

Project SafeCom News and Updates

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1. Animated movie Nowhere Line gives Manus asylum seekers a voice

Film-maker Lukas Schrank hopes Nowhere Line, which details the journey of two men held in detention, will help the public make up their own minds

The Guardian

Ben Doherty

Tuesday 3 February 2015 17.13 AEST

The men of Manus Island are the hidden, the silenced. The 1,000 asylum seekers held in immigration detention on the Papua New Guinean island are distant and cut off. None will return to Australia.

Almost all visitors are banned from the Australian government-run centre, journalists are particularly forbidden, and when trouble occasionally ferments and snippets of video footage of protests emerge from within the centre, phones and pens and books are taken from the detainees. Staff have their emails and webpages monitored.

The men have few ways of making their voices heard. But after riots in the centre in February 2014, filmmaker Lukas Schrank read an interview with two men in detention on the island, and was stunned to find it was the only one. "This was the only interview that I could find with people in detention. It seemed like there was a voice missing from the discussion."

The interview was the genesis of a new film – and a new way of telling a story previously unheard. Schrank has created Nowhere Line: Voices from Manus Island, an animated film that details the journeys of two asylum seekers held in Manus's isolated immigration detention centre. The voices of the men, recorded down a grainy phone line from the island, form the narration of the 15-minute film.

Schrank says the decision to animate the film – in the brooding, dark style of Frank Miller's Batman graphic novels – was inspired by an Australian-government produced comic book, propaganda distributed in Afghanistan as a deterrent to potential asylum seekers.

"My first reaction was that it was a complete exploitation of the medium, so I started thinking of ways to tell a similar story from a different perspective." Animation was also the only practicable way to make the film: its subjects were unreachable. "In this case it's the art form that is lending itself to the story," says Schrank. "This film wouldn't be possible to make in any other way."

However, the graphic novel style emerged as an effective, and importantly novel, vehicle for the story. "When there is so much public exposure to any tragic event, the meaning of these events becomes lost so quickly, human lives becomes statistics, shocking imagery becomes a random assortment of familiar shapes and colours," he says.

"By removing that familiarity and reframing the story, the film should be able to challenge people's preconceptions and beliefs on the subject, and perhaps restore a level of humanity to the portrayal of people seeking asylum."

Schrank spent four months finding a way to make contact with the men inside the detention centre, and in winning their trust so that they might tell him their stories. To protect their anonymity, large parts of the interviews had to be omitted from the final cut of the film but, Schrank says, "it is often these challenges that inform the creativity behind how a story is told".

Arriving in Australia from London in 2013, Schrank had no background in refugee issues, and little understanding of the tortuous asylum debates of Australia's recent political history. He says the work is not designed as a polemic but he hopes that from five months' work – involving artists from the Philippines, India, Romania, and Canada – a film will emerge that will allow people to make up their own minds.

"I have only recently become aware how polarised this debate is, so I am aiming for the middle – people who might not know as much about the subject, and maybe haven't formulated their opinion," says Schrank.

"The amount of misinformation surrounding this topic at a political level is a disaster. It only takes a few small buzzwords to cast an entire subject in a certain light – 'illegals, queue jumpers, country-shoppers, stopping the boats' etc – so I can understand how there are people who have conflicted feelings about the situation."

A crowdfunding campaign for the film is also raising money to buy novels, textbooks, DVD players and toys for asylum seekers in detention on Manus Island and Nauru.

<http://www.theguardian.com/film/2015/feb/03/animated-movie-nowhere-line-gives-manus-asylum-seekers-a-voice>

2. Sending Them Back: The Unanswered Questions From High Court Findings in Tamil At Sea Case

Last week's High Court decision on a Tamil asylum seeker's detention at sea is not as black and white as some might think, writes George Newhouse.

New Matilda
2 Feb 2015
By George Newhouse

Commentators often look at court cases like a football game, with winners and losers. But the recent High Court Decision of *CPCF v Minister of Immigration and Border Protection* about the legality of holding 157 Tamil asylum seekers on a Customs vessel and taking them on a pointless voyage to India was much more nuanced than that.

Our client, CPCF, a Tamil whose name has been anonymised for his safety and the safety of 156 others, had been taken into detention when their boat was intercepted by Customs and Border Control officers close to Christmas Island in June 2014.

CPCF challenged the legality of the month he spent in detention while the Minister for Immigration and Border Protection negotiated with various governments to return or resettle the group.

Ultimately the Minister gave up on his efforts to unload the detainees in Sri Lanka or India and took them to Australian Territory, before removing them to Nauru where most of them still reside in miserable conditions.

As a result of CPCF's High Court Challenge the Australian Government hurriedly pushed through a raft of amendments to the Migration Act and the Maritime Powers Act to allow much greater flexibility and discretion in removing asylum seekers from the high seas to other places.

But the amendments failed to remove the one protection that the High Court found is still effective, and which stops the Australian Government from leaving a person in a place where they would be at risk of harm.

The CPCF decision and the recent amendments now threaten the government's 'Indonesian Turn Back Policy'.

Few people are aware that the turn back policy can require men, women and children without navigational experience to be deposited into tiny boats on the high seas in order to find their way to land.

That practice is now open to a legal challenge because the High Court has found that a maritime officer must not put a detainee in a place that is not safe (under s.74 of the Maritime Powers Act) and because the government's own amendments specifically redefine a vessel as a 'place'.

During the course of the CPCF case, the Commonwealth argued that the Government's National Security Cabinet could order Australian maritime officers to take asylum seekers, who had been intercepted on the high seas, to any place they commanded, even back to Sri Lanka where the Tamil asylum seekers claimed that they faced persecution or a serious risk of physical harm or death.

CPCF claimed that an order to return him to Sri Lanka (or even India) would be invalid if it breached the international law principle of 'non-refoulement' (a principle of international law which forbids the rendering of a true victim of persecution to their persecutor).

The case was not about the morality of our Government's position, its focus was on the whether the exercise of government power was valid.

Although the High Court ultimately validated CPCF's detention during the course of his futile passage to India, a detailed reading of the judgment reveals that a majority sent a clear message to the Government about the limits of its power under the Maritime Powers Act.

Justice Crennan conveniently lists a number of the limits:

- the need for authorization;
- the requirement to exercise the power for a particular statutory purpose;
- geographical limitations;
- the requirement that a person not be placed in a place which is not safe;
- the need for treatment consonant with human dignity; and
- the implied limitations to exercise the power within a reasonable time and to exercise it in good faith.

She went on to say, "These limitations make it plain that the defendants are not empowered to take someone in the plaintiff's position to any place on the earth's surface".

In claiming a "win", Abbott Government Ministers overlook the complex interplay between the legal questions that the Court had to consider and the way they were reconciled by the judges.

Full story at <https://newmatilda.com/2015/02/02/sending-them-back-unanswered-questions-high-court-findings-tamil-sea-case>

3. Peter Mares: Scott Morrison's unfinished business

Inside Story
4 February 2015
Peter Mares

As immigration minister, Scott Morrison set in train three major legislative amendments that increase ministerial discretion and reduce transparency and accountability, writes Peter Mares. The impact on individual lives could be profound, but many of the changes have already become law with little public debate.

Just after midnight on Friday 5 December, during the final parliamentary sitting of 2014, the Senate passed a bill that takes us back to the future. At a stroke, refugees who arrive in Australia by boat will once again be given Howard-style three-year temporary protection visas.

While the media covered aspects of the legislation extensively, far-reaching increases in ministerial power and reductions in legal oversight received less attention. And two other migration measures introduced to parliament on Scott Morrison's watch went almost unnoticed.

One has already become law. On 26 November, Labor joined with the Coalition in the Senate to amend the Migration Act to make it easier for the minister to cancel or refuse a visa on the basis of a person's character. The other bill passed the House and awaits a vote in the Senate; if approved, it will significantly increase the minister's power to revoke citizenship in certain cases.

Labor senators opposed the citizenship bill at the committee stage, arguing it would grant the minister "unrestrained power" and result in "a much more cavalier approach to the revocation of citizenship." But that was before the Lindt Cafe siege in Sydney and the debate about how gunman Man Haron Monis came to acquire Australian citizenship, which may change the tenor of political discussion when parliament resumes next week.

All three pieces of legislation extend ministerial powers and ministerial discretion while reducing the role of independent tribunals and courts. Where the character and citizenship bills differ from the new temporary protection visas is that they apply to all migrants, not just asylum seekers and refugees. And some provisions affect people who were born in Australia or who have lived here from a very early age.

<http://insidestory.org.au/scott-morrison-unfinished-business>

4. Claire Parfitt: I won't let this hunger strike death go unnoticed

A hunger strike in immigration detention is about to end in tragedy. I won't let it go unnoticed

Hundreds of Australians have gone on hunger strike in solidarity with asylum seekers being held in detention. They hope to get action before it's too late

The Guardian
Claire Parfitt
Friday 6 February 2015 15.30 AEST

Martin*, a 33-year-old Iranian asylum seeker who has gone without food for more than 80 days, is close to death in Darwin. According to the Refugee Action Coalition, his is the longest running hunger strike in the history of the mandatory detention system in Australia. This follows one of the largest hunger strikes in recent history, which took place on Manus Island in January and involved over 900 people. Some of strikers swallowed razor blades, others sewed their lips together.

The horrors taking place at Australia's borders are not going unnoticed. Try as our government might to hide its shameful crimes by displacing detention camps to remote parts of the Pacific, they cannot be covered up.

This week, hundreds of people across Australia and overseas participated in a collective hunger strike in solidarity with Martin and other hunger-striking detainees. During Hunger For Justice, almost 6,000 hours of fasting were pledged by participants in Australia and overseas in countries including Switzerland, the Netherlands and Pakistan. This call to action inspired many people who have been desperate for a way to show their resistance to mandatory detention and Australia's brutal border protection regime.

Participants in the hunger strike included parliamentarians Lee Rhiannon (Greens) and Melissa Parke (ALP), who both made public statements in support of detainee demands. Rhiannon said:

While I acknowledge that my fast is to the backdrop of freedom and privilege, it is an act of solidarity with the asylum seekers and refugees that Australia has locked up in detention prisons both here and in remote countries.

Parke called on the immigration minister to consider immediately releasing Martin. In a statement, Parke pointed out that indefinite detention is contrary to the international human rights that Australia has pledged to uphold. She added that “[i]ndefinite detention inevitably leads, as we see occurring now on Manus, Nauru and other detention centres like Darwin and Villawood, to mental illness and often self-harm.”

Hunger For Justice was part of a storm of anti-detention activity this week. On Sunday night, protestors created an international spectacle by disrupting the Australian Open men’s final. They dropped a banner reading “Australia Open for Refugees” while two people jumped on the court wearing T-shirts with the same slogan. Channel Seven halted its broadcast to prevent airing the protest, but social and independent media outlets provided a platform for people to share information and photos.

The following morning, four people took to the roof of the prime minister’s office, holding a banner that read “Hunger For Justice”. The occupiers said their action was in solidarity with detainees and that they intended to stay until Martin and the other hunger strikers in Darwin were released from detention.

Also on Monday morning, a commercial Qantas flight was delayed by passengers refusing to buckle up after learning that a Tamil detainee was on board and set for deportation to Sri Lanka.

As well as a burgeoning series of protests in Australia, the last few weeks have seen vigils organised by Australian expatriates outside embassies and high commissions in London, Berlin, New York City, Cambridge and more.

The message is clear: we want to see an end to mandatory detention now.

Despite the hope we might read into the emergence of so much recent activity, it may not be enough to save Martin. He was on hunger strike for 53 days at the end of 2014, before being persuaded to eat. Three days later, however, he began his hunger strike again and has now gone for 42 days without food. He has lost 40% of his body weight. The Refugee Rights Network in Perth has reported that Martin may not survive at this point, even if he resumes eating.

Martin was joined in his hunger strike by 15 other detainees in Darwin’s Wickham Point in mid-January. They are all between 25 and 30 years of age and all are in the same legal position as Martin, having been denied refugee status, but unable to return to Iran. One hunger striker was hospitalised this week after attempting suicide, having been told he was out of options. They now face a future of indefinite incarceration behind Australian barbed wire.

Ali, one of the hunger strikers in Darwin, says:

We have lost all hope and we do not want to live in uncertainty forever. We want to get back our freedom. We cannot go to Iran. We had built a life in Australia and this has been taken away.

Another Darwin hunger striker, Mehdi, was living in Sydney for two years before he was detained. Attending a routine meeting one day with his immigration case manager, he was handcuffed on the spot and taken into detention without warning, leaving his whole life behind.

Sydney’s Refugee Action Coalition will call an action to commemorate Martin’s death when it happens, which is anticipated in the days to come. But Mehdi has also urged Australians not to wait until someone dies before we act.

You can show support for hunger-strikers and others in detention right now by signing the Refugee Action Coalition/GetUp petition to close offshore detention centres or by joining the mailing list for your local refugee action group in NSW, Queensland, Victoria, Western Australia, Northern Territory or ACT.

You can help make sure that what is happening at the border does not pass unnoticed.

*All names are aliases to protect the detainees and their families.

<http://www.theguardian.com/commentisfree/2015/feb/06/a-hunger-strike-in-immigration-detention-is-about-to-end-in-tragedy-i-wont-let-it-go-unnoticed>

5. MEDIA RELEASE: Urgent Darwin action needed as 'Martin' nears death

URGENT ACTION NEEDED FOR DARWIN HUNGER STRIKERS AS ‘MARTIN’ NEARS DEATH

Thursday February 5, 2015
Refugee Action Coalition
www.refugeeaction.org.au
Ian Rintoul
mobile 0417 275 713

Fifteen Iranian asylum seekers are on their 19th day of hunger strike in Darwin’s Wickham Point detention centre. Meanwhile Martin, who has been on hunger strike since November last year is very weak and close to death.

Martin and the fifteen are part of a group of around 35 Iranian asylum seekers who are being held indefinitely in detention although the government is unable to remove them to Iran.

The Iranian government refuses to accept forced removals from Australia.

The fifteen hunger strikers were all living and working in the community on bridging visas until they were re-detained after August last year.

"They are the victims of a callous and completely pointless policy," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

One of the hunger strikers was hospitalised and required stitches after cutting his wrists yesterday. He is now under 24 hour suicide watch inside the detention centre.

In three other cases, the government has tried to break the protest by having the asylum seekers admitted to psychiatric wards.

"Our situation is very bad," one of the hunger strikers told the Refugee Action Coalition. "All the time, we are told, you must go back or we will take you by force.

MARTIN IS CLOSE TO DEATH

As the protest of the 15 enters its nineteenth day, Martin is one day closer to death.

On Sunday night, 1st February, Martin collapsed inside Wickham Point and was taken to hospital around 10.30pm. He was returned to the detention centre at 3am, Monday morning, 2 February.

He is now unable to walk.

"It is urgent that the Immigration Minister intervene," said Rintoul, "It is a damning indictment of government policy that Martin is driven to hunger strike to the death. The government's policy of re-detaining those they cannot remove brings a whole new level of brutality to the detention regime run by the Coalition.

"Peter Dutton has the power to review the cases of all those who have been re-detained. He has the power to re-instate their bridging visas and release them from detention.

"If Martin dies, the responsibility will rest with the Minister and the government's policy."

For more information contact Ian Rintoul 0417 275 713

6. Burnside QC to represent Darwin hunger strike asylum seeker

Refugee advocate Julian Burnside QC to represent 'desperate' asylum seeker on hunger strike in Darwin detention centre

ABC News Online

By Alexandra Fisher

First posted Thu 5 Feb 2015, 12:47pm Thu 5 Feb 2015, 12:47pm

Updated Thu 5 Feb 2015, 2:51pm Thu 5 Feb 2015, 2:51pm

Human rights lawyer Julian Burnside QC will represent an asylum seeker on a hunger strike in a Darwin detention centre, describing the man as "desperate".

The 33-year-old Iranian man, who is detained at Wickham Point detention centre, has been on a hunger strike since late last year after losing his appeal for refugee status.

Burnside, a well-known barrister and refugee advocate, said he would represent the man in an appeal against the decision in the Federal Circuit Court next Thursday.

"He's a man who's trying to die rather than being sent back to his country," Mr Burnside said.

"Who wouldn't want to help someone like that.

"You know that's pretty desperate territory. I was available on the day, of course I'm going to help."

The Iranian man began his hunger strike on November 8 last year. He stopped in late December but resumed four days later.

He was joined by 15 other Iranian hunger strikers in late January.

Government 'morally responsible'

One of the men – who did not want to be named - told the ABC some of the hunger strikers had been taken to hospital.

The man said they were protesting against their indefinite detention after their applications for refugee status were rejected.

He said he would be killed if he returned to Iran because of his political and religious beliefs.

Mr Burnside said the Federal Government would be morally responsible if any of the asylum seekers died from their hunger strike.

"The only reason they're on a hunger strike is because of their fear of what will happen to them if they return to Iran," Mr Burnside said.

"And frankly, starving yourself to death in Australia is a fair mark of sincerity that you are genuinely scared of returning to Iran.

"It brings to mind an interesting comment that I've heard from a lot of asylum seekers over the last 15 years, which is 'In my country ... they kill you quickly, in Australia they kill you slowly'."

<http://www.abc.net.au/news/2015-02-05/julian-burnside-represents-asylum-seeker-on-hunger-strike-darwin/6073242>

7. Doctors speak out against conditions on Nauru

Sydney Morning Herald
February 8, 2015 - 11:00PM
Sarah Whyte

A medical team has described the "appalling" conditions at the detention centre on Nauru, saying there are not enough sanitary pads for women menstruating and children and women are forced to shower behind a flimsy curtain that often flies open in front of male guards.

Dr David Isaacs, a Sydney-based paediatrician, said he was shocked at the conditions the 895 asylum seekers lived in when he worked at the centre in December.

"Almost every child had behavioural problems relating to trauma and stress," he said.

"It is hot all the time, it is dusty, with very poor facilities for washing," he said. "They will limit the amount of time you're allowed in the shower to two to three minutes because of water shortages, and then there is this distance between the showers and the tents. I was shocked by how awful it was."

Dr Isaacs said he felt compelled to speak out against the conditions, despite the contracts he signed before working on the small Pacific island.

"I am not afraid to break my contract and to wear the consequences, because I feel not to speak out is to condone what is happening in our name," he said.

His colleague, Alanna Maycock, who is a nurse, was similarly distressed by the lack of privacy for women in the camp and the number of children who were wetting their beds at night, in fear of walking in darkness to go to the bathroom.

"One Muslim mother we saw had to walk past male guards at night to reach the toilet while menstruating and a blood clot ran down her leg and fell to the ground in front of them," she said.

"Another mother was too scared to go to the shower block at night to wash her child that was covered in diarrhoea.

"Women are expected to wash themselves and their babies where there is no door, no lock and the male guards can often see them.

"Women are also wetting the beds - they are too frightened to go to the toilet at night. There are male guards and there have been reports of sexual-based violence against the women by the local guards."

Another doctor who also worked on Nauru, Dr Hasantha Gunasekera, said holding children in detention constituted child abuse.

"The mandatory detention of children, particularly in offshore processing centres like Nauru, is child abuse. It is completely and utterly inappropriate and also unnecessary, in terms of it not being effective and being exorbitantly expensive."

A spokeswoman for the Department of Immigration denied there was a shortage of sanitary pads and said it would be inappropriate to discuss whether women and children were suffering from bed wetting. She said there were no plans to upgrade the showering facilities.

In October, former immigration minister Scott Morrison initiated an independent investigation into claims women on Nauru had been sexually assaulted by guards. The Moss Review is yet to be released. A department spokesman said: "The review is being finalised and its findings will be released in due course."

In November, a female asylum seeker said she had been raped twice by a male asylum seeker, who was immediately given refugee status. That allegation was also forwarded to the Moss Review.

It comes as the Australian Human Rights Commission's inquiry into children in detention is due to be released by the government.

<http://www.smh.com.au/federal-politics/political-news/doctors-speak-out-against-conditions-on-nauru-20150208-137xwd.html>

8. MEDIA RELEASE: Immigration manager dismisses hunger strikers

Friday February 6, 2015
Refugee Action Coalition
www.refugeeaction.org.au
Ian Rintoul
mobile 0417 275 713

A meeting between the 15 Darwin hunger strikers and the Northern Regional Manager, Robin Gray, yesterday (Thursday) afternoon ended in dismay.

A meeting with the regional manager has been one of the demands since the hunger strike began 20 days ago.

But according to reports, Gray dismissed the hunger strikers' concerns in minutes, refusing to take questions or to have any discussion.

"You asked to meet me. We won't listen to you while you are protesting. If you have complaints or requests they can be sent to the Ombudsman," said Gray before leaving.

After Gray left, another manager at the centre told the fifteen hunger strikers, "We won't do anything for you while you are on hunger strike. We don't care if you die."

Asylum seekers at the meeting said they wanted to ask Gray about possible appeals and why some people in the community were able to have their cases reviewed. But, they said. "We got nothing. One minute; no questions,"

One of the asylumseekers remains on 24 hour suicide watch after slashing his wrists two days ago.

"The contemptuous attitude of the Immigration department is making a difficult situation worse," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"Those who have been indefinitely detained are being mistreated in the hope that the Immigration department can force other asylum seekers to voluntarily return. It is a form of torture, that has already put the life of another hunger striker at immediate risk."

For more information contact Ian Rintoul 0417 275 713

9. Watching hunger-striking client 'a daily challenge', says lawyer

Lawyer of hunger-striking asylum seeker says watching his client starve 'a daily challenge'

ABC News Online
By Nadia Daly
First posted Fri 6 Feb 2015, 4:55am Fri 6 Feb 2015, 4:55am
Updated Fri 6 Feb 2015, 4:56am Fri 6 Feb 2015, 4:56am

For 40 days Darwin lawyer John Lawrence has watched his client starving himself and drawing ever closer to death.

He has described it as a most "unusual and singular experience".

The 33-year-old Iranian asylum seeker began his hunger strike out of despair at his situation in immigration detention in Australia - a situation Mr Lawrence described as "Kafka-esque".

"It's a most unusual and singular experience for any lawyer to represent a man who has chosen to starve himself to death, and I wouldn't wish it on anyone," he said.

His client is being held at the Wickham Point detention centre near Darwin after having an application for a refugee visa rejected by the Federal Government.

Since arriving in Australia five years ago the man has been in and out of detention centres and on temporary bridging visas in the community while his claim is processed.

He cannot go back to Iran as he will be killed, Mr Lawrence said.

In addition, Australia cannot force him to go back because Iran does not accept its citizens who have been returned by force.

This has left his client in a legal limbo, Mr Lawrence said, and in November he began a hunger strike.

'He's literally wasted away physically'

Since becoming the man's lawyer in early December the two have met almost daily, and Mr Lawrence has watched his client deteriorate dramatically.

He said it was highly "distressing" watching helplessly as the man followed a path that would ultimately kill him.

"I've watched him physically deteriorate," he said.

Although he felt the man had not mentally deteriorated, he noted the man has been diagnosed with chronic depression and post-traumatic stress disorder since coming to Australia.

"He's literally wasted away physically," he said. "He's been hospitalised".

The asylum seeker stopped a 51-day hunger strike briefly in December when he was given new hope of being given a refugee visa

Mr Lawrence had lodged an appeal with the Federal Court against the Federal Government's decision that found the asylum seeker was not a refugee.

But the man soon lost hope again and resumed the protest, refusing all food and drink except for water.

On Thursday prominent human rights lawyer Julian Burnside QC said he would represent the man in the Federal Court appeal, which has been scheduled for next Thursday.

Moral dilemma respecting wishes of starving man

Mr Lawrence said representing a man who has chosen to die in such a painful and protracted way posed a "host of moral dilemmas" between his professional duties and his personal concern for the man's welfare.

"As a human, you wish to encourage him to eat because he's going to die if he stops eating," he said.

"He's a 33-year-old man, and you get to know the person through the journey."

He said contemplating the inevitable end to the protest if the man did not begin to eat was a "horrible" prospect he faced daily, when he saw how his condition had deteriorated.

"It's tempting to force feed him, you don't know how to respond," Mr Lawrence said.

The lawyer added he respected the man's decision to go on a hunger strike after hearing why he fled Iran and his struggle to be granted a refugee visa in Australia.

"I'm actually loathe to intervene, in a humanitarian way if you like, because I can see that what's driving him is a genuine political protest," he said.

"Not only for himself, but for the other 15 men in the detention centre who are in exactly the same situation."

He said he found it difficult to avoid trying to persuade the man to resume eating.

"Strictly the rules are that if you're satisfied that his mental faculties are sound and he's giving you instructions that he wishes to continue with starving himself to death ... it's not a matter for you to persuade him against his deliberate, wilful, adult intentions.

"But that's easier said than done. It's a daily challenge if you like.

"On the one hand you want to bring him back to life. But on the other hand you've got to give him due respect for what his clear wishes are."

He said the man's imprisonment was a "Kafka-esque nightmare".

"They've never been charged with any offence, they never will be," he said.

"They haven't got a trial date. They haven't been brought before a court.

"They haven't been found guilty or not guilty of anything. They haven't been sentenced by a judge to a term of imprisonment with a release date.

"They have none of that. This is quite unique.

"They are thrown into a black hole from which they all inevitably, reasonably fall into complete despair."

The job had been very emotionally taxing, Mr Lawrence said, and the support of his family was vital to dealing with the constant stress.

"Every day is a challenge, in a sense, but it's nothing compared to what he's going through," he said.

<http://www.abc.net.au/news/2015-02-06/hunger-striking-asylum-seeker-lawyer-watching-client-starve/6074328>

10. Iranian asylum seeker on hunger strike in Darwin 'can't walk or stand unaided'

Detainee known as Martin started latest hunger strike in late December in protest at his planned deportation to his homeland

The Guardian

Ben Doherty

Friday 6 February 2015 14.32 AEST

The Iranian asylum seeker who started a hunger strike on 8 November last year in Darwin has reportedly lost the ability to walk or stand unaided, but says he is determined to maintain his protest. Fifteen fellow Iranians detained alongside him are also refusing food.

Known as Martin, the Iranian man arrived in Australia four years ago and, until recently, had been living in the community on a bridging visa.

However, Australian authorities determined he was not eligible for a protection visa and he was re-detained, ahead of his planned deportation, last August.

But he has refused to agree to be returned to Iran, saying he fears persecution in his homeland. Iran does not accept its citizens being returned against their will, and so Martin faces indefinite detention in Australia.

He began his hunger strike on 8 November last year. He stopped in late December, after 53 days without food, but resumed the strike four days later. He has refused all food since, and is only drinking water.

Martin's lawyer, John Lawrence, told Guardian Australia his client remained resolute.

"The [immigration] department continues to pressure him to end his protest, trying to persuade him to resume eating. It's in the same vein in which they've been pressuring him since August last year to return to Iran voluntarily."

However, sources inside the centre said Martin collapsed at the weekend, and was taken to hospital. Since being returned to the detention centre other detainees say he cannot walk and is struggling to stand.

Martin's case will go before the federal court for review next Thursday.

The judicial review will assess whether the treatment of Martin, and his refugee status determination, was made in accordance with law. It is not a review of the facts of his circumstance.

Fifteen of Martin's fellow detainees – all Iranian, and all similarly refusing forcible repatriation – are also on hunger strike. Like Martin, they have been found by immigration authorities not to raise Australia's protection obligations.

One hunger-striking asylum seeker said: "Last two months we [are] separated from family. We ask to be where family and friends are but they say 'no, you must stay in Darwin until you agree [to] go home'.

"We stay in Darwin long time, our relationships [are] destroyed. If we could go home we would do so. We tell them 'we give you evidence our lives [are] in danger' but they say 'go home, Australian people do not want you here'."

A manager at the Wickham Point detention centre reportedly told those striking: "We won't do anything for you while you are on hunger strike. We don't care if you die".

Ian Rintoul, from the Refugee Action Coalition, said the government's "contemptuous attitude" was worsening an already volatile situation.

"It is a damning indictment of government policy that Martin is driven to hunger strike to death. The government's policy of re-detaining those they cannot remove brings a whole new level of brutality to the detention regime."

Richard Kidd, co-founder of Doctors for Refugees, said an extended hunger strike carried substantial risk, even before the final critical stages and death.

"Obviously, if this man continues his hunger strike he is going to die, but there are very significant risks before that. Basically the body has to start digesting itself to stay alive."

"Fat reserves and muscle tissue are consumed by the body before the body starts to 'digest' its own vital organs. A person's kidneys and liver are affected first, followed by the heart and brain," Dr Kidd said.

"Some of the damage that is done during an extended hunger strike is irreparable. If a person aborts a hunger strike, they can be left with serious chronic health issues, from kidney failure, to liver or heart problems, to brain damage."

The Australian Medical Association and World Medical Association have established guidelines on treatment for people in custodial settings who refuse food. Hunger-strikers should be assessed for depressive or other mental illnesses that could impair their decision-making. Those found to be making a rational judgment to hunger strike should be informed of the consequences of their actions.

"So these people know what is going to happen to them, they know what this is doing to their bodies. It is an indication of how desperate and despairing they are. They are essentially choosing death ahead of remaining in their current situation."

A two-week mass hunger strike in the Australian-run immigration detention centre on Manus Island in PNG ended 11 days ago. The centre remains under increased security restrictions, and detainees have had their phones and personal possessions taken from them.

The immigration department, and the immigration minister, have been contacted for comment.

<http://www.theguardian.com/australia-news/2015/feb/06/iranian-asylum-seeker-on-hunger-strike-in-darwin-cant-walk-or-stand-unaided>

11. MEDIA RELEASE: IOM vultures prey on jailed Manus asylum seekers

Friday February 6, 2015
Refugee Action Coalition
www.refugeeaction.org.au
Ian Rintoul
mobile 0417 275 713

Officers from the International Organisation of Migration (IOM) visited jailed asylum seekers on Manus yesterday (Thursday, 4 February) looking for asylum seekers to agree to voluntarily return to their home countries.

IOM was the manager of the Manus Island detention centre under the Howard government. IOM have no protection mandate but are a mercenary outfit paid by the Australian government to arrange returns of asylum seekers. IOM contracts have sometimes included bounties paid for each asylum seekers returned.

The asylum seekers have been held in appalling conditions in the Lorengau jail since being shanghaied by Wilson security guards during the Manus mass hunger strike.

"To take advantage of asylum seekers who have been cruelly abused and are now unlawfully held in jail; is just despicable," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"Many of those in jail have also been denied urgently needed medical assistance. Lorengau hospital is refusing to provide treatment saying that asylum seekers should be looked after by IHMS. Some of those in jail are also refugees entitled to international protection.

"It says everything about the priorities of the Immigration Department and the PNG government, that IOM gets access to the jail, but there are no lawyers, nor medical assistance.

"There is an urgent need for the asylum seekers to get medical attention. There is an urgent need for human rights observers on Manus Island " at the detention centre and in the jail. IOM and the Immigration Department are systematically violating the rights of asylum seekers."

For more information contact Ian Rintoul 0417 275 713

12. PNG grants 30 more refugee status while increasing jailing powers

Manus Island: PNG grants 30 more refugee status while increasing powers to jail asylum seekers

ABC News Online

By PNG correspondent Liam Cochrane

First posted Tue 3 Feb 2015, 2:57am

Updated Tue 3 Feb 2015, 3:02am

Papua New Guinea has granted refugee status to a further 30 men on Manus Island but has also amended laws to allow asylum seekers to be jailed for "misbehaving".

Immigration Minister Peter Dutton flew to Port Moresby yesterday for talks with his PNG counterpart.

"The relationship between our two countries strengthens through our cooperation and our desire to do good things in our region," Mr Dutton said.

PNG immigration minister Rimbink Pato said a further 30 asylum seekers had been granted refugee status.

"Altogether there'll be 80 asylum seekers who are on the way to being resettled in PNG once a policy on the resettlement has been finalised," he said.

PNG has yet to form a resettlement policy, despite nine refugees leaving detention and moving to a transit facility elsewhere on Manus Island to wait for a job opportunity.

It is a country with no welfare system, poor health care and a crime problem.

Mr Pato said Australia would have to shoulder the financial burden of resettling refugees into this challenging environment.

While Australia has committed support, Mr Dutton said it was a domestic matter for Papua New Guinea.

"We have a very competent partner in PNG in relation to this issue," he said.

Mr Pato said another 80 men have had their asylum claims rejected but will appeal.

"Two of them have not [appealed], they have agreed to leave PNG, but 80 of them have sought a review of the decision," Mr Pato said.

Asylum seekers detained during last month's raid of a blockaded compound within the detention centre remain locked up at the Manus Island provincial jail and at the police cells.

"The police powers are wide and they can detain people in certain circumstances," Mr Pato said, without explaining what those circumstances were or how long asylum seekers could be detained.

He confirmed the asylum seekers in jail and police cells had not been charged.

"There's no proper evidence that there's a breach of any law in this case," he said.

The ABC understands Mr Pato amended the law late last year to allow asylum seekers to be sent to three more secure locations in special circumstances.

As well as the Manus Island jail and police cells, Bomana prison near Port Moresby can also be used.

Mr Pato warned protest leaders that they risked ruining their asylum applications.

"Should an asylum seeker misbehave, then he will disenfranchise himself. In other words he will not be resettled."

It was not clear if "misbehave" referred to criminal actions or perceptions of being a troublemaker within the Australian-run detention centre.

<http://www.abc.net.au/news/2015-02-03/more-refugees-new-powers-to-detain-on-manus-island/6064582>

13. Manus Island protest interrupts Australian Open final

Protesters unfurl banner reading 'Australia Open for Refugees' in bid to expose poor conditions asylum seekers in detention are kept in

The Guardian
Ben Doherty
Monday 2 February 2015 07.40 AEST

Refugee activists interrupted the Australian Open men's tennis final, unfurling a banner demanding the closure of the controversial Manus Island immigration detention centre.

With Novak Djokovic leading Andy Murray 4-3 in the second set, protesters walked down to the court wall at the Yarra River end of Rod Laver Arena, draping the banner over sponsors' logos, with the aim of having it captured by television cameras and broadcast around the world.

The banner read "Australia Open for refugees" with the hashtag #shutdownmanus written underneath. It also carried a recreation of the Australian Open logo.

Two women who jumped on court were arrested, while at least another four people - wearing handmade "Australia Open for Refugees" shirts - were evicted from the match.

Channel Seven refused to show the protest on TV, but thousands of pictures and video clips circulated online.

The match was delayed for five minutes.

The group behind the protest said in a statement: "We have created this international media spectacle today to expose the torture, abuse, and horrific conditions that are being perpetrated on Manus Island".

"We will not be silent. We are drawing a line with this issue. If we allow this to happen, there is no end to what this government is capable of."

The Manus Island detention centre has been an especially controversial part of Australia's offshore detention regime.

Two men died in the centre last year, one man bashed during a riot, and another from a preventable infection, while regular reports detail violence within the centre, including rapes of detainees and the use of solitary confinement to punish those deemed 'non-compliant'.

Practical issues to do with inadequate health care, detainees being given expired medicines and food and a lack of running water have also dogged the centre.

Currently, there are 1,035 men held on Manus Island. Some have been there since August 2013 and have not had their refugee status determinations made.

<http://www.theguardian.com/australia-news/2015/feb/02/manus-island-protest-interrupts-australian-open-final>

14. Asylum activists arrested on Tony Abbott's office roof

Asylum seeker activists arrested after climbing on to Tony Abbott's office roof

Four protesters climb on to prime minister's Manly electorate office with banner saying 'Hunger for justice'

The Guardian
Australian Associated Press
Monday 2 February 2015 14.00 AEST

Four activists protesting against the Australian government's detention of asylum seekers have been arrested after climbing on to the roof of the prime minister's Sydney electorate office.

Police were called to Tony Abbott's electorate office in Manly about 9am. They found four protesters sitting on the edge of the roof of the three-level building on Sydney Road.

Officers climbed up to talk to the men who had hung a large banner reading "Hunger for justice" over the side of the building.

One of the protesters, Claire Parfitt, said the protest was to show solidarity with 15 refugees on a hunger strike in Darwin including one man, Martin, who she said was close to death.

The ease with which the four activists, aged in their 20 and early 30s, were able to make their way on to the roof of the prime minister's electorate office has raised security concerns, with NSW police saying the issue would be raised with the Australian federal police.

"But you can rest assured the electoral office of the prime minister and other important buildings like that are regularly patrolled," Inspector Graeme Pickering told reporters.

It is understood the protesters are from the group Cross Border Collective, and are linked to refugee activists that disrupted the Australian Open men's tennis final on Sunday night after jumping on to the court at Rod Laver arena.

"We have created this international media spectacle today to expose the torture, abuse and horrific conditions that are being perpetrated on Manus Island," the group said.

The group is also believed to have been involved in another protest on Monday morning that delayed a Qantas flight from Melbourne to Darwin on Monday morning.

The flight was reportedly delayed by about 50 minutes after several passengers refused to sit down in a protest against the recent deportation of a Tamil asylum seeker.

"The passengers refused to follow cabin crew instruction so were offloaded and met by the Australian federal police," a Qantas spokeswoman said.

Cross Border Collective says on its Facebook site that the co-ordinated action and campaign, Hunger for Justice, was organised to express solidarity with detainees on Manus Island, Nauru and in detention in Darwin.

<http://www.theguardian.com/australia-news/2015/feb/02/asylum-seeker-activists-arrested-after-climbing-on-to-tony-abbotts-office-roof>

15. Qantas evicts passengers over refugee protest

Green Left Weekly
Monday, February 2, 2015
By Mel Barnes

Three passengers were removed from a Qantas flight from Melbourne to Darwin this morning after refusing to take their seats in protest against the transfer of an asylum seeker on the same flight.

A 25-year-old Tamil man known as Puvaneethan was being transferred from Maribyrnong detention centre in Melbourne to Darwin. He was distressed about being separated from his family in Melbourne.

Protesters from the Refugee Action Collective gathered outside the detention centre in the early morning on February 2 to try and stop the transfer. They were concerned Puvaneethan could be deported from Darwin and tortured upon his return to Sri Lanka.

Tamils continue to face persecution and ethnic discrimination in Sri Lanka, even after the end of the civil war. A report by Amnesty International in 2012 said Tamils face "arbitrary arrest and detention, torture and other ill treatment."

Despite attempts by protesters to block the road, Puvaneethan was taken from the detention centre at 4am.

Protesters then gathered at Tullamarine airport and handed leaflets to passengers on the same flight urging them to help stop the transfer.

Three passengers who refused to sit and delayed the flight by 45 minutes were removed by police. Puvaneethan was initially removed from the flight, giving protesters hope his transfer would be delayed, but he later reboarded with security guards.

Refugee Action Collective spokesperson Chris Peterson said: "Sri Lankan asylum seekers have been returned to danger via 'enhanced screening' before they even make fair claims, and those in the community who are 'out of process' and with expired visas are at risk of deportation to possible imprisonment, torture or rape.

"Puvaneethan must be allowed to remain in Melbourne."

16. Dramatic Stand Of Three Passengers Stops Removal

Dramatic Stand Of Three Passengers Enough To Stop Asylum Seeker Removal, For Now

A Tamil man appears to be one step closer to deportation despite the three passengers taking a stand to defy Immigration officials. Max Chalmers reports.

New Matilda
2 Feb 2015
By Max Chalmers

A dramatic attempt to prevent a Tamil man being removed to Darwin to face deportation appears to have succeeded for now, after a passenger protest delayed the Qantas flight carrying him from Melbourne to Darwin this morning.

In a desperate attempt to prevent the removal, asylum seeker advocates raced to Tullamarine airport earlier this morning and handed out leaflets to passengers encouraging them to disrupt the flight and help prevent the removal of the asylum seeker.

One member of the group, 21-year-old Jasmine Pilbrow, bought a ticket for Qantas flight 383 shortly before its scheduled departure, then refused to be seated when the passengers were asked to prepare for take off.

"I visit the detention centre in Broadmeadows so know the guys in there. When I heard about this, I wanted to be involved," she told New Matilda.

"I [boarded the plane] and just kind of acted normal. I sat down until I saw the last few people getting on. And that's when I stood up and refused to sit down again."

As Pilbrow stood, she explained to other passengers the reason she was interrupting their flight.

Then, in a show of support, two further passengers who appear to have had no previous connection to the protest, stood up.

According to Pilbrow they were both young women in their 20s or 30s.

"We didn't know them, they were just random passengers," she said.

"That was really nice, when I saw them stand up I felt a lot happier."

New Matilda understands that the Tamil man at the centre of the protest had been living in the community on a bridging visa for around two years, but had recently received a negative refugee determination.

Aran Mylvaganam, a spokesperson for the Tamil Refugee Council, told New Matilda he had visited the man in detention and seen his Refugee Review Tribunal papers.

He said the Tribunal had accepted the man had been detained by the Sri Lankan army before he fled the country, but rejected his application because they did not believe returning him now would put his life in danger.

"His application failed because the immigration officials believe there is not a threat to his life," Mylvaganam said.

"Our argument is that while there are a lot of promises being made by the new government [in Sri Lanka], Tamils who had records with the Sri Lankan army in the past continue to face problems at the hands of the army when they're deported back."

Fleeing Sri Lanka in the manner most asylum seekers do is illegal in Sri Lanka, and many face prison sentences of up to two years immediately upon return.

Because of this, Mylvaganam is hopeful there will be enough time to appeal the man's negative determination before he is deported from Darwin.

After delaying the flight for close to an hour, Pilbrow was removed by the Australian Federal Police.

The two other women who joined the protest left the plane voluntarily, and are now en-route to Darwin on separate flights.

Pilbrow said that while passengers around her had been sympathetic to the protest, many had been heading to Darwin for work purposes and so declined to join.

Police escorting Pilbrow off the plane received applause from passengers, and Pilbrow said some jeered as she was removed.

The Tamil man was also escorted off the plane – a condition of Pilbrow's exit – but it appears he was quietly re-boarded after Pilbrow exited.

New Matilda has not been able to confirm whether he remains on the flight, now around half way into its three and a half hour journey, but advocates at the airport have not been able to make contact with him since Pilbrow disembarked the flight.

A spokesperson for Qantas confirmed the incident delayed the flight by 50 minutes and referred further questions to the AFP.

The AFP has not confirmed whether Pilbrow will be charged, but her details were taken at the scene.

The incident follows a protest at the Australian Open final last night, with activists unfurling a banner to protest human rights violations in the detention centre on Manus Island.

It's also not the first time a flight has been interrupted to stop a deportation.

In 2014, another young woman, Steph O'Donnell, interrupted the deportation of asylum seeker Wei Lin by refusing to be seated on an Air China flight.

Earlier in the morning, advocates tried to stop the Tamil man being moved from the Melbourne detention centre in which he was held.

Update: The Department of Immigration has confirmed the removal was not successful, but that it will still go ahead in the future. Due to the action of some of these protestors, the transfer did not proceed and some passengers were inconvenienced as a result.

This was an unfortunate incident and the Department will continue with plans to transfer this detainee. The AFP have been contacted for comment.

<https://newmatilda.com/2015/02/02/dramatic-stand-three-passengers-not-enough-stop-asylum-seeker-removal>

17. Government spends \$1.2 billion on offshore processing centres in one year

Brisbane Times
February 5, 2015 - 4:38PM
Sarah Whyte

The Abbott government has spent more than \$1.2 billion to run detention centres on Manus Island, Nauru and Christmas Island in one year, newly released Senate Estimate documents show.

The answers to questions on notice show during the last financial year the immigration department spent \$474.1 million to operate the offshore processing centre on Nauru that holds 895 people, including children and family groups. According to the documents, this amount included \$24.7 million on health care services while \$323.5 million was spent on welfare services, food supplies and security.

Papua New Guinea's Manus Island detention centre, which currently holds 1035 male asylum seekers. and has recently been plagued by unrest and protests, cost the government \$437.6 million to run. This also includes \$30.5 million spent on health care services and \$344.7 million spent on welfare services.

Transfers between both islands and Colombo in Sri Lanka during 2013/14 were facilitated by the Australian Federal Police, which cost about \$8.3 million. The AFP does not provide transfers to detention centres within Australia, the documents said.

Meanwhile, the detention centre on Christmas Island cost \$318 million to operate. This amount is likely to go down next year as all children and their families on the island were removed to a Darwin detention facility in December as promised by former immigration minister Scott Morrison. Yet despite the promise they would live in the community, the children are still being held in the Blaydin Point facility.

The figures come as the United Nations refugee agency has criticised last week's High Court decision over the detainment of 157 asylum seekers on the high seas for a month, saying it had "deep concern" for Australia's policies and practices to detain people at sea. In a 3:4 decision, the High Court ruled that it was lawful for the government to detain the 157 asylum seekers at sea for a month last year.

According to the Senate documents, the air transfers of these 157 asylum seekers from Curtin detention centre to Nauru cost \$750,000, while accommodation and flight transfers for six immigration staff cost the government \$13,600.

But the government aims to save more than \$100 million this year on Manus Island, slashing costs to \$333.8 million during the 2014/15 financial year. This includes dramatically cutting the costs of welfare services from \$323.5 million to \$177.8 million. Transfield currently holds a \$1.2 billion contract to provide welfare services on both Nauru and Manus Island.

The government's "tow back" policy subsequently cost taxpayers \$2.5 million for a number of inflatable lifeboats to return asylum seekers from their country of departure. The lifeboats are only used once and are not retrieved.

During 2014 the number of people who arrived by boat to Australia significantly plunged. Last year 164 people successfully made it to Australian land to seek asylum. This is in stark contrast to the 20,719 people who successfully sought asylum by boat in 2013.

Greens immigration spokeswoman Sarah Hanson-Young said it was "shocking" that Australian taxpayers were paying for people to be detained by the government.

"If the government really wanted to save money, they'd shut down these multi-billion dollar gulags on Manus Island and Nauru," Senator Hanson-Young said.

"It's disgraceful that families, including young children, are detained in shocking conditions offshore and the Australian taxpayer is left to pick up the multi-billion dollar bill."

<http://www.brisbanetimes.com.au/federal-politics/political-news/government-spends-12-billion-on-offshore-processing-centres-in-one-year-20150205-13708n.html>