal systems. Our domestic law, which we can change at will, regulates conduct within Australia. Equally as important, international law enables countries to coexist and cooperate. In principle, the two legal systems should be in harmony. In practice, they can drift dangerously apart. Yet Australia's continued existence as a sovereign state depends on the international legal order, so we really have no option but to play by its rules.

From the perspective of our domestic legal system, international law is not directly binding and Australian parliaments are perfectly free to pass legislation that is inconsistent with our international legal obligations, so long as they make their intention to do so clear enough. But international law takes the position that countries can't defend breaches of their international legal obligations by saying that their conduct was permitted or even mandated under domestic law. This creates an impasse that can only be broken by Australians choosing to take the international legal system more seriously.

The problem is that almost every choice we have made about asylum seekers over the past twenty years has also been a choice to repudiate international law. For a long time, we denied this was so. But more recently we have ceased even to profess a commitment to the international legal system when it doesn't suit us.

Under the Maritime Powers Act, for example, Australian officials have a range of powers they can use to investigate and prevent breaches of Australian law. These include wide powers to detain and search vessels and the people on board, and to take them to a place within or outside Australia (anywhere, in other words). Since December 2014, the Act has also provided that any inconsistency with Australia's international legal obligations won't invalidate a use of the powers conferred by the Act. Similarly, the Migration Act now states that "an officer's duty to remove as soon as reasonably practicable an unlawful non-citizen under section 198 arises irrespective of whether there has been an assessment, according to law, of Australia's non-refoulement obligations" – our international obligations, that is – "in respect of the non-citizen."

Our legislation is also replete with more subtle repudiations of international law. For example, several detailed provisions introduced into the Migration Act last month together define which refugees are eligible for a protection visa. The definition bears some resemblance to the 1951 Refugee Convention and the 1967 Protocol definition of "refugee", but it doesn't correspond entirely with that definition as internationally understood.

When it suits us, though, we invoke international law against other governments. Prior to the execution of Andrew Chan and Myuran Sukumaran, for instance, Julie Bishop was reported to have asked Indonesia to submit to an International Court of Justice adjudication of whether the executions would be a breach of Indonesia's obligations under the International Covenant on Civil and Political Rights. By responding merely with silence, Indonesia showed remarkable restraint.

What distinguishes "liberal" democracies – of which Australia claims to be one – from "illiberal" ones is their adherence to the view that all individuals have fundamental moral rights, of which even a political majority cannot deprive them. In fact, the notion of universal human rights is a product of liberalism, so if Australia truly adheres to the liberal tradition then the human rights treaties to which we are party would simply be articulating rules we would be happy to abide by in any event.

We also claim that Australia is governed by the rule of law. Now, as lawyers are aware but politicians may not be, there is a distinction between "laws" and the "rule of law." At the heart of most "rule of law" theories is the idea that every action of government must be justified by pre-existing laws and that there must be a way of holding government to account for acting contrary to those laws. Most rule of law theories also incorporate a defence against arbitrary government action dressed up as law by requiring that laws must, as far as possible, be generally applicable.

Full story at <http://insidestory.org.au/equal-protection-of-the-law>

5. Asylum seekers no longer asked torture question during first encounter with Australian officials

The Age
May 21, 2015 - 6:28PM
Sarah Whyte, Bevan Shields

Asylum seekers will no longer be immediately asked by Australian officials if they have been tortured or suffer from trauma under new screening guidelines.

Documents lodged with the Senate have revealed the question was scrapped from the initial public health screening questionnaire in March.

It means asylum seekers will no longer be asked the question during their first contact with immigration officials and will instead have to wait until they proceed to another stage of screening.

Advocates fear it could also see asylum seekers potentially turned back to other countries before they have been given the option to formally declare themselves as victims of torture.

The 157 Tamil asylum seekers who were held on a Customs vessel for four weeks in 2014 were asked the question. Documents have revealed 107 people on board reported a history of torture and trauma and of those, 30 accepted torture and trauma counselling when they were eventually taken to Nauru.

Under the new system, the asylum seekers would not have been asked that question during their early encounters with immigration officials on the ship.

According to the Australian Human Rights Commission, the Department of Immigration and Border Protection's own manual on identifying and supporting torture and trauma victims noted people affected by post traumatic stress disorder - which is linked to abuse - should be in "less restrictive" community based detention and should have their refugee applications expedited.

The department has defended the decision and claimed the former Immigration Health Advisory Group (IHAG) recommended the question not be asked immediately.

"IHAG considered it was more appropriate to ask the question later in the health induction assessment, where more comprehensive mental health screening occurs," the department said in a written response to questions at a February Senate hearing.

But a former member of the group, Professor Louise Newman, recalled a different version of events.

"I think this is called the rewriting of history," said Professor Newman, who is the director of the Centre for Developmental Psychiatry and Psychology at Monash University.

"There was discussion about it and that decision would be against it. From my perspective, there was a political process going on and [some thought] that it was simpler not to get the [torture and trauma] information as there is a moral and ethical responsibility to respond to it."

Professor Newman described the decision as "political convenience".

The advisory group - with the exception of its chairman - was removed in December 2013.

But another former member, Professor Amanda Gordon from the University of Sydney, said the group had discussed the removal of the question to avoid immigration officials "ticking the box" on a sensitive topic.

"Most of the people who seek asylum are victims of torture and trauma," she said.

"Our concern was they [should] only be asked about it when it was emotionally safe."

The advisory group included 12 medical professionals, among them psychiatrists, psychologists and GPs with specialist knowledge about refugees.

In its recent report into alleged abuse in detention centres, the Australian Human Rights Commission quoted an assessment which found 251 adults who reported torture or trauma experienced high rates of 'trauma scores', with 38 per cent having a score indicative of a clinical diagnosis of post-traumatic stress disorder.

Some 6.4 per cent of the Australian population suffers from PTSD.

The director of the Human Rights Law Centre, Daniel Webb, said Australia "should never" return an asylum seeker without a thorough torture and trauma assessment.

"Yet that's precisely what the government refuses to do when secretly intercepting and returning people at sea," he said.

A spokesman for Immigration Minister Peter Dutton referred Fairfax Media to the department's Senate statements.

<http://www.theage.com.au/federal-politics/political-news/asylum-seekers-no-longer-asked-torture-question-during-first-encounter-with-australian-officials-20150521-gh6hu2.html>

6. How A New Immigration Law Will Help Hunt Whistleblowers

New Matilda

20 May 2015

By Somayra Ismailjee

A seemingly mundane bill passed by the senate last week could have serious implications for those trying to blow the whistle on the Department of Immigration, writes Somayra Ismailjee.

On Friday morning, the Australian Border Force Bill 2015 was passed through the senate. For anyone who isn't working in Customs, Immigration and Border Protection, it's not the most relevant piece of legislation. However, a latter part of the bill, focusing on secrecy and disclosure, has some interesting implications for the future of whistleblowing in this country.

So what's the bill all about anyway?

Put simply, the Australian Border Force Bill 2015 is a 56-page document instructing the operations and management of the Immigration and Border Protection Department, including the role of the Australian Border Force Commissioner, alcohol and prohibited drug testing procedure, exercise of powers, misconduct management, and secrecy and disclosure policy.

What impact will it have on whistleblowers?

Potentially, jail. Part 6 of the bill states that any "entrusted person" (defined as the Secretary, the Australian Border Force Commissioner, or any Immigration and Border Protection worker) will face a penalty of two years' imprisonment for recording, or disclosing, protected information.

Who exactly will this affect?

The term "Immigration and Border Protection worker" is broad in the bill.

Jargon aside, this means that any consultants and contractors to the department are inclusively at risk in addition to regular staff — as are other public servants and employees of the state who have, at any point, undertaken work for the department.

Why is this important?

The significance of these laws being enacted with specific regard to Customs, Immigration and Border Protection is that currently, this is a department where transparency is needed immensely.

Australia has a brutally hardline anti-asylum seeker approach. Refugees who arrive on our shores seeking asylum are dubbed “boat people” or “economic migrants” in political rhetoric and locked up in mandatory detention facilities — many of these offshore, where there have been known, reported and investigated cases of abuse, neglect and torture.

Much of this information came to light only through information provided by former Immigration staff including workers from the Salvation Army, one of the charities contracted to provide services on Manus Island. Nicola Judge and Simon Taylor, who had been stationed on the island, launched senate submissions after witnessing ongoing, vast mistreatment at the offshore detention centre.

The “secrecy and disclosure” provision of the Australian Border Force bill imposes restrictions threatening freedom of information. Under the new legislation, Judge and Taylor may have faced imprisonment for their disclosure had it been deemed “protected information.”

In the past, an anti-whistleblowing law was used to vilify Save the Children workers, who had brought attention to instances of child self-harm taking place within the detention centre on Nauru. Instead of the facility, it was the whistleblowers who were investigated at the time.

The Australian government’s attempt at constructing an oubliette of both physical and social isolation around asylum seekers is alarming. While we know that people are being grossly mistreated to an inhumane extent, the information is more than likely to be obstructed.

Nauru has recently imposed a ban on Facebook, concerning refugee advocates in Australia. Asylum seekers there had previously been able to use the social media site to communicate with the world outside, but no longer have this access.

A recent article by The Citizen reported that an increasing amount of Australian workers are seeking to reveal information about the conditions on Manus Island and Nauru, proving the Australian Border Force bill a timely addition to prevent this from happening — even more pertinent in days where the legality of Australian policy is being placed into question, and the wake of global humanitarian crises.

<https://newmatilda.com//2015/05/20/how-new-immigration-law-will-help-hunt-whistleblowers>

7. Refugees in Australia fear speaking out about asylum, ex-detainee says

Surgeon who fled Saddam Hussein’s regime says many former detainees ‘fear they will be persecuted’ if they speak publicly

The Guardian
Monica Tan
Thursday 21 May 2015 18.39 AEST

Many refugees who have settled in Australia are too afraid to speak out about the country’s treatment of refugees, with some fearful their immigration status would be jeopardised, surgeon and former refugee Munjed Al Muderis has told Guardian Australia.

Earlier Al Muderis shared his experiences at the Sydney Opera House on Thursday during the ideas festival TEDxSydney 2015. After fleeing war-torn Iraq, he spent 10 months at Curtin Detention Centre in Western Australia in 1999 before being granted refugee status.

Al Muderis said many of his colleagues who had also been in detention “have this fear they will be persecuted if they talk”. One colleague warned him against speaking to the media, saying it might jeopardise his immigration status.

He also acknowledged a feeling of shame existed in the refugee community because of a view perpetuated by the government that Australians don’t welcome refugees, and said another friend – a “high-profile radio frequency engineer” – kept his refugee history a secret.

Al Muderis said during his time in detention he was deemed a troublemaker after he attempted to expose the conditions of the camp to the public. He befriended a guard who helped him smuggle in a camera and wrote letters to Amnesty International calling for the Human Rights Commission to investigate.

“I was falsely accused of being a ringleader and inciting problems in the detention centre,” he said.

The former refugee said it was important the Australian public realise “not all refugees are sucking taxpayer money and living on the dole. It’s very important to know asylum seekers and refugees are human like any other. We’re a slice of society: there is the bad, good and ugly.

“And it’s our duty as a country to work on people who are bad, to make them good.”

He said detaining asylum seekers for long periods could have negative impacts on these individuals and that the Australian government was failing to meet its obligations under the Geneva conventions, particularly by detaining children.

"When they are released into the community – and some of them will be found to be genuine refugees and be released – the last thing you want is people acting against the system just because they were treated badly in detention centre."

He described arriving at the Curtin Detention Centre and having the number "982" drawn on his arm in permanent marker. "Our identity was completely stripped," said.

He was given a toothbrush, toothpaste, towel and a pair of thongs and said the department of immigration had not prepared for an influx of refugees. "We spent several months in Royal Airforce tents, sleeping on stretchers," he said. "I'm not whinging – the main thing was the fact that nobody asked me what my name was for several months."

In his TEDx talk, Al Muderis described himself as one of only three practitioners in the world of osseointegration technology, a pioneering medical practice which combines robotics with prosthetic limbs. "I serve disabled people by making them half human and half machine," he said.

Al Muderis fled Baghdad after he refused demands made by Saddam Hussein's regime that he along with his colleagues amputate the ears of army deserters. He faced possible execution for his refusal.

After flying to Kuala Lumpur, he enlisted the assistance of a smuggler who helped him reach Jakarta, Indonesia. From there he was "crammed with 165 people on a leaky boat" before arriving on Christmas Island, Australia.

He described his 10 months spent in the Curtin Detention Centre as "hell on earth".

<http://www.theguardian.com/world/2015/may/21/former-refugee-now-medical-pioneer-warns-against-detaining-asylum-seekers>

8. Royal commission into child sex abuse investigating Immigration Department

The Age
Sarah Whyte
May 21, 2015 - 12:52AM

The royal commission into child sex abuse has demanded immigration authorities hand over a series of documents in a move that could eventually widen to see Australia's detention centres become a target of the inquiry.

Documents obtained by Fairfax Media in response to questions about children in detention show the powerful commission has issued the Department of Immigration and Border Protection with formal "notices to produce", as well as other requests for information.

The department has "fully co-operated" with the requests as the commission begins the early stages of its investigation.

It is the first federal government department or agency to be examined by the sweeping national inquiry.

A recent string of damning revelations about sexual and physical abuse on Nauru, Manus Island, Christmas Island and mainland detention centres has raised concerns about Australia's care for minors held in the facilities.

But the commission has ruled out investigating any alleged child abuse on Nauru or Manus Island as both fall outside its jurisdictional powers.

In a letter to Greens senator Sarah Hanson-Young on May 7, the chairman of the commission, Justice Peter McClellan, confirmed "alleged child sexual abuse in Australia's immigration detention centres is currently being considered" by the commissioners.

"However, I can indicate that although detention centres on the Australian mainland or Australian territories are within the jurisdiction of a royal commission, the commission is of the view that it cannot investigate events that occur within another country," Justice McClellan wrote.

The royal commission – established by former prime minister Julia Gillard in 2012 – has the ability to investigate churches, charities, community organisations and government bodies. It also has the power to recommend criminal charges.

If the commission decided to hold a public hearing, former immigration ministers, immigration department officials and front-line staff could be called to give evidence. The hearing would focus on how the department responded to any abuse, as provided in victim statements.

A recent Australian Human Rights Commission inquiry uncovered 44 instances of children being sexually abused between January 2013 and July 2014.

The commission, led by Gillian Triggs, has referred the allegations to the royal commission after noting some "may come within the scope" of its terms of reference.

But fresh Department of Immigration and Border Protection evidence provided to the Senate shows an additional 28 alleged sexual abuse incidents involving children occurred in immigration detention facilities from February 2014 to February 2015.

In the same documents, the department confirmed the royal commission had requested information and that the Attorney-General's Department (AGD) would represent the Commonwealth if called to a hearing.

"In consultation with AGD, the department had fully co-operated with all requests by the royal commission to provide information," it said in a response provided to the Senate. "Information has been provided both in response to requests for information and formal notices to produce."

The written answer was provided after a Labor senator questioned immigration secretary Mike Pezzullo about his department's dealings with the royal commission over recent claims of child abuse in detention centres.

Mr Pezzullo told the February hearing he was aware the royal commission "is interested" in the abuse claims raised by the Human Rights Commission.

However, an immigration spokesman on Tuesday said the department was "not aware of any notice to produce relating to child abuse in immigration facilities".

"The department will continue to cooperate with any requests to the fullest extent possible," he said.

Requests to explain the apparent contradiction between the Senate documents and the spokesman's statement were not received prior to publication.

Professor of Law at the University of Sydney Patrick Parkinson said the commission had been careful not to focus on historical events and to make a point that child abuse generally was still occurring.

"The commission has been extraordinarily good at finding child abuse cases wherever they may be."

Senator Hanson-Young said: "Refugee children are already extremely vulnerable and the fact that some of them have been subjected to further abuse and assault is sickening and must be exposed."

There were 88 children in detention on Nauru and 132 in detention facilities in Australia as of May 14.

A spokeswoman for the royal commission refused to discuss the investigation.

"The royal commission does not comment on its investigations and does not confirm details of public hearings until they are formally announced. Hearings are usually announced around four weeks before their commencement date."

<http://www.theage.com.au/federal-politics/political-news/royal-commission-into-child-sex-abuse-investigating-immigration-department-20150520-gh5vqi.html>

9. Greg Barns: Australia's duty of care to detainees on Nauru can't be outsourced

Any asylum seeker who suffers on Nauru could succeed in a claim against the Commonwealth. Will the Senate inquiry examine the cost of that?

The Guardian
Greg Barns
Wednesday 20 May 2015 13.18 AEST

The Senate inquiry into conditions at the Nauru immigration detention facility revealed that physical abuse, including sexual abuse, poor sanitation and unhygienic living conditions characterise this Australian government-sponsored centre.

What is clear – despite protests from the Abbott government, the operator Transfield, and the Nauruan government – is that detainees in the centre are likely to be exposed to serious mental and physical harm because of the way the centre is run, and the primitive conditions of the centre itself.

So who is legally responsible for the physical and mental harm caused to detainees? Where does the buck stop?

The answer to that line of questioning is clear: the Commonwealth government. It owes a duty of care to detainees to ensure they are well cared for mentally and physically. It has a legal obligation to ensure that the centre, as a workplace, is safe for employees, contractors and detainees.

Case law in Australia, including high court decisions, makes it clear that when a person is in a position of vulnerability the duty of care owed by the party that placed them in that position is non-delegable.

Detainees in immigration detention centres are inherently vulnerable. They cannot come and go as they please. It is known by the Commonwealth government, because of expert reports over many years, that detention can make detainees vulnerable to mental illness.

The Commonwealth cannot outsource or delegate that duty of care to a contractor. It does not matter that the Commonwealth's facility is outside of Australia. So long as the Commonwealth is the entity that detains individuals pursuant to a particular Commonwealth law then it remains responsible for their wellbeing.

The medical care provided on Nauru is also relevant to the question of the Commonwealth's liability. It is no excuse that because the detention centre is on a small, poverty-stricken island in the Pacific, health care must be compromised. The law here is clear.

As Justice Paul Finn of the federal court said in 2005, of a case involving the remote Baxter detention centre in South Australia:

[H]aving made its choice of location, the Commonwealth, not the detainees, should bear the consequences of it insofar as that choice has affected or compromised the medical services that could be made available to meet the known needs of detainees.

The Commonwealth is also liable under Commonwealth occupational health and safety legislation for detainees in detention centres. The Work Health and Safety Act, introduced in 2012, makes it clear that the Commonwealth as the entity that runs the Nauru detention centre "must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of" the detention centre.

Non-compliance with its obligations under this Act is a criminal offence carrying fines up to \$3m and jail for up to five years. Comcare is the Commonwealth government agency responsible for ensuring that the detention facilities on Nauru comply with workplace safety laws.

Max Costello, a former senior workplace safety prosecutor in Victoria, has pointed out the Commonwealth is bound by workplace safety laws even though it has outsourced the day-to-day running of the detention centre of Nauru and that it is situated in a foreign jurisdiction.

"By means of sections 10 and 12F(3) the [Work Health and Safety] Act's criminal offence provisions apply to the Commonwealth, both within Australia and overseas; while sections 14 and 272 close off any attempt by the Commonwealth to avoid its duties by 'offshoring' them to Nauru and PNG, or 'outsourcing' them to contractors," Costello wrote on the legal website Justinian on 30 April this year.

The Senate's Nauru inquiry needs to focus on issues of legal liability. Unlike the victims of Catholic Church abuse – who have been met with legal complexities that make suing the Church difficult – in the case of asylum seekers on Nauru there is no such obstacle.

Any asylum seeker who suffers mental and/or physical harm on Nauru is likely to have a decent chance of a successful claim against the Commonwealth for breach of duty of care. The risk to taxpayers of having to pay out hundreds of millions of dollars in successful claims needs to be examined by the Senate committee.

It must also ask Comcare why the hell it is not in Nauru collecting evidence on what, according to first hand reports, appear to be clear breaches of workplace standards by the Commonwealth.

There is a legal price to pay for bipartisan policies of cruelty to asylum seekers and the Australian public needs to be made aware of just how substantial that price is and will be in years to come.

<http://www.theguardian.com/commentisfree/2015/may/20/australias-duty-of-care-to-detainees-on-nauru-cant-be-outsourced>

10. Peter Dutton reappoints council on asylum seekers and detention

New members Georgia Paxton and Catherine Scarth have been appointed by immigration minister to nine-member expert advisory panel

The Guardian
Paul Farrell

Wednesday 20 May 2015 12.09 AEST

The immigration minister Peter Dutton has reappointed members of an expert advisory panel on asylum seekers and detention after it lay vacant for six months.

On Tuesday Dutton said the council was to hold its first meeting in Canberra this week since it became vacant in December 2014.

Four panel members – Dr Jamal Rifi, Libby Lloyd, Caz Coleman and Noel Clement – have not been reappointed. Two new panel members were appointed – Dr Georgia Paxton and Catherine Scarth. The remaining seven former members were reappointed.

“The new council will continue to provide independent advice on often complex and contentious issues covering immigration detention and the resolution of individuals’ immigration status,” Dutton said.

“Council members have been selected from diverse backgrounds and work in a variety of disciplines related to immigration and asylum seeker issues.

“I have appointed a reduced council of nine members, a number which balances the need for expert advice with the reduction of people in immigration detention.”

Scarth is the chief executive officer of Adult Multicultural Education Services, and Paxton leads an immigration child health clinic at Royal Melbourne hospital

Paris Aristotle, who is the CEO of Foundation House for Survivors of Torture, will continue to chair the council, which has been appointed for three years.

<http://www.theguardian.com/australia-news/2015/may/20/peter-dutton-re-appoints-council-on-asylum-seekers-and-detention>

11. Australia has paid Nauru \$29m in visa fees to keep asylum seekers in detention

Visa costs of \$1,000 per person per month are in addition to the already substantial fees Australia pays major contractors to manage the centre

The Guardian
Paul Farrell
Friday 22 May 2015 11.17 AEST

The Australian government has paid Nauru almost \$29m on monthly visa fees to keep asylum seekers and refugees in the island’s detention centre.

Since the Nauru facility was reopened in 2012 the visa fee for asylum seekers had been raised to \$1,000 per person per month, the immigration department has confirmed in response to questions from the February Senate estimates.

“The current cost for visas for transferees and refugees in Nauru is \$1,000 per month per person. An amount of \$27,893,633 has been paid to 30 March for transferee visas (paid quarterly) and an amount of \$1,008,000 to 24 February 2015 for refugee visas.”

The visa costs are in addition to the already substantial fees Australia pays major contractors to manage the detention centre on the island. Transfield Services has a \$1.2bn contract for its management role at the centre. Save the Children receives \$36m for welfare services to minors on the island.

Canstruct Pty Ltd receives \$52m for construction services to develop detention facilities for asylum seekers on the island.

Australia also regularly pays fees to corporations run by the Nauru government.

Digicel Nauru, which is part owned by the Nauruan government, received \$3m for upgrades to telecommunications and internet infrastructure. Eigigu Holdings, a key holding company for the Nauruan government, was paid \$5m for providing accommodation to Australian staff.

The \$1,000 per month fee for asylum seekers is substantially higher than any other visa price for the island nation.

Nauru came under heavy criticism in 2014 when it raised the application fee for journalists to \$8,000, increased from just \$200.

<http://www.theguardian.com/australia-news/2015/may/22/australia-has-paid-nauru-29m-in-visa-fees-to-keep-asylum-seekers-in-detention>

12. Cambodia accepts four refugees from Australia's Nauru detention centre

Poverty-stricken south-east Asian country approves refugee resettlement, part of a controversial A\$40m deal

The Guardian

Lauren Crothers in Phnom Penh

Friday 22 May 2015 01.29 AEST

Cambodia has formally agreed to accept four refugees detained by the Australian government as part of a A\$40m (£20m) deal signed between the two countries last year.

The Cambodian prime minister, Hun Sen, approved the move on Wednesday, which was confirmed to the Cambodia Daily newspaper by a high-ranking government official. It is the final step in a process that began more than a year ago when Australia's foreign minister, Julie Bishop, first floated the idea that Cambodia could take in refugees turned away from Australia.

Hundreds of refugees and asylum seekers are being detained by Australia on the island of Nauru in the South Pacific. They have been told repeatedly by Australian immigration officials that they will never be allowed to settle in Australia and should choose Cambodia – one of the poorest and most corrupt countries in south-east Asia – as their country of resettlement.

Cambodia said it would only accept genuine refugees, and that all transfers would have to be made on a strictly voluntary basis.

The Guardian reported last month that four people – a Rohingya man and three Iranians – had been cleared by a Cambodian delegation who visited Nauru. That visit followed the circulation among refugees and asylum seekers of an official Australian document, which promised cash incentives and settlement packages for the first group of people who would agree to go.

General Khieu Sopheak, spokesman for Cambodia's Interior Ministry, could not be reached by the Guardian on Thursday, but told Cambodia Daily that he had "received approval from my government that four people – four refugees – should come to resettle permanently in Cambodia".

It was reported that the four were secretly moved to Darwin ahead of the transfer, the date of which has still to be confirmed.

The deal has drawn criticism from human rights and refugee advocacy groups, which have described it as "unnecessarily cruel".

<http://www.theguardian.com/australia-news/2015/may/21/cambodia-agrees-accept-refugees-turned-away-australia-immigration>

11. Mediterranean migrant crisis: European Union approves naval mission to combat people smugglers

ABC News Online / AFP

By Europe correspondent Barbara Miller, wires

First posted Tue 19 May 2015, 4:25am

Updated Tue 19 May 2015, 4:49am

The European Union has approved the establishment of an unprecedented naval mission in the Mediterranean aimed at combating people smugglers operating out of Libya.

The scheme will be run out of Italy and involve warships and surveillance aircraft gathering intelligence and then raiding boats to crack down on people smugglers.

But the EU is still waiting for a UN resolution that will allow it to destroy boats belonging to people smugglers in Libyan waters, where political turmoil has created safe harbour for traffickers.

"Decision just taken to establish the EU naval operation to disrupt the business model of smugglers and traffickers networks," EU diplomatic chief Federica Mogherini said on Twitter after a meeting of the bloc's foreign and defence ministers.

The UN mandate would be required for any military action in Libyan waters or on the Libyan coastline, and a resolution is being drafted.

The military operation is part of a bigger EU blueprint launched after the Mediterranean experienced its deadliest ever migrant shipwreck in April, which took the death toll this year to 1,800 people.

More than 5,000 people have died in the past 18 months while trying to make the dangerous crossing in flimsy dinghies and fishing boats.

Libya says plan not humane

Libya's internationally recognised government in Tobruk — which is fighting both a rival administration in Tripoli and the rising threat of Islamic State militants — opposes the naval plan and said Brussels must talk with it first.

"The military option to deal with the boats inside Libyan waters or outside is not considered humane," government spokesman Hatem el-Ouraybi said.

Ms Mogherini, however, said operational planning for the EU Navfor Med mission, to be headquartered in Rome and led by an Italian admiral, would start immediately.

It would be in three phases starting with intelligence gathering, progressing to the boarding of smugglers' boats and finally destroying them, she told a press conference.

The force could be formally launched in June after a summit of European leaders, Ms Mogherini said, adding that she hoped for UN Security Council approval so the EU could "launch the operation in all its phases" including the targeting of boats.

Ms Mogherini confirmed that Brussels was in touch with both Libyan governments.

"We are looking for partnership in this," she said.

"There is a responsibility that the EU can take but there is a responsibility that Libya also has to take."

NATO head Jens Stoltenberg, also attending the meeting in Brussels, warned that "terrorists" from Islamic extremist groups could also be making the crossing by "trying to hide, trying to blend in among the migrants".

Britain, France, Germany, Italy and Spain have promised to deploy warships for the mission, a rare joint EU military venture for a bloc that was formed to promote peace after World War II.

Migrant quotas split EU countries

The rest of the European Commission's migrant plan remained dogged by divisions.

Suggestions of a quota system to share the migrant burden more evenly among member states, instead of relying on Mediterranean nations to deal with asylum seekers, has had some countries up in arms.

Spain joined Britain and France in rejecting the idea.

Foreign minister Jose Manuel Garcia Margallo said the commission's call for solidarity had to be "proportionate, just and realistic", adding that it took no account of Spain's high unemployment and the "huge effort we are making to control migration from Morocco, Mauritania and Senegal which impacts the whole EU".

Hungary, Poland, the Czech Republic, Estonia, Latvia, Lithuania and Slovakia also opposed the quota system.

<http://www.abc.net.au/news/2015-05-19/eu-backs-naval-mission-to-end-migrant-crisis/6479460>

12. Refugee advocates sheet home blame to PM for regional tow-backs

The Australian
Paige Taylor
May 19, 2015 12:00AM

Australian refugee advocates have sheeted blame for the refugee tragedy in Southeast Asia on to Tony Abbott, saying the Prime Minister's turnback policy has emboldened Asian maritime authorities and lives are being lost as a result.

The Refugee Action Coalition has offered only qualified criticism of Indonesia, Thailand and Malaysia.

Southeast Asian nations have been accused of "bouncing" boats but yesterday the RAC gave credit to Malaysia and Indonesia for having refugees living on their shores while Australia had "slammed the door".

Indonesia, Malaysia and Thailand have been criticised for sending Rohingya asylum-seekers back to sea on unseaworthy boats after finding them in their waters or after giving them food.

An image of people swimming for food — published in the The Weekend Australian — has fuelled outrage.

Mr Abbott said on Sunday he would not criticise other countries for turning back boats because people-smuggling must be beaten, but he said it was important to act with decency and humanely.

Human rights lawyer Julian Burnside QC urged Australia to help and said it could be argued the Abbott government's policy of turning back asylum boats was a factor in the latest events.

"I think it's an available position to say we have shown the region by our conduct that you can write boat people off as undeserving of the same degree of humanity that we enjoy and if countries in the region have picked up that message, it's all the more shame on us," he said.

Refugee Council of Australia chief executive Paul Power said pushing back boats should never be an option because it involved one country foisting its international and humanitarian obligations directly on to another.

"Australia has shifted our obligations to provide asylum on to a reluctant Indonesia. If Thailand, Malaysia and Indonesia now follow the Australian precedent and continue to push Rohingyas back into the sea, these people will die as there will be no country that offers them asylum," he said.

"This is what the irrational and inhumane policy of 'stopping the boats' has resulted in."

Mr Power tempered his criticism by stressing every effort must be taken to stop people-smugglers and criminal rings that prey on vulnerable asylum-seekers.

Ian Rintoul of the RAC said he opposed pushbacks because people should be allowed to land where they wished. "(Tony Abbott) is the only one in the region, there's no one else providing that kind of booster talk about turning boats back and encouraging governments in defiance of international law," he said.

In some respects Australia was now behaving more harshly to refugees than nations criticised by the UN last week.

"At least Indonesia and Malaysia still let some refugees onshore unlike Australia which has slammed the door shut on absolutely everyone," Mr Rintoul said.

<http://www.theaustralian.com.au/national-affairs/immigration/refugee-advocates-sheet-home-blame-to-pm-for-regional-tow-backs/story-fn9hm1gu-1227359529757>

13. 'They are humans': Myanmar opposition says Rohingya people have rights

Canberra Times / Agence France-Presse
May 19, 2015 - 10:56AM

Yangon: Muslim people fleeing dire conditions in Myanmar are entitled to "human rights", a spokesman for Aung San Suu Kyi's opposition has urged, in strikingly bold comments on the group who are deeply marginalised in the Buddhist-majority nation.

The plight of the Muslim Rohingya has been thrust into the international spotlight as thousands of desperate refugees from the country - alongside economic migrants from neighbouring Bangladesh - have swum or been rescued off the coasts of Indonesia, Malaysia and Thailand in recent days.

Ms Suu Kyi has faced criticism for not speaking strongly on the issue, as surging Buddhist nationalism has deepened the desperation of a group largely viewed as illegal immigrants from Bangladesh.

But her party spokesman took the highly unusual step on Monday of urging Myanmar to give stateless Muslims in the country a chance to get citizenship.

"If they are not accepted (as citizens), they cannot just be sent onto rivers. Can't be pushed out to sea. They are humans. I just see them as humans who are entitled to human rights," Nyan Win told reporters on the sidelines of a meeting between political parties and President Thein Sein in Yangon.

Myanmar's estimated 1.3 million Rohingya are not accepted as an ethnic group and most are denied citizenship. They have long been subjected to daily prejudice and a raft of severe restrictions such as controls on movement and family size.

Deadly communal violence in western Rakhine state between Muslims and Buddhists in 2012 saw their situation deteriorate dramatically, displacing tens of thousands who remain trapped in miserable camps.

The violence was the catalyst for a huge exodus of migrants across the Bay of Bengal, with thousands taking to makeshift boats heading for Thailand, Malaysia and beyond.

<http://www.canberratimes.com.au/world/they-are-humans-myanmar-opposition-says-rohingya-people-have-rights-20150519-gh4q8m>

14. Philippines offers refuge to desperate migrants trapped on boats

Government in Manila becomes first in the region to offer safe haven to thousands of refugees and migrants stranded on Asia's seas

The Guardian

Beh Lih Yi in Jakarta and agencies

Tuesday 19 May 2015 15.43 AEST

The Philippines has signalled it is ready to take in thousands of migrants who are stranded on Asia's seas, the first country to offer shelter after its south-east Asian neighbours blocked them from entering.

Manila, a signatory to the United Nation's refugee convention, said it would help as it denied a local report claiming that the Philippines planned to push back boats carrying some 8,000 people fleeing persecution in Burma and poverty in Bangladesh.

"The Philippines has extended humanitarian assistance to ... 'boat people' and had even established a processing centre for Vietnamese travellers in the 70s," said Herminio Coloma, a spokesman for the president, Benigno Aquino.

"We shall continue to do our share in saving lives under existing and long-standing mechanisms pursuant to our commitments under the [UN] convention."

It would be a long and unlikely journey for the migrants – who are believed to be in the region of the Andaman Sea – to make it to the Philippines on their rickety boats with little food and fuel.

However, the statement raised hopes for a breakthrough in the crisis in which nearly 3,000 refugees and migrants from Burma's persecuted Rohingya minority group and Bangladesh were rescued off Indonesia, Malaysia and Thailand.

"It is a hopeful sign. We hope the governments in the region would lift their game as well," said an International Organisation for Migration (IOM) spokesman, Joe Lowry.

"We have been saying for 10 days now [that the governments should allow migrants to land]. We don't know how many people have perished now."

Malaysia, Indonesia and Thailand have turned away boats, despite the UN's warning against "floating coffins" in the region's seas.

And the fate of about 300 people aboard a boat that was pushed backwards and forward between Malaysia and Thai waters last week is still unknown. The boat has not been heard for at least three days now, said Lowry.

Malaysia and Indonesian coastguards could not be reached for immediate comments.

Meanwhile Burma's main opposition party, led by the Nobel Peace laureate Aung San Suu Kyi, has finally broke silence on the issue of the Rohingya saying the Muslims fleeing dire conditions in Burma are entitled to "human rights".

"If they are not accepted [as citizens], they cannot just be sent on to rivers; can't be pushed out to sea," said Nyan Win, a spokesman from Suu Kyi's National League for Democracy party on Monday.

"They are humans. I just see them as humans who are entitled to human rights."

Malaysia's foreign affairs minister will meet his counterparts from Indonesia and Thailand in Kuala Lumpur on Wednesday to discuss the migrant crisis, ahead of a regional meeting in Bangkok on 29 May.

The secretary-general's office of the regional grouping, the Association of Southeast Asian Nations (Asean), declined to comment. A spokeswoman said the office was "not privy" to ongoing discussions among member states.

<http://www.theguardian.com/world/2015/may/19/philippines-offers-refuge-to-desperate-asylum-seekers-trapped-on-boats>

15. Philippines says it is obliged to help migrants as party to UN convention

ABC News Online / AFP / Reuters

First posted Tue 19 May 2015, 4:54pm

Updated Tue 19 May 2015, 5:45pm

The Philippines says it is ready to help Rohingya and Bangladeshi migrants, as its South-East Asian neighbours face outrage for turning them away.

Charles Jose, a spokesperson with the foreign affairs department, said the country was obliged to help the migrants, many of whom are fleeing persecution, because it is party to the 1951 United Nations convention on refugees.

"We have the commitment and the obligation to extend humanitarian assistance to these asylum seekers," Mr Jose told local media.

On Tuesday, the UN agencies released a joint statement calling on Indonesia, Malaysia and Thailand "to boost sea rescue operations, allowing migrants to disembark safely".

Authorities should "provide for effective, predictable disembarkation to a place of safety with adequate and humane reception conditions" and establish screening procedures to identify those in need of international protection as refugees, they added.

Mr Jose and other senior government officials would not elaborate on the kind of help the Philippines would give to the Rohingya Muslims and Bangladeshis.

"We can't go into much detail yet. We are not yet into that point. What we are saying now is our broad policy statement regarding this issue," he said.

Nearly 3,000 migrants have swum to shore or been rescued off Indonesia, Malaysia and Thailand over the past week, with thousands more believed to be drifting on boats without food or water.

Part of country's 'duty to help'

The three governments have sparked international outrage for driving away some of the migrant boats, which are believed to have been deserted by human trafficking rings after a Thai crackdown.

Mr Jose pointed to the example of the Philippines accepting Vietnamese refugees at the end of the Vietnam War in the 1970s.

In that case, the Philippines accepted people who arrived directly on its shores but also others who had originally landed in other countries.

About 400,000 Vietnamese refugees went through Philippine camps and were eventually relocated to other countries, according to a government website.

President Benigno Aquino's spokesman also said the Philippines was open to helping the refugees, as he cited the values of mercy and compassion found in the nation's dominant Catholic religion.

"As the only predominantly Catholic nation in South-East Asia, it is our duty to provide succour to those in need," presidential spokesman Herminio Coloma said.

The Rohingya are a Muslim minority group in predominantly Buddhist Myanmar, where they have no legal rights, making them a target for human traffickers. Up to 1.3 million live in the western Rakhine state.

Malaysia and Thailand have called on Myanmar to stem the flow of the Rohingya but Myanmar has refused to take responsibility, claiming the group is composed of illegal immigrants from Bangladesh.

<http://www.abc.net.au/news/2015-05-19/philippines-says-prepared-to-help-asian-migrants/6481892>

16. Nauru detention centre: Senate inquiry submissions reveal rape, misconduct, filthy conditions at facility

ABC News Online

By political reporter Dan Conifer

First posted Mon 18 May 2015, 10:19pm

Updated Tue 19 May 2015, 4:25am

Shocking accounts of sexual assault and squalid living conditions at the Australian-funded detention centre on Nauru have been revealed in submissions to a Senate inquiry.

The inquiry was launched following the release of the independent Moss Report, which detailed sexual and physical assaults on asylum seekers.

The Senate committee's first public hearing will be held in Canberra today.

One submission from a doctor who recently visited the Pacific nation details an alleged rape against a woman going to the toilet at night.

"When interviewing the [patient] referred to me, she confided to me that she had been raped," Professor David Isaacs wrote.

"She told me that since the rape, one guard had offered her extra shower time in return for sexual favours.

"And on another occasion a different guard offered marijuana in return for sexual favours."

The Sydney-based Immigration Advice and Rights Centre (IARC) recounted the story of a female detainee who said her son has been sexually assaulted three times.

"In 2014 [the boy] began to self harm and was speaking about attempting suicide. It later became evident to [his mother that the boy] had been sexually assaulted," the submission reads.

The IARC submission also claimed Nauruan and Australian officials have had relationships with detainees.

Former Nauru magistrate, Australian Peter Law, said it appeared the country's police force had failed to properly investigate serious sexual and violent incidents against refugees and asylum seekers.

"The failure ... to bring charges suggests political interference and highlights an unwillingness to bring to public attention, the circumstances of refugees in Nauru generally," Mr Law's submission states.

"Such action may reflect adversely on Nauru as a place to process and settle asylum seekers."

Mr Law was deported from Nauru in 2014 after granting an injunction against the deportation of two people from the island.

Mouldy conditions cause fungal infections: submission

The submissions also shed light on the living conditions in the detention facility, with some describing mouldy tents full of cockroaches and rodents.

"At night, condensation causes the mould to drip onto the faces of people as they sleep on stretchers. This is causing fungal eye and skin infections," Asylum Seeker Resource Centre's submission reads.

"The tents are full of mice and cockroaches. Rats loiter outside the tents."

Contractors Transfield Services, Wilson Security and the Immigration Department will appear at today's inquiry, along with charity Save the Children.

The department's submission explains the process that deals with complaints, while conceding the reporting of allegations needs improvement.

"All allegations of inappropriate behaviour at the Regional Processing Centre are taken seriously and are appropriately investigated," its submission reads.

"Allegations of criminal behaviour are referred to the Nauru Police Force who is responsible for investigating contraventions of Nauruan law.

"The Government of Nauru and the Department are committed to improving the mechanisms in place to capture all allegations, with a view to encouraging reporting and enhancing the effectiveness of current reporting systems to ensure information is readily accessible and accurate."

The Senate committee is due to hand down findings by the middle of June.

<http://www.abc.net.au/news/2015-05-19/inquiry-submissions-reveal-conditions-at-nauru-detention-centre/6479422>

17. Nauru inquiry: Transfield unable to answer basic questions about operations

Executives of Australian company running detention centre unable to provide information about sex assault allegations and take most questions on notice

The Guardian
Paul Farrell
Tuesday 19 May 2015 13.34 AEST

Senior executives of Transfield Services, the Australian company running the detention centre on Nauru, have been unable to answer basic questions about its operations on the island and allegations of sexual assault, and may face being recalled to a Senate inquiry.

A Senate inquiry into serious allegations of assault and abuse at the Nauru centre began on Tuesday with the first of a number of public hearings.

Submissions to the inquiry have revealed serious concerns about the wellbeing of asylum seekers on the island, with claims that pregnant women have been forced to create makeshift toilets and are afraid of going to the bathroom at night.

On Tuesday Transfield Services, which holds a \$2bn contract for operational, maintenance and welfare services on Manus and Nauru, appeared before the Senate inquiry for its first public hearings.

But three senior officers, general manager of logistics Derek Osborn, chief executive of operations Kate Munnings and commercial strategy director Angela Margaret-Williams were unable to answer a series of questions about the serious allegations raised at the centre, instead opting to take most questions on notice.

The Labor chair, senator Alex Gallacher said: "A \$1.2bn contract over 20 months is going to invite some serious scrutiny ... and we look forward to your responses to questions on notice and perhaps your reappearance."

The panel faced a barrage of questions from Greens senator Sarah Hanson-Young and Labor senator Kim Carr about complaints from asylum seekers, incident reporting protocols, clinical depression, power failures and mould on tents in the island.

In one extraordinary exchange, Hanson-Young questioned Osborn on the number of allegations of sexual assault or exploitation that had been reported personally to him. Osborn was unable to provide an answer and took the questions on notice.

Munnings said: "You've asked for a lot of detail and information and we will provide it on notice. We're not willing to provide inaccurate information."

Osborn said in his opening statement that Transfield was "committed to ensuring our staff and contractors understand and comply with our core values".

Osborn did confirm Transfield was aware of an "incident" that occurred at the centre on Saturday. A woman was found naked in the middle of the main road in Nauru, but the local police say she has not made an allegation of assault.

The inquiry also heard evidence from three executives from Wilson Security, which is subcontracted by Transfield Services to manage security. South Pacific general manager John Rogers, security contract manager Brett McDonald and human resources manager Lara Donnini appeared before the inquiry.

McDonald told the inquiry that locally contracted staff do not have to undergo a working-with-children check, but said they had "specific behavioural questions" and were required to sign a statutory declaration about any criminal background.

In response to questions about what steps Wilson Security had taken when they became aware of allegations of assault, Rogers said: "we were aware of a range of claims, and there have been a range of claims made since early in our term in the contract. What I can assure you and the committee is that whenever a claim has been made to us, we've appropriately notified both Transfield and the department, and we've gone about investigating those claims."

But Rogers later suggested the allegations raised over the last year were only small. "I can only comment on the reports and allegations that have been raised to us, and that is a minimal number," he said. "The one incident that I can recall is a staff member whose employment was terminated for, on the balance of probability, they had inappropriately handled a transferee".

But McDonald said he was aware of claims that Rogers may not be aware of. When asked by Carr if he could recall incidents in his time on the island where asylum seekers had expressed fears about going to the toilet at night, McDonald was unable to answer. "The engagement I've had with transferees over the course of time has been extensive and I'll have to take that on notice," he said. The immigration department is to appear before the inquiry later on Tuesday.

<http://www.theguardian.com/world/2015/may/19/nauru-inquiry-transfield-unable-to-answer-basic-questions-about-operations>

18. Nauru detention centre: Senior managers unable to answer key questions in Senate abuse inquiry

ABC News Online

By political correspondent Emma Griffiths

First posted Tue 19 May 2015, 10:01am

Updated Tue 19 May 2015, 11:18am

Senior managers of the Nauru detention facility have been unable to answer key questions at a Senate inquiry into abuse allegations, frustrating Senators who described their lack of knowledge as "extraordinary".

The Senate Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru has begun its first hearing in Canberra this morning.

Disturbing accounts of sexual assault and squalid living conditions at the Australian-funded detention centre have been revealed in submissions to the inquiry, which was launched after the release of the Government-commissioned independent Moss review.

The inquiry's first witnesses were from Transfield Services, the company that won a 20-month \$1.2 billion tender from the Australian Government to manage the facility.

But many questions from senators failed to elicit direct responses, with Transfield managers taking them "on notice" — to be answered later.

Greens senator Sarah Hanson-Young, who has been leading the charge in investigating the allegations, pressed the executives for information relating to the sexual assault of a young boy in 2013.

She wanted to know "who in your staff was made aware of that allegation and what did they do with it?"

"You must have that information," Senator Hanson-Young said.

But they did not.

"Very happy to take that question on notice ... and provide you the detailed timeline and reporting chain of that particular incident or allegation," Transfield's executive general manager of logistics and facilities management Derek Osborn said.

Committee chair Labor's Alex Gallacher asked whether male guards were in the shower areas when women and children were using them - referring to the allegations that guards were demanding sexual favours in return for water.

"Are male staff present when women and children use ablution facilities?" Senator Gallacher asked.

Transfield general manager Derek Osborn said: "No — not as far as I'm aware".

"Our practice ... is that male staff are not permitted to be in the shower area."

He added that the guards were provided by Wilson Security, not by Transfield.

But many questions from senators failed to elicit clear answers, with Transfield managers taking them "on notice" to be answered later.

When Senator Gallacher asked for the breakdown of male and female guards at the centre, Transfield director Angela-Margaret Williams could not provide the information.

"We have 275 expatriate staff and 277 local national staff," she said.

"In relation to the split between male and female we'll take that on notice - I don't have that information at hand."

Inability to provide information 'extraordinary'

Senator Gallacher directed the managers that, if they knew the information, "you have to answer the question".

"If you're asked a gender balance of 500 people I find it extraordinary that the three people at the table don't know," he told the witnesses.

"So take that on notice that I think that's extraordinary".

Transfield chief executive Kate Munnings said they had appeared before the inquiry "on relatively short notice".

"We want to cooperate fully with the committee but we want to make sure we provide accurate information not guesses," she said.

Labor Senator Kim Carr asked how many incident of self-harm and serious assault reported by Transfield occurred in the time the company had been in charge at the centre.

But Mr Osborn again answered he was "very happy to provide that detailed data on notice".

And while the Transfield manager confirmed the tents asylum seekers lived in were mouldy, he deferred answers about how extensive the mould was and how long it has been a problem.

"There is some mould in the tents, we've got a detailed process to remove it — happy to provide our process and procedure on notice to you," Mr Osborn said.

Managers also took on notice questions about when a regime of random drug and alcohol tests began, who was the head of intelligence inside Transfield operations on Nauru and how often the power failed.

Senator Carr queried their ignorance about such basic information.

"So it's a substantial contract but you can't tell me how often the power fails?" Kim Carr queried.

The committee was set up in March and is due to report by June 15.

<http://www.abc.net.au/news/2015-05-19/nauru-managers-unable-to-answer-key-questions-in-inquiry/6480090>

19. Nauru security company Transfield avoids questions on detention centre allegations

The Age
Sara Whyte
May 19, 2015 - 7:18PM

A security company that has pocketed \$1.2 billion for running the offshore processing centre on Nauru refused to address during a Senate hearing allegations of women being sexually abused on the island by their guards, or the conditions in which they are living.

Evidence presented before a Senate committee at Parliament House on Tuesday included claims of guards trading cigarettes for sexual favours, and a woman being raped by a cleaner late at night on her way to the bathroom. Representatives from security company Transfield Services avoided questions about the serious allegations.

Instead, Transfield said it was working on improving its "harassment and professional boundaries" policies.

"Despite our commitment and our best efforts, some allegations of misconduct have arisen," said Kate Munnings, Transfield's chief executive of operations.

Brett McDonald, the security contract manager for Wilson Security, which is contracted by Transfield, said he was aware of at least one incident in which a "transferee had been mishandled", and "there have been some cases where staff have been moved on or terminated".

The inquiry, which comprises two Labor senators, one Liberal senator and a Greens senator, heard that asylum seekers on Nauru were being held in mouldy tents in temperatures above 30 degrees, and local Wilson guards were not screened for working with children.

It also heard that neither the Immigration Department nor the Immigration Minister had apologised to Save the Children after accusing 10 staff of coaching asylum seekers to self-harm.

Tuesday's evidence differed from an independent government report written by former integrity commissioner Philip Moss that found compelling evidence that at least three women had been raped inside the detention centre and said that sexual assault was likely to be under-reported due to a climate of fear and detainees worrying about their future refugee status.

Immigration Minister Peter Dutton was dismissive of the Senate inquiry, accusing the Greens and Labor of running a "political stunt" and "grandstanding" during Tuesday's hearing. He said the government would not tolerate sexual abuse where it had any influence.

David Isaacs, a doctor who worked briefly on the island, wrote in his submission to the inquiry that a woman had told him she had been raped by a cleaner when she went to the toilet at night.

"She told me that since the rape, one guard had offered her extra shower time in return for sexual favours (each person was restricted to two minutes a day because of water restrictions), and on another occasion a different guard offered marijuana in return for sexual favours," he wrote.

Transfield executive general manager Derek Osborne said he was "made aware" of the allegations of sexual abuse and the limited access to showers but could not say when.

The company could also not tell the committee what the gender breakdown was of its 275 expat guards and 277 local guards, how often there were power blackouts on the island, when it was first told of the allegations of rapes or sexual assault, or how often its "whistleblower hotline" was used.

Questions on these topics were taken on notice.

When asked whether male guards were present when women were showering, Mr Osborne said: "No".

Wilson Security later confirmed male guards patrol the shower areas, but do not enter.

Greens immigration spokeswoman Sarah Hanson-Young said: "A seedy and toxic environment has been unveiled and it's clear the government has been trying hard to cover it up."

Fairfax Media understands Transfield Services was told about the hearing on Thursday night.

<http://www.theage.com.au/federal-politics/political-news/nauru-security-company-transfield-avoids-questions-on-detention-centre-allegations-20150519-gh52kk.html>

20. Sexual assaults by guards among the harrowing submissions to Nauru inquiry

The Age
May 18, 2015 - 12:43PM
Sarah Whyte

Women and men on Nauru say they have been sexually assaulted by guards, while children as young as five have tried to harm themselves because of the inadequate conditions on the island.

These are some of the harrowing accounts that will be presented as submissions to a Senate committee, with the first hearing at Parliament House on Tuesday.

It comes as six Australian Federal Police officers arrived in Nauru last Wednesday to advise local police on investigating sexual abuse cases, a spokeswoman for Immigration Minister Peter Dutton said.

In a number of submissions to the committee women say they cannot sleep at night because rats run through the tents, and they have been asked to expose themselves by guards if they want additional hot water during their showers.

One 16-year-old writes: "We were going to the celebrations and two local guards were drunk and said to me and my friend 'we have to search you' - they had no scanner, and they laughed at us, put their hands on us, it was so bad, I moved away from he and said later I will come to you and give you a present and he touched his (gestured to penis)."

She also reported the incident to Philip Moss, who authored an independent report into allegations of rape, sexual abuse; and workers from Save the Children who were eventually cleared of any wrongdoing.

But the review, released in March, found evidence of rape, sexual assault of minors and guards trading marijuana for sexual favours from female detainees on the island.

Another woman says she was also inappropriately approached by a guard: "He touched my body without seeing me. I scared from him. He kissed my lips by force, he touched my thighs under my underwear. How can I forget that happen, this memory is still hurt me, bother me."

"I still have been seeing nightmare, with screaming and crying I wake up. I'm going crazy, I lost my mind."

The woman says when she was with her 7-year-old son, washing his hair in the shower, the water stopped. The guard told her he would only give her more water if she showed her naked body to him.

The woman says she also reported both incidents to Philip Moss, but that hadn't stopped the abuse.

Minister Dutton has said said that he was working through the incidences mentioned in the review.

"As I indicated at the time, prior to the release of the Moss review I directed the [department] secretary to take an even more active role in responding to allegations than was recommended by Mr Moss," he said.

Last week the Human Rights Law Centre commenced a case in the High Court of Australia on behalf of 10 asylum seekers that challenges the lawfulness of the offshore detention arrangements in Nauru.

The Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru is due to report on its findings by June 15.

<http://www.theage.com.au/federal-politics/political-news/sexual-assaults-by-guards-among-the-harrowing-submissions-to-nauru-inquiry-20150518-gh3y62.html>

21. Asylum seeker found naked on Nauru was not assaulted, say island police

The Iranian woman said she was not assaulted or raped and police said there were no signs of injury or violence

The Guardian

Paul Farrell

Tuesday 19 May 2015 10.01 AEST

A female asylum seeker was found naked in the middle of the main road on Nauru after disappearing and failing to return to the Australian immigration detention centre, but Nauru police have denied she was assaulted.

The Iranian woman had been permitted to leave the immigration detention centre during the day, and was last seen two hours earlier arriving to take an evening bus. Friends told police she "seemed stressed".

Guardian Australia reported on Monday that the woman was assaulted, but the Nauruan police have taken the unusual step of issuing a statement to refute the report.

"The female person refused to speak to the police domestic violence unit. She also refused a medical examination by doctors and told police she was not raped or assaulted. There is no injury to her or any sign of other physical force or trauma. Welfare officers and an interpreter were present during the interview process," the statement said.

"There is no suggestion that anyone has assaulted this person. Police located her property and clothes nearby and these show no signs of physical force. Her belongings in her bags are intact including her phone."

"The matter is an ongoing police investigation. Support and counselling are being provided to the person concerned."

It is not clear what the nature of the Nauruan police inquiries are. Despite the statement from police, the Australian service providers on the island met to discuss what they believe was an assault at a meeting on Sunday morning.

It is understood the woman was taken into the care of International Health and Medical Services (IHMS).

When Guardian Australia put the circumstances of the assault allegation to the Australian immigration department on Monday, it said it was aware of an incident that occurred with an asylum seeker.

"The Nauru police force is investigating," a spokeswoman said. "This is a matter for the government of Nauru ... the department is unable to provide any more details."

<http://www.theguardian.com/world/2015/may/19/asylum-seeker-found-naked-on-nauru-was-not-assaulted-say-island-police>

22. MEDIA RELEASE: Vicious assault puts pall of fear over Nauru

VICIOUS ASSAULT ON ASYLUM SEEKER PUTS PALL OF FEAR OVER NAURU -- PROTEST DEMANDS AUSTRALIAN IMMIGRATION TELLS THE TRUTH

Tuesday May 19, 2015

Refugee Action Coalition

Ian Rintoul

mobile 0417 275 713

The savage physical attack on a 23 year-old female Iranian asylum seeker has cast a pall of fear over Nauru.

On Saturday, 16 May, the young woman had been on day-release from the detention centre, visiting refugees in the community. She was expected to return to the detention centre by 5pm. Around 4.30pm, she left the house she was visiting to get a bus back to the detention centre.

When she didn't return, her brother accompanied by security guards went to the house around 6.30pm, to inquire about her. They then went to the Nauru hospital, but she was not there.

Around 8.00pm, a refugee came across Nauruan police, wrapping the woman in a blanket and trying to place her in a police car. She had been found naked, distressed and disoriented.

Police and Nauruan officials obstructed attempts by refugees to talk to her and kept insisting that 'nothing happened.'

The woman was taken to the police station where police contacted some of her friends to bring clothes for her. She was later taken and admitted to the medical centre at the detention centre.

A sexual assault has not been confirmed by any of the authorities, but it is widely believed she has been the victim of a sexual attack. She has extensive bruising to her body and she had a serious head injury that left her drifting in and out of consciousness on the Saturday night.

In the early hours of Sunday morning (17 May), Nauruan police returned to the vicinity of the house she was visiting to search for her clothes, mobile phone and other belongings.

The assault has left other refugees terrified of being out after dark. Saturday's attack is the latest what seems to be an escalating series of physical and sexual assaults on refugees.

Shamefully, but typically, it seems the Nauruan police are attempting to cover-up the crime. The cover-up is just the latest indication of a pattern of police inaction and unwillingness of Nauruan authorities to protect refugees or to investigate or take seriously the attacks on refugees.

The denial of the attack by police and Nauruan immigration authorities has outraged refugees.

The cover-up of Saturday's assault is just the latest example of the authorities inability and unwillingness to ensure the safety of refugees in the Nauruan community.

A protest of around 50 refugee women has been held this afternoon (Tues 19 May) at Beach House, the office of Australian immigration and Connect service providers. The protest is demanding that the Australian immigration end the cover-up and reveal the truth about the attack.

"Day by day, the stark reality that Nauru is unsafe for asylum seekers or refugees becomes clearer. Neither Transfield, nor the immigration department, nor the Nauruan government or police is able to protect asylum seekers in or out of detention," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"The cover up of this horrific assault is exactly the same attitude that covered-up the sexual and physical abuse of woman and children in detention. The Immigration Department can't be trusted with the care of asylum seekers and refugees. Nauru should be closed."

For more information, contact Ian Rintoul 0417 275 713.

23. Claims guards traded cigarettes for sexual favours on Nauru, Senate inquiry told

Brisbane Times
May 19, 2015 - 2:19PM
Sarah Whyte

Security contractors admit there has been "at least one incident" where guards "mishandled" asylum seekers on Nauru and they are aware of allegations of staff trading contraband such as cigarettes for sexual favours on the island.

A Senate inquiry was also told a woman said she had been raped by a cleaner at the offshore processing centre.

During shocking evidence presented at the Senate Committee at Parliament House on Tuesday, representatives from Transfield Services and Wilson Security confirmed that asylum seekers on Nauru are being held in mouldy tents in temperatures above 30 degrees, while local Wilson guards were not screened for working with children.

Both Transfield Services and Wilson Security admitted there had been "incidences" in the centre and Transfield was working on improving their "harassment and professional boundaries" policies .

"Despite our commitment and our best efforts, some allegations of misconduct have arisen," said Kate Munnings, Transfield's chief executive of operations.

Transfield Services has been paid \$1.2 billion for 20 months to provide security and welfare services on the island, while it has cost the government \$276.45 million to operate the island's centre over seven months. Wilson Security is contracted by Transfield Services.

Dr David Issacs, a doctor who worked briefly on the island, wrote in his submission that a woman had told him she had been raped by a cleaner when she went to the toilet at night.

"She told me that since the rape, one guard had offered her extra shower time in return for sexual favours (each person was restricted to two minutes a day because of water restrictions), and on another occasion a different guard offered marijuana in return for sexual favours," he wrote.

"She wept uncontrollably for 10 minutes when telling me her story, which I had no reason to doubt. I discussed the rape with senior IHMS medical colleagues and we arranged for the mother to see an IHMS psychologist to try to help her cope with the trauma."

Wilson Security said that Transfield had responsibility of the cleaners.

But Brett McDonald, the security contract manager, said he was aware of at least one incident where a "transferee had been mishandled," and "there has been some cases where staff have been moved on or terminated."

The executive general manager of Transfield, Derek Osborne, said he was "made aware" of the allegations of sexual abuse and the limited access to showers, but could not say when he knew.

When asked whether male guards were present when women were showering, Mr Osborne replied: "No". But Wilson Security later confirmed male guards do patrol the shower areas, but do not enter. In the family compound, 40 per cent of guards are female, he said.

During the evidence, Transfield could not tell the committee what the gender break down was of their 275 expat guards and 277 local guards. They could also not say when they were first told of the allegations of rapes or incidences of sexual assault, nor how many blackouts occur on the island.

They confirmed there was mould in the tents and they were "working with the Commonwealth" to remove it. The accommodation on the island is controlled by the federal government, they said, but it was are "maintained" by Transfield Services.

Wilson Security said they had implemented the 19 recommendations made by the Moss Review, which included better communications with the Nauruan Police force.

The Secretary of Immigration, Michael Pezzullo, will give evidence this afternoon.

Fairfax Media understands Transfield Services were told about the hearing on Thursday night.

<http://www.brisbanetimes.com.au/federal-politics/political-news/claims-guards-traded-cigarettes-for-sexual-favours-on-nauru-senate-inquiry-told-20150519-gh4vr8.html>

24. Nauru sex assault allegations not reported to workplace watchdog

In contravention of its own reporting guidelines, the Australian immigration department failed to notify Comcare of serious allegations at the detention centre

The Guardian
Paul Farrell
Tuesday 19 May 2015 07.04 AEST

Australia's immigration department did not notify the federal workplace watchdog of serious allegations of sexual assault at the Nauru detention centre in what appears to be a contravention of its own reporting guidelines.

A Senate inquiry into serious allegations of assault and abuse at the Nauru centre is set to get under way on Tuesday with public hearings.

Submissions to the inquiry have revealed serious concerns about the wellbeing of asylum seekers on the island, with claims that pregnant women have been forced to create makeshift toilets and are afraid of going to the bathroom at night because of fears for their safety.

The immigration department's guidelines on what matters the workplace authority Comcare must be notified of include sexual assaults and serious assaults in detention centres.

But in Comcare incident logs obtained by Guardian Australia under freedom of information laws, no incidents of sexual assault have been reported in the past 18 months, despite a series of reports that were made internally to the immigration department.

The Greens senator Sarah Hanson-Young said: "The department must come clean over why serious incidents like sexual assault have not been reported to Comcare as required.

"The more we learn about the abuse inside the Nauru camp the more we discover just how far the government has gone to cover up what's been going on and what the minister knew and chose to ignore.

"The institutionalised secrecy and cover up has allowed a culture of abuse to fester, and worse it has left those children and young women who are victims of assault locked up unable to escape their abusers."

In one such incident in November 2013, a report provided to the immigration department by detention contractor Transfield outlined serious allegations that a cleaner had sexually assaulted a young asylum seeker. Transfield said at the time the report was only an allegation, but the report contained an admission from the cleaner that his hand had come into contact with the child's genitals.

The incident is not listed in the Comcare files. The logs, which cover mainland and offshore centres, reveal the immigration department only reported a handful of incidents to Comcare, including a suitcase falling on to a worker, an electric shock from a phone, inhaling powder from a fire extinguisher and a worker being sprayed with raw sewage.

Some of these events did spark inspection reports by Comcare at the detention centre, but all these inspections identified no issues that required enforcement activity from the agency.

Comcare also undertook one proactive inspection in October 2014, records of which were obtained by Guardian Australia under freedom of information laws. During the visit the Comcare officer said they were "satisfied that IDBP are ensuring, as far as reasonably practical, the health and safety of workers at NRPC".

They suggested some improvements surrounding bathroom facilities, mould treatment, safety issues at staff accommodation and providing information to staff about the "health impacts, if any, as a result of being geographically located near phosphate mining activity".

A spokesman for Comcare said that in 2014 one allegation of sexual assault was referred in late 2014, but confirmed they were not notified of the November 2013 incident.

"The incident you have outlined was not referred to Comcare and was not included in your FOI response on that basis," he said.

"An alleged sexual assault at the Nauru detention centre was referred to Comcare by the Department of Immigration and Border Protection in late 2014, but it was not a notifiable incident under the Work Health and Safety Act 2011".

Over the past 18 months there have been repeated concerns raised about serious sexual assaults at the detention centre. A review conducted by former integrity commissioner Philip Moss substantiated some of these sexual assault allegations.

The immigration department, Transfield Services, Wilson Security and Save the Children are set to appear before the Senate inquiry on Tuesday.

<http://www.theguardian.com/world/2015/may/19/nauru-sex-assault-allegations-not-reported-to-workplace-watchdog>

25. Nauru inquiry: immigration minister personally told of serious incidents

Save the Children's chief executive says if incidents had not received 'sufficient traction' he would 'bring it to the notice of the secretary or minister'

The Guardian
Paul Farrell
Tuesday 19 May 2015 17.08 AEST

Allegations of serious incidents that were not gaining "sufficient traction" at the Nauru detention centre were escalated by the Save the Children chief executive, Paul Ronalds, to the Australian immigration minister and department.

A Senate inquiry is examining allegations of sexual assaults and poor conditions at the centre.

Earlier on Tuesday, senior executives at Transfield Services, the Australian company running the detention centre on Nauru, had been unable to answer basic questions about its operations on the island and allegations of sexual assault, and may face being recalled to the inquiry.

Save the Children, which provides welfare services to asylum seekers on Nauru, sent Ronalds and its head of Nauru programs, Lee Gordon, to speak to the inquiry.

A key line of questioning pursued throughout the hearing involved determining when different parties – including contracted service providers, the immigration department and successive immigration ministers – became aware of different allegations of sexual assault and other incidents, and what measures were taken to respond to them.

Ronalds told the inquiry he had made the immigration minister and secretary of the department aware of some serious allegations.

“When serious incidents occur, as CEO of the organisation, I would be made aware,” he said. “Beyond that it might be escalated to Lee and working with department officials here in Canberra ... and in some cases it would be raised by me with the minister or the secretary.

“There have been situations that we have wanted to bring to the notice of the secretary or minister that we didn’t think was getting sufficient traction.”

The Greens senator Sarah Hanson-Young asked about the alleged sexual assault of a young asylum seeker by a cleaner in November 2013, and how that would be handled.

“That’s a critical incident and it would be verbally reported to control,” Ronalds said. “The Save the Children employee would then follow up with a written report. That would normally be co-signed by a Save the Children manager to ensure it was of an appropriate standard.

“In the example you have provided, because it involves a child, Save the Children would take the lead in conducting an assessment. We would talk to the alleged victim ... We would start liaising with the Nauru police.”

Gordon and Ronalds were also asked about the circumstances of the dismissal of a number of Save the Children staff from Nauru in October. The workers were removed by the department with minimal consultation with Save the Children.

Ronalds said Save the Children became aware of the allegations through a report in the Daily Telegraph that referred to an unknown Wilson Security “intelligence report”.

He said the process was at odds with a previous investigation, where five staff were stood down while an investigation occurred, and were then reinstated in consultation with Save the Children.

A review by a former integrity commissioner, Philip Moss, into the allegations at the centre exonerated the staff, and suggested the department review the decision to dismiss them. The report was critical of the value of the evidence in the Wilson Security intelligence report.

Ronalds said: “Reading through the Moss report findings ... the actual chain of events I would describe as more akin to Chinese whispers than any serious evidence-gathering exercise.

“There was no degree of procedural fairness involved at all ... Our staff didn’t have a chance to answer those allegations or anything like that.”

Later he was asked by the Labor senator Kim Carr whether the department should have apologised for the handling of the staff.

“Certainly I think that when allegations like this are made without any substantiation an apology is warranted,” Ronalds said. “That said, we’re getting on with looking after the children and families in our care.”

The immigration department was set to appear before the inquiry on Tuesday but will now give evidence on a later date.

Hanson-Young said later, “The evidence today has raised serious questions about the extent of knowledge the department and the minister knew of women and children being abused, assaulted and exploited. A seedy and toxic environment has been unveiled and it’s clear the government has been trying hard to cover it up.

“Today’s inquiry and the lack of any detailed evidence from Transfield and Wilsons Security proves beyond doubt the need for continued pressure to be placed upon those involved in the running of the Nauru detention camp.”

<http://www.theguardian.com/weather/2015/may/19/nauru-inquiry-immigration-minister-personally-told-of-serious-incidents>

26. The Nauru inquiry faces delays but the answers will eventually surface

At Tuesday’s Senate hearings, questions were repeatedly taken ‘on notice’ but one thing is already evident: every serious incident at the centre was documented and raised with the immigration department

The Guardian
Paul Farrell
Wednesday 20 May 2015 13.22 AEST

Who knew what, and when did they know about it? A Senate inquiry into serious allegations of assault and conditions at the Nauru detention centre, which began on Tuesday, is now trying to establish the answers.

It’s a question that goes straight to the top. The former immigration minister Scott Morrison has many questions to answer about what he knew of the reports coming out of the detention centre. The review he commissioned by Philip Moss came only

after the Greens senator Sarah Hanson-Young went public with allegations of sexual assault at the centre. Former detention staff have since signed an open letter questioning the extent of knowledge about these serious incidents.

The trio that fronted the inquiry on Tuesday are the federal government's vessels on the island. Transfield Services, Wilson Security and Save the Children all deliver different services on Nauru for asylum seekers.

The performances of the private contractors varied, but one constant remained; they each stressed that when serious incidents occurred, they documented them. They reported them internally. And they raised them with the immigration department at all times.

Many of the allegations raised in the submissions published so far have already emerged publicly. We've known for a long time the allegation of the cleaner who sexually assaulted a young boy at the centre. We've known about the allegations – that Moss found were substantiated – of cigarettes being traded for sexual favours, and other incidents of sexual abuse.

There may be more to come we weren't aware of. But what this inquiry is really about is knowledge.

Transfield Services took the ostrich approach. In a remarkably obtuse appearance three senior executives from the company – general manager of logistics Derek Osborn, chief executive of operations Kate Munnings and commercial strategy director Angela Margaret-Williams – could not answer a series of basic questions about allegations on the island or conditions at the centre. The questions were instead opted to be "taken on notice", a useful entitlement in parliamentary hearings that allows a person to prepare a later response in writing.

Analysis of all Tuesday's hearings reveals the phrase "on notice" was uttered 144 times.

Hanson-Young and the Labor senator Kim Carr pushed hard for answers. They didn't get much.

Can you provide data on complaints? Taken on notice. Can you provide information on feedback? On notice. What action have they taken? How many complaints are escalated for referral? Regarding internal reporting for minor incidents how many have clinical depression? They don't collect or collate or have any responsibility for that. How often has the power failed? Does the power fail every week? How many times for periods of more than six hours has power failed? How many cases of food poisoning? And so on.

In a most extraordinary exchange, Osborn even said he couldn't recall the number of allegations of sexual assault that had been reported to him personally.

The company faces being recalled to a later hearing.

Wilson Security fared a little better. South Pacific general manager John Rogers, security contract manager Brett McDonald and human resources manager Lara Donnini appeared before the inquiry. They were very sharp, very crisp, and very polite. It's a little difficult to imagine this is the same company that employed guards who were stood down for their posts about Muslims, Reclaim Australia and anti-halal campaigns.

But the gloss wore off when the hard questions came. McDonald had personally been on the island for almost two years. He had spoken to asylum seekers. He said he was aware of incident reports of serious assaults. He was made personally aware when some reports were made of assaults.

Could he provide any indication of these allegations? Or of any instances where asylum seekers raised their fears with him? Once again, they were all taken on notice.

Rogers even played down the allegations. When asked how widespread, in his view, physical and sexual assaults were at the centre he said: "I can only comment on the reports and allegations that have been raised to us, and that is a minimal number."

When pressed on whether he believed that none of the allegations had been substantiated, he took it on notice.

Save the Children fared the best in Tuesday's hearing. The organisation has had a fraught relationship since its staff were removed at the island – without any notice or explanation – by the immigration department. They were removed after claims were made that they had coached asylum seekers to self harm. They first learned of the allegations when the Daily Telegraph contacted them about a story it was running on a leaked Wilson Security intelligence report, Save the Children's chief executive, Paul Ronalds, told the inquiry.

Save the Children has been critical of Australia's offshore processing regime, and outlined many concerns in its written submission. It did acknowledge that since it came to the island – and since the Coalition came to power – some aspects of conditions and service delivery had improved at the centre.

We learnt the most about the chain of knowledge from Ronalds. He said that at certain points when he felt some allegations weren't gaining "sufficient traction" he had personally raised issues with the secretary and the immigration minister.

If serious incidents were raised personally with both the secretary and the minister, at what point did they realise there was something very wrong at this detention centre? As the inquiry continues, that has become the most important question.

<http://www.theguardian.com/australia-news/2015/may/20/the-nauru-inquiry-faces-delays-but-the-answers-will-eventually-surface>

27. MEDIA RELEASE: Nauru police finally admit asylum seeker was attacked

Wednesday May 20, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Nauruan police have finally admitted that an Iranian asylum seeker was savagely attacked last Saturday night, 16 May.

The 23 year-old female Iranian asylum seeker had been stripped, seriously bashed and robbed. A sexual assault has not been confirmed, and the police have not been able to interview the victim.

But after three days of denials, in the face of growing anger and the women's protest, the Nauruan police finally back-flipped and admitted the obvious.

A group of police attended yesterday's protest (Tuesday 19 May) at Beach House, announcing that they did accept that the Iranian woman had been attacked.

"We will find and catch the people who did this," the police told the protest.

But finally admitting the obvious, is cold comfort for refugees. When refugee women asked about their safety -- police told them to 'look after yourselves.'

It is clear that without the protest, there would not have been any police response.

But it was more than the protesters got inside Beach House from the boss Connect, the Australian funded service providers. Connect had shrugged off the attack, saying all they would do is pass their question to those who are in charge.

"The Connect response was a disgrace and the police admission is a case of too little, too late," said Ian Rintoul, spokesperson for the Refugee Action Coalition. "Too many complaints have been ignored. The attackers act with impunity, knowing they will never be pursued by the police."

"The Nauruan police are both unwilling and unable to protect refugees from attacks. Indeed the police themselves have been responsible for attacking refugees."

Meanwhile those responsible for the attackers are free to taunt and terrify the refugees. Nauru is too small for refugees to avoid those who are responsible for the attacks.

In an attempt to cover-up the abuse of asylum seekers and refugees on Nauru, the government has recently shut down Facebook and introduced laws banning free speech and the right to assembly.

"But the truth is out," said Rintoul, "Nauru is unsafe. This attack adds to the revelations that are emerging from the Senate enquiry into the Moss report of sexual and pohysiavl abuse on Nauru."

For more information contact Ian Rintoul 0417 275 713

28. People smuggler Sayed Omeid motivated by humanitarian reasons, court told

ABC News Online
By Nicolas Perpich
Posted Tue 19 May 2015, 3:30pm

A key player in a major Indonesian people smuggling syndicate, who fought extradition to Australia for several years, was motivated by humanitarian reasons rather than self gain, a court has been told.

Sayed Omeid pleaded guilty in March to two charges of organising two asylum seeker boats which arrived at Christmas Island in March and August 2001, carrying a total of 555 people.

Omeid, from Erbil in Iraq's north, was a central figure in a network led by Indonesian man and convicted people smuggler, Achmad Olong.

During sentencing submissions in the District Court today, Judge Mark Herron noted Omeid was higher up the syndicate's hierarchy than convicted smuggler Hadi Ahmadi.

Ahmadi was sentenced to more than seven years' jail in 2010 for organising asylum seeker boats to Australia.

"His culpability, his criminality is worse than Mr Ahmadi's," Judge Herron said.

The prosecution read out testimonies from passengers of the two boats organised by Omeid, explaining they had paid him up to \$US4,000 and he had stayed on the boats for a short while after they left Indonesia.

Asylum seekers promised holiday cruise

A woman named Batool Mortada said the people smugglers had told her they would be taken to a large steel boat, like a holiday ship, for the voyage to Australia.

She had packed summer wear and beach hats for the children to relax on the boat.

"I was very naive," Mrs Mortada said.

Omeid's lawyer Jonathan Davies told the court nearly all the people his client came into contact with were genuine refugees.

"There was a humanitarian element in everything Mr Omeid has done," he said.

He claimed Omeid received very little personal gain from the people smuggling, and denied Omeid was a flamboyant underworld figure who travelled with armed security guards.

He emphasised no one had died in any of the boat trips he had organised.

"Mr Omeid regarded himself at the time as being under somewhat of a duty to help his fellow refugees escape," he said.

Mr Davies said Omeid had initially helped about 20 of his family members escape persecution in Iraq, and after that his phone number had become well known among people who wanted to contact people smuggling networks.

"He was essentially doing the bidding of those further up the chain," he said.

Omeid was arrested in Malaysia on September 17, 2010 after receiving requests for extradition from Australia.

He fought extradition for several years until he arrived in Perth on October 31, 2013, where he was arrested by federal police.

Judge Herron has reserved his sentencing decision until tomorrow.

<http://www.abc.net.au/news/2015-05-19/people-smuggler-sayed-omeid-appears-in-perth-court/6480052>

29. Iraqi man sentenced to 10 years in jail for organising two asylum seeker boats to Australia

ABC News Online

By Nicolas Perpetch

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An Iraqi man has been sentenced to 10 years in jail for organising two asylum seeker boats to go to Australia in 2001.

Sayed Omeid, 43, from Erbil in Iraq's north, had pleaded guilty to the people smuggling charges in March.

During sentencing today in the Perth District Court, Judge Mark Herron said Omeid played a central and integral role in bringing 555 people from Indonesia to Christmas Island.

"People worked for you and received instructions from you," Judge Herron said.

He said Omeid organised accommodation, transport, food, false passports and boats to bring people to Australia.

"You exposed the passengers to potentially unsafe conditions in unreliable and overcrowded boats," Judge Herron said.

He rejected Omeid's lawyer's contention his client had been motivated by humanitarian or altruistic purposes.

Judge Herron accepted Omeid was partly motivated by financial gain and a desire to bring about 20 family members to Australia.

"Your principal motivation was self-interest, whether it was for financial profit or assistance to family members or yourself," he said.

Omeid fought extradition from Malaysia

Omeid was first arrested in Malaysia in September 2010 and fought extradition to Australia for several years until arriving in Perth at the end of 2013.

He was a key figure in a network led by convicted people smuggler Achmad Olong, from Indonesia.

Judge Herron noted that Olong, who was sentenced to five years' jail in 2008 for people smuggling offences, operated at a higher level than Omeid in the syndicate.

But he said Olong had pleaded guilty at the first available opportunity while Omeid had only changed his plea to guilty in March.

He also said Olong had cooperated with authorities and, unlike Omeid, had not resisted extradition to Australia.

Judge Herron said Omeid had been higher in the hierarchy than Hadi Ahmadi, the first person extradited to Australia for people smuggling offences.

He said Omeid's culpability was worse than Ahmadi's because of his central role in the operation.

"You were his boss," Judge Herron said.

He took into account the "harsh conditions" Omeid was held under in Malaysia.

He also took into account the time Omeid had already spent in custody in Australia, a foreign country to him with no support from family and friends and limited English language.

Judge Herron gave Omeid a six-and-a-half-year non-parole period backdated to September 17, 2010, when he was detained in Malaysia.

This means he could be released from jail by March 17, 2017.

<http://www.abc.net.au/news/2015-05-20/iraqi-people-smuggler-sentenced/6483612>