

Project SafeCom News and Updates

Sunday, 15 March 2015

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1. Matthew Kronborg: Human rights performance review we should take seriously

United Nations report is a human rights performance review that we should take seriously

The Age
March 12, 2015 - 9:05PM
Matthew Kronborg

This week a number of high-profile Australians have made rather broad brushed inflammatory condemnations of the whole United Nations organisation and its mechanisms. These off-the-cuff and thought bubble responses hold back Australia's best interests and damage the country's reputation as an upstanding global citizen that seeks to eliminate human rights abuses where ever they may occur.

The facts are that Australia and the UN have had an enduring and symbiotic relationship over many decades. Australia was a founding member of the UN in the late 1940s and was one of the eight nations involved with the original drafting of the UN Universal Declaration of Human Rights.

Australia has continuously been a strong supporter of human rights throughout international treaty negotiations and the country has ratified almost all major international human rights instruments. To provide a self-check mechanism the country has issued a standing invitation to UN human rights experts to visit and report on Australia as they see fit.

Feedback from friends, especially when requested, regarding areas for improvement should be considered rather than angrily dismissed.

The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment is an independent investigator of the core UN machinery. Juan Mendez's global review report was written without fear or favour and will be considered by the UN Human Rights Council in due course. He and the UN Human Rights Council work solely to promote and protect human rights. They have no other mission.

Mendez's report should be taken to indicate possible – and, in some cases, very likely – deviations away from human rights norms, a canary in the coal mine of sorts. His investigations test all countries against international human rights law baselines, especially the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Universal Declaration of Human Rights. Australia has long supported and chosen to be a signatory to these important pillars protecting human rights.

The UN Special Rapporteur has simply provided Australia with a brief performance review against the goals they contain. How a country and its people choose to respond is entirely up to them.

Last year Australia was recognised for making an outstanding contribution as a temporary member of the UN Security Council particularly through the exemplary efforts of Australia's permanent representative to the United Nations Gary Quinlan and Foreign Minister Julie Bishop.

Following that success, Australia is currently lobbying for a seat on the UN Human Rights Council. How it is seen to respond to human rights concerns domestically, both in sentiment and action, may influence other countries willingness to vote for Australia as it pursues this objective.

Australia's passion to aspire for a perfect human rights record is a very respectable ambition and sets a positive precedent that other countries can follow. To continually improve towards this goal the country has to be willing to listen to expert feedback. Sweeping, denigrating, undiplomatic remarks about the entire United Nations are unhelpful and misplaced.

Matthew Kronborg is the national executive director of the United Nations Association of Australia.

<http://www.theage.com.au/comment/united-nations-report-is-a-human-rights-performance-review-that-we-should-take-seriously-20150311-141rxw.html>

2. David Isaacs: We need to take the Forgotten Children report seriously

The real message of the Forgotten Children report from the Australian Human Rights Commission must be heard

The Age
March 12, 2015
David Isaacs

The Forgotten Children, the report on children in detention from the Australian Human Rights Commission, has been dismissed by the government as being politically motivated, ignored by the opposition and attacked by some in the media because of a lack of scientific evidence of harm.

Attempts have been made to muddy the waters by unworthy personal attacks on Professor Gillian Triggs, the president of the AHRC.

It is time to read the report carefully and address the real issues, instead of trying to dilute the message or shoot the messenger.

The report meticulously demonstrates the psychological and physical harms inflicted on children by prolonged detention. The major issue is that holding children indefinitely in detention is effectively child abuse. It has been described as such by the Australian Medical Association and the Royal Australasian College of Physicians.

Successive governments are openly abusing children in our name. Documentation of the level of harm suffered by children is certainly not straight-forward. Journalists need to pay \$8000 for a visa to Nauru and doctors working there are forbidden by strict contracts from talking to the media about anything they witness. It is easy to dismiss children's mental health problems as pre-existing due to the traumas the families were fleeing.

To describe the report as politically motivated also evades the point. The report is an attempt to influence both major parties to abandon policies seen by the rest of the world as abhorrent.

Despite repeated objections from lawyers, doctors and humanitarian organisations that the policies infringe human rights, both major political parties have persisted with these cruel policies.

The clear aim is deterrence. Asylum seekers are held in indefinite detention and not told when or where they will be released, if ever. The moral justification is that the end justifies the means. The underlying reason is political: the issue of asylum seekers arriving by boat (although not by plane) is political dynamite which wins and loses elections.

Turning back the boats has probably saved lives, although we do not know the fate of those turned back or of those deterred from fleeing by the policy. But to use this argument to justify mandatory detention is mixing up two different issues. Mandatory detention has not stopped boat arrivals, although its only rationale is deterrence.

A paediatric refugee nurse and I were approached by International Health and Medical Services (IHMS) to consult on children detained on Nauru. IHMS is a private healthcare organisation contracted by the Australian government to provide healthcare to asylum seekers in Australia and offshore. Our contract forbade us to make any public statement or talk to the media about anything concerning IHMS or the Department of Immigration and Border Protection.

We spent five days on Nauru in December last year and were utterly appalled by the harsh living conditions, the dehumanising way the asylum seekers were treated, the real and perceived threats to personal safety and the effect of all this on children and their families. Almost all the children we saw had severe stress-related symptoms including self-harming, nightmares, bed-wetting, anxiety and depression.

On our return to Australia we were both troubled by nightmares ourselves. How could Australians be party to such cruelty? We decided to break our contract, approach the media and risk any reprisals.

After writing a comment piece for the Herald, we met with senior IHMS staff. They expressed disappointment we had gone to the media and felt betrayed. We said we thought IHMS worked hard in the camp to help children, but nothing short of release could really help them and we thought IHMS should protest more about conditions.

IHMS said their government contract forbade criticism of government policy and they preferred to work for change from within the system. We ended our meeting acknowledging our respect for but disagreement with each other's position.

Incidentally, last financial year, Australia spent more than \$500,000 per person for each of the 895 persons, including 119 children, held on Nauru. Their average stay in detention had been 15 months.

Subsequently I did radio interviews with New Zealand, Danish and Swiss radio, all appalled by Australia's mandatory detention policy. The Danish interviewer said extreme right-wing groups were saying Denmark should learn from Australia how to treat asylum seekers cruelly.

Mandatory detention is immoral and offshore detention is an abomination. We must not be deflected from the real issue highlighted by the Forgotten Children report.

All political parties need to recognise that Australia's policy of mandatory detention diminishes us in the eyes of the world.

All parties need to agree that whether or not it wins votes, they will all abandon mandatory detention as an ineffective and inhumane mistake.

Professor David Isaacs is a consultant paediatrician.

<http://www.theage.com.au/comment/the-real-message-of-the-forgotten-children-report-from-the-australian-human-rights-commission-must-be-heard-20150310-14074e.html>

3. Ben Pynt: Australia again justifies torture as a means to an end

Australia again justifies torture as a means to an end, this time by attacking the UN

I received the first frantic phone call about torture on Manus Island in July last year. I am stunned by our politicians' reactions to the UN's investigation

The Guardian

Ben Pynt

Wednesday 11 March 2015 10.35 AEDT

When I received the first frantic phone call late at night in July last year, I ended up on my kitchen floor in tears. One of the men on Manus Island I had been speaking with for six months had been tortured. He recounted in harrowing detail how he and another man were cable tied to chairs and beaten about the body so as to avoid visible scars. Both men were witnesses to the death of Reza Barati and the worst of the violence during the attacks of 16 and 17 February 2014. They were told that they were to recant their testimony, or they would be released to the hands of locals who would rape and murder them.

Earlier in the week, when the men disappeared, I had alerted the UN Office of the High Commissioner for Human Rights to the possibility of this. The two men, who had been designated as "community leaders" by management of the centre, had attended a meeting regarding changes to the internet and phone schedules. These changes meant it was almost impossible for men from the Middle East to maintain direct contact with their families due to the time difference. They were understandably upset.

The possibility of the men disputing the change was not something management had adequately contemplated. When it happened, internal Daily Security and Intelligence Reports stopped calling the men "community leaders", instead labelling them dangerous, and started accusing them of having threatened staff on multiple occasions.

The men were unceremoniously removed to the "managed accommodation area", otherwise known as Chauka compound. Chauka is a series of three shipping containers outside the bounds of the Manus detention centre, approximately 300m away from the Navy gate, adjacent to the recreation oval. There, they were tortured by expatriate and local guards for three and four days respectively.

As soon as they returned to "general population", they rang. A short time later they sent through their written testimony.

I was later told by a staff member that they had attempted to speak to the men about their ordeal. The first man, A, was shaken but recounted the events in much the same way as he had to me. The second man, B, "curled up in a ball and cried uncontrollably". The staff member, who has healthcare training, recognised this as one of many symptoms of torture the men were displaying.

Within days, staff leaked dozens of internal detention documents that corroborated the men's written testimony in every respect, aside from confirming the torture itself. The names, the places, the dates and times all matched up. These were no spurious allegations.

My first action was to alert the Australian Federal Police, to whom I provided transcripts, testimonies and all other evidence I possessed. By way of letter in October, the AFP declined to investigate. Instead, they referred the matter to the PNG Constabulary, which has to date taken no action to investigate the incident or prosecute those responsible.

I then alerted the media, and the incident was reported by Fairfax and the Guardian. Scott Morrison, then minister for immigration, gave his response: Transfield, the detention centre operator, was the appropriate authority to investigate. I was stunned. In no circumstance is it appropriate to refer allegations of abuse to those accused of perpetrating it, particularly where there is no independent oversight and no effective protection for the victims. There is no evidence of any internal investigation having taken place.

Nevertheless, a spokesperson for the immigration minister said at the time that:

"The minister is advised there has been no such complaints made to local authorities or service providers on site. The minister is advised a full investigation was undertaken by Transfield with the claims being determined to have absolutely no foundation."

On Monday this week the UN Special Rapporteur on torture tabled his annual report at the Human Rights Council. In his observations on communications Méndez discussed our urgent appeal regarding A and B, and found that Australia has violated their right to be free from torture and cruel, inhuman or degrading treatment. To paraphrase, the UN agreed the men were tortured.

The special rapporteur's findings came too late for the men. When the hunger strikes erupted in January this year, A decided the risk of further torture was too high and opted to return home to Iran, where he was certain he would face execution. He has disappeared.

B felt he could not return home, and stayed on at Manus. He was accused of being a “ringleader” and was again tortured in Chauka compound. He has sent me photos and videos to prove this. His feet were beaten so hard that the skin split open from his heel to his ankle bone, and he is not the only one.

Tony Abbott’s response to the report was to attempt to discredit the special rapporteur, the global authority on torture, as biased and disreputable. He said the events should be seen in the context of having done “the most compassionate thing we can do: stopping the boats”. Following his speech on Sri Lanka (“sometimes in difficult situations, difficult things happen”) Australia’s prime minister has again justified torture as a means to an end.

<http://www.theguardian.com/commentisfree/2015/mar/11/australia-again-justifies-torture-as-a-means-to-an-end-this-time-by-attacking-the-un>

4. Julian Burnside: Tony Abbott is a bully over UN Convention Against Torture

The Age
March 10, 2015 - 10:55AM
Julian Burnside

A United Nations report says Australia is in breach of the UN Convention Against Torture because of aspects of its treatment of refugees held in detention on Nauru and Manus Island.

Prime Minister Tony Abbott has attacked the UN for that criticism. It is true to his form.

In the past weeks we have watched Abbott and his senior colleagues attack Professor Gillian Triggs for her report about the mistreatment of children in immigration detention.

Mr Abbott is a bully. He knows he cannot contradict the contents of Professor Triggs' report or the UN report, so instead of denying the message, he attacks the messenger.

Bullying is an ugly thing. It is regrettable in the schoolyard; it is despicable in a national leader. We have seen it before, in leaders whose names are reviled in history.

The UN was set up after World War II. It was a brave experiment to see whether universal norms of behaviour could be agreed and maintained among the nations of the world. It promoted widely accepted human rights conventions, including the Universal Declaration of Human Rights, the Refugees Convention, the Convention on the Rights of the Child and the Torture Convention.

Australia has signed all these international instruments, including the Torture Convention. It signed the Torture Convention nearly 30 years ago, on 10 December 1985. The convention begins with the words:

"... Having regard to article 5 of the Universal Declaration of Human Rights ... which provide(s) that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment ...

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world ... the parties to the Convention agree ..."

As the UN report notes, Australia did not respond to the UN request for its version of the facts. There is no suggestion that the matters in the latest report are factually wrong.

It is important to understand what is happening: a UN representative considers that various aspects of Australia's treatment of refugees in Nauru and Manus amount to torture, in breach of the convention which Australia has signed. Mr Abbott does not deny the facts but says Australians are "sick of being lectured to by the United Nations".

The parallel with the attack on Professor Triggs is uncanny: Professor Triggs reported the appalling effects of the mistreatment of children in immigration detention, and Mr Abbott's government launched a full-scale attack on her without casting doubt on any of the facts she reported.

In responding as he did, Mr Abbott did not speak for all Australians. Indeed, I think he did not speak for most Australians. Most Australians value this country's reputation for decency and fairness. Most Australians do not think this is a country of bullies and child-abusers. Most Australians would be shocked to think that, as a country, we are behaving in ways that betray our standards of conduct and our image of ourselves.

But Mr Abbott's bullying response was even worse than it appeared, because it was coupled with dishonesty. He said: "I really think Australians are sick of being lectured to by the United Nations, particularly, particularly given that we have stopped the boats, and by stopping the boats, we have ended the deaths at sea."

"Stop the boats" originally meant: stop boats from leaving Indonesia with refugees on board, because the voyage is dangerous. Mr Abbott has not stopped the boats from setting out for Australia. He knows that. To say "we have stopped the

boats" is a lie. The Australian navy has breached Indonesian territorial waters a number of times as it pushes refugee boats back. We have bought large numbers of life boats in which to send asylum seekers back to Indonesia after their boats have been intercepted. Just last week, we were told that boats will be bought in Vietnam and asylum seekers will be put on those boats in order to send them back to Indonesia.

We are not told how many people have drowned in the boats that have set out, presumably because that is an "on-water" matter.

But apart from Mr Abbott's lies and bullying, there is another point about his "Stop the boats" rhetoric. The harsh treatment of people in offshore detention amounts simply to this: Because we are concerned about people drowning, we punish the survivors. And now the UN has pointed out that our treatment of the survivors constitutes torture, contrary to our solemn promise made when we signed the Torture Convention 30 years ago.

It is a matter of profound regret that Mr Abbott is so careless of Australian values and Australia's image that he thinks it appropriate to respond like a bully when an impartial international observer politely draws attention to the fact that our conduct falls way below the standards we set for the international community and ourselves.

It is a matter of profound regret to see where the country is being taken by a man whose defining characteristics are bullying and dishonesty.

Julian Burnside is a barrister and human rights advocate.

<http://www.theage.com.au/comment/tony-abbott-is-a-bully-over-un-convention-against-torture-20150309-13zk4s.html>

5. Tony Abbott gives 'two-fingered salute' to UN censure over refugee detention

The Age
March 12, 2015 - 6:56AM
Daniel Flitton

A scathing United Nations ruling against Australia's "cruel and degrading" practice of locking up refugees indefinitely on the basis of secret ASIO assessments has been brushed aside by Tony Abbott's government.

The international lawyer who took the case to the UN has slammed the response as a "two-fingered salute to the world", just days after Mr Abbott decried being "lectured" by the UN over a separate critical finding.

Official correspondence obtained by Fairfax Media shows Australia had already rejected the far more substantive ruling of the 18-member UN Human Rights Committee on indefinite detention before Mr Abbott's criticism this week of the independent special rapporteur on torture.

The committee's ruling centred on more than 30 recognised refugees who remain locked in Australian immigration detention as a threat to national security – yet none are charged with a crime or permitted to know the detail of the ASIO finding against them.

The refugees are not able to challenge the content of the secret security assessments in court.

Ben Saul, a Sydney University international law specialist who took the complaint to the UN committee on behalf of the group, said Mr Abbott's statement this week the Coalition had "stopped the boats" and so saved lives at sea was irrelevant in the case of indefinite detention because the policy was not intended as a deterrent for asylum seekers.

Some of the refugees have now been held more than five years, spanning Labor and Coalition governments.

Most are Tamils who fled Sri Lanka's civil war.

In the correspondence, Australia told the UN it "sincerely regrets" missing by almost a year the 180-day deadline to respond to the committee's July 2013 ruling, which called for the refugees to be released and compensated.

But the government's eventual response, made in December last year but not public before now, gives no ground to the UN committee finding that Australia was "inflicting serious psychological harm" on the refugees in indefinite detention.

The government said prompt medical treatment is provided and "Australia is committed to minimising the factors that contribute to mental health deteriorations of individuals in immigration detention".

The majority of the refugees with negative assessments are detained at a Broadmeadows detention centre in Melbourne's north, where a spate of suicide and self-harm attempts have taken place.

Police were called to the centre as recently as December and laid mattresses on the ground after a Burmese man spent a night on the roof threatening to jump.

The government also disagreed with the committee's interpretation of "arbitrary" detention and "arrest" that Australia has accepted under the International Covenant on Civil and Political Rights.

Professor Saul said the UN committee – an expert panel elected for four-year terms to act as independent legal experts – is the closest the world has to a human rights court.

In a written submission to the committee he described the government's response as "wholly unacceptable".

"The key legal point is the government is completely rejecting the committee's authority to interpret and apply human rights standards in the convention, which Australia has agreed they should do," Professor Saul said.

"It is really giving the two-fingered salute to the world."

The refugees have each been found to have a well-founded fear of persecution so cannot be returned home, but Australia's attempts to persuade other countries to resettle them have failed.

Australia detained more than 50 refugees on adverse assessments two years ago, but the number has gradually whittled down after ASIO changed its assessments.

An review by a former federal court justice in 2012 has also recommended several assessments be overturned, while upholding most.

<http://www.theage.com.au/federal-politics/political-news/tony-abbott-gives-twofingered-salute-to-un-censure-over-refugee-detention-20150311-1419ba.html>

6. Human rights in Australia will become a political plaything without consensus

Our only mechanism for ensuring compliance of federal laws with human rights norms, a parliamentary committee, is at risk of splitting along party lines

The Guardian
Fergal Davis
Tuesday 10 March 2015 09.37 AEDT

Australia has adopted a unique position on human rights protection. In deference to a strict separation of powers, and in keeping with a strong tradition of parliamentary sovereignty, the Commonwealth has steadfastly refused to adopt a judicially enforceable bill of rights. Instead, non-government bodies like the Human Rights Commission and parliament are left to defend our liberty.

The government has recently publicly criticised the Human Rights Commission and Gillian Triggs, its president. Whether or not we accept those criticisms, the Human Rights Commission has been damaged by them. Worryingly, cracks have begun to open in a second significant branch of our human rights infrastructure.

The Human Rights (Parliamentary Scrutiny) Act 2011 enshrines a form of political rights review whereby parliament is tasked with ensuring that laws comply with human rights standards. The parliamentary joint committee of human rights (PJCHR) is central to that process.

To date, the PJCHR has issued 37 reports. The first 33 reports and the most recent report – tabled in the Senate on 3 March 2015 – were all unanimous. The final two reports of 2014 and the first of 2015 each contained dissenting opinions. The emergence of dissent is not good.

These are critical times for the fledgling PJCHR. If it divides along party lines it will lose all credibility. With it, Australia's only mechanism for ensuring the compliance of federal laws with international human rights norms will disappear. We must not allow that to happen.

Committees – especially scrutiny committees – engage in technical analysis of legislation. They work to highlight flaws and on occasions to contribute to the debate. When they function well, the party allegiances of members are largely irrelevant – members are not subject to the party whip, they can speak frankly, and the resulting reports are non-partisan.

The emergence of dissent, particularly repeated dissent, puts that non-partisan reputation at risk. If political parties come to see the PJCHR as contested territory, the committee's work will be undermined.

To date there have been three dissenters: Ken Wyatt (Liberals); Senator Matthew Canavan (Nationals); and David Gillespie (Nationals). Wyatt joined the National party members in dissenting on citizenship issues in a report tabled in November 2014. The two National members dissented on an interpretation of gender equality in the committee's next report. Canavan has so far been the lone dissenter of 2015 on the right to social security. The report tabled on 3 March marks a return to unanimity.

The simplest explanation for dissents is that the members could not bring themselves to agree with the majority opinions.

The first dissent concerned provisions within the migration legislation amendment (2014 measures no. 1) regulation 2014 which the majority held were likely to undermine the right to privacy. The provisions allow an individual's previous names to be recorded on the back of their citizenship certificates. The majority were concerned that such measures could impact upon those who have undergone sex or gender reassignment procedures. The minority rejected this, arguing that citizenship certificates are "foundational documents" and are different to passports or driver's licences in that you are not asked to present them to establish identity on a frequent basis.

The second dissent resulted from the majority's interpretation of the right to equality and non-discrimination and the potential impact of the social services and other legislation amendment (2014 budget measures no. 1) bill 2014. The majority were concerned about the potential for some of the measures to disproportionately impact upon women. Canavan and Gillespie objected to "the blunt and inconsistent application of the indirect discrimination test in the committee's report".

The most recent dissent was over the resource rent tax repeal and other measures bill 2014. The majority felt the bill might be incompatible with the right to social security and the right to an adequate standard of living. Canavan argued that the tax failed to raise the revenue forecast and as a result it was a legitimate policy objective to repeal welfare measures which were contingent on that revenue.

It is possible that Canavan and Gillespie are dissenting due to strongly-held personal beliefs. Perhaps the two National party senators, who were both first elected in 2013, are seeking to demonstrate their independent thinking. There is nothing to indicate that the members are being directed in their dissent by the National party room. Most importantly, other government members of the PJCHR, Fiona Scott and Dean Smith, have not joined the dissenting reports. That has avoided a government/opposition split on the committee, which would be a disaster.

In general, the standard of the committee's work has been good. However, there have been some concerns: the PJCHR's report on the National Security Legislation Amendment Act (No. 1) 2014, for example, was not tabled until after the parliamentary debate. And repeated dissenting reports by members of one party puts the reputation of the PJCHR at risk. Particularly if the Nationals are seen to benefit electorally from taking a narrow stance on the scope of human rights.

Debate about human rights within parliament is important; but for committee reports, consensus is vital. Without it, the PJCHR will become the play-thing of the political parties. In that context, the appointment of Philip Ruddock to the committee chair last week is welcome. Hopefully he will be a steadying hand.

<http://www.theguardian.com/commentisfree/2015/mar/10/human-rights-in-australia-will-become-a-political-plaything-without-consensus>

7. Mike Secombe: Bill Shorten faces big test on civil liberties

ALP leader Bill Shorten faces big test on civil liberties

The opposition leader is being wedged on data retention laws, not just by the government and the Greens, but by his own party.

The Saturday Paper
March 14, 2015
Mike Secombe

On Tuesday of the last sitting week of parliament, formal notification came that the government's long-delayed data retention legislation would be up the next day.

Finally, after three months' consideration by the powerful Parliamentary Joint Committee on Intelligence and Security (PJCIS), and more than three-dozen recommended changes, debate would begin on the bill that some consider a major threat to the privacy and civil liberties of all Australians.

But about 20 minutes later, notification came that it would not be up.

And each day, the pattern repeated. "It was put back on and then taken off," says Greens senator Scott Ludlam, "Something odd was going on."

It appears now that the government never really intended to go ahead with it. The legislation was not even drafted. It was put on the notice paper each day because Prime Minister Tony Abbott had said he would have the bill in the parliament that week.

Which only goes to show Abbott's desperation to look strong on something that might distract from the government's domestic policy shambles.

Elsewhere in Parliament House, the leaders of the Labor Party had quite the opposite concern. Some of the troops were threatening to provide a distraction from the government's woes by straying from the expedient bipartisanship that has been a mark of the national security debate over the past 18 months.

The deal the major parties had done to pass the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014 was looking decidedly shaky.

There were a number of issues. Some in Labor saw no need for the legislation at all. Like the Greens, like the civil liberties organisations, they worried about the capacity for abuse inherent in private telecommunications companies being required to store data at the behest of government.

Full story at <http://www.thesaturdaypaper.com.au/news/politics/2015/03/14/alp-leader-bill-shorten-faces-big-test-civil-liberties/14262516001608>

8. BILLY LIDS - Grandmothers Against Detention in Melbourne

BILLY LIDS - a Grandmothers of Melbourne Ports project - sing it, share it!

VIDEO - YouTube

Published on Mar 4, 2015

SINGERS - Susie Ahern, Rebecca Barnard, Tracy Bartram, Judy Donnelly, Marcia Howard, Zosia Kaszubska, Ajak Kwai, Kavisha Mazzella, Annie Neil, Margret Roadknight.

MUSIC - Tracy Harvey & Sam See

MUSIC VIDEO by f-reel

https://www.youtube.com/watch?v=B_tmhkp6O_o

9. Turnback: PM's out-of-body experience as an asylum-seeker – video

The Guardian

Source: Hew Sandison

Thursday 12 March 2015 16.59 AEDT

A short film which portrays an Australian prime minister having an out-of-body experience as an asylum seeker won best film at the 2015 Lights! Canberra! Action! festival. Filmmaker Hew Sandison told Guardian Australia he saw film as a way to participate in activism on an issue which Australia had 'dehumanised'. This film contains scenes which some viewers may find disturbing

<http://www.theguardian.com/film/video/2015/mar/12/150312asylumseekerfilmfromgaus>

10. PICTORIAL Comic "E-Book": Villawood: Notes from a Detention Centre

Medium - medium.com

by Safdar Ahmed, The Refugee Art Project

Mar 5, 2015

A digital comic, Villawood: Notes from a Detention Centre" is available here:

<https://medium.com/@safdarahmed/villawood-9698183e114c>

The group 'Balmain for Refugees' worked with a number of the clients depicted in the publication.

The web comic will be featured on GetUp's website.

Interview with author and artist Safdar Ahmed is here:

<http://www.vice.com/read/safdar-ahmeds-comic-villawood-documents-life-in-immigration-detention>

<https://medium.com/@safdarahmed/villawood-9698183e114c>

11. Strangers on a bus: Sydney show gives a seat and voice to asylum seekers

Origin-Transit-Destination features former refugees telling unvarnished stories of finding their way to, and making their home in, Australia

The Guardian
Ben Doherty
Saturday 14 March 2015 14.45 AEDT

A bus full of strangers is quiet until a man with tight black curls and a beaming smile says loudly: “Do you want to hear about the time I almost got my family killed when we were trying to flee Iran?” Osamah Sami launches into his story, gregarious, laughing, despite its horrific nature.

As undocumented migrants of Iraqi origin living in Iran, Osamah and his family were stateless, and subject to constant persecution. Their efforts to flee on forged Iraqi passports were almost brought undone at Tehran airport when Osamah, still a child, appeared to indicate he could speak Farsi. Being uncovered would have meant “death, either there in Iran, or back in Iraq”.

A suspicious guard, armed with a Kalashnikov “grabbed my ear and twisted it, and he said to me: ‘I know you can understand me, I just can’t prove it’.”

The family were allowed to go, Osamah says.

The bus settles back into silence.

On the next ride, Mohammed holds up a red life-jacket explaining it was the only thing he carried with him when he boarded the boat that brought him to Australia.

“I knew I could not trust the people smuggler who said there would be life-jackets for all.” With the life-jacket, he said, he felt safe. But hours into the journey, and with still no land in sight, a small girl, no older than 10, sat crying uncontrollably on the deck of the boat. “So I took my life-jacket off, and put it around her.”

Full story at <http://www.theguardian.com/stage/2015/mar/14/strangers-on-a-bus-sydney-show-gives-a-seat-and-voice-to-asylum-seekers>

12. Sam Cooney: Learning the tricks of nonviolent direct action

From exposing live-baiting in the greyhound racing industry to demonstrating against the detention of asylum seekers, nonviolent direct action is rising up as a means of protest.

The Saturday Paper
March 14, 2015
Sam Cooney

The eight of us kneel in a circle in front of the corporate headquarters of the drone manufacturer, discussing tactics. We have only two minutes to co-ordinate our incursion, and then we will storm the building. Emotions are running high; confidence is not. We’re young and inexperienced, but we do have clear instructions: the expected outcome for today’s action is for one of us to end up fastened to a fixed point inside the reception area. From that point onwards, all bets are off. Then we will make a ruckus, and if all things go well we will pop up for a few precious seconds on one of this evening’s national TV news programs. Our cause is just. We shall not be moved.

In lowered voices, led by young Bundjalung woman Amelia Telford, who we admire – she was a key part of the Pacific Climate Warriors’ successful blockade of the port of Newcastle in October last year – we plan. A woman, who I’ve only just met and whose name escapes me, volunteers to be today’s “bunny” – we’ll usher her in and secure our heavy bicycle D-lock around her neck and one of the steel legs of the front desk. Other roles are quickly assigned. I am made responsible for recording today’s action using my phone, and also for uploading the footage to social media.

We burst through the front door into the reception area and I am filming. A couple of security guards are quick to confront us, and one of them calls the police. A member of our group distracts the single bewildered receptionist while others work to secure our bunny to the desk. Before any of the initial hubbub has died down our bunny is locked in place, and because we don’t know what to do now, because we haven’t thought this far, most of our group sit down and begin to chant in a chaotic fashion. The words “drone” and “no way” feature heavily.

I am still filming when the police arrive. When one of the officers begins to jostle and rough up our bunny, I step in closer and say assertively, like I’ve been trained, “Please stop that, you’re hurting her”. The officer’s conduct only becomes rougher, so I let her know that I am filming the incident, and wave the camera under her nose. Suddenly the officer is coming at me, demanding my phone. I refuse because I think I know my rights, but the officer informs me that “evidence of a crime is on that device and it is a criminal offence to withhold evidence”.

Full story at <http://www.thesaturdaypaper.com.au/news/law-crime/2015/03/14/learning-the-tricks-nonviolent-direct-action/14262516001603>

13. PNG Prime Minister Peter O'Neill calls on other Pacific islands to help resettle asylum seekers

Sydney Morning Herald
March 10, 2015 - 5:39PM
Sarah Whyte

The Prime Minister of Papua New Guinea has called for other countries in the Asia region to also shoulder the responsibility of resettling asylum seekers, as refugees from Manus Island are moved into the local Manus community.

Prime Minister Peter O'Neill said the few refugees who have been resettled in PNG have been "well accepted" into the community.

"Despite some of the negative reporting, the Manus Island detention centre is going very well," he told Fairfax Media. "The processing of the genuine asylum seekers is going quite well."

Until this year, asylum seekers being held in the Manus Island detention centre were waiting longer than a year to have their asylum status processed. Mr O'Neill blamed the delay on the asylum seekers, saying they did not offer enough proof to verify whether they were genuinely seeking asylum.

"The asylum seekers did not provide enough information to our officers to say whether they were genuine refugees or not and as a result of that, trying to get information verified through the other governments and the country of origin and our dealings with the Australian government took a bit of time," he said.

"But we are very much on track now."

Despite the resettlement program's progress, Mr O'Neill appealed to other Pacific islands to help resettle refugees in September.

"We would like to resettle as many as possible and we are hoping that some of the other countries in the region can also participate in the resettlement exercise as well," he said.

"I will be directly discussing this issue with the other Pacific island countries in September for the Pacific Island Forum."

Mr O'Neill said PNG had not been in contact with Cambodia, which has yet to resettle any refugees despite agreeing to do so.

In February last year violence broke out in the Manus Island centre, resulting in one man's death and more than 60 men being seriously injured. Earlier this year asylum seekers staged a long-running hunger strike saying they feared for their lives if they were resettled in the community.

Mr O'Neill said his government took responsibility for the disturbance.

"Yes, a few people have been arrested and those matters are before the courts so we will continue to monitor to that. Of course the facilities are managed by the contractors," he said.

When asked which country was ultimately responsible for the running of the centre, Mr O'Neill said it was an issue that both the Australian government and his government have to manage.

"We work closely together; we have the final say on how the centre is facilitated and run but with close consultation with the Australian government. This is an issue that needs both governments to manage."

<http://www.smh.com.au/federal-politics/political-news/png-prime-minister-peter-oneill-calls-on-other-pacific-islands-to-help-resettle-asylum-seekers-20150310-1406vj.html>

14. Indonesian minister threatens to release 'human tsunami' of asylum seekers

Sydney Morning Herald
March 11, 2015 - 6:53AM
Jewel Topsfield
with Karuni Rompies

Indonesia could release 10,000 asylum seekers to Australia if Canberra continues to antagonise the republic over the execution of the Bali nine duo, an Indonesian minister has warned.

This would create a "human tsunami", according to the Coordinating Minister for Political, Legal and Security Affairs, Tedjo Edhy Purdijatno.

The former Navy chief, who is a controversial political figure in Indonesia, said Australia was trying to pressure Indonesia into cancelling the executions by raising the issue of its \$1 billion in Boxing Day tsunami aid and discouraging visitors to Bali.

He reminded Australia that Jakarta had been working hard to prevent asylum seekers attempting to travel to Australia in boats.

"If Canberra keeps doing things that displease Indonesia, Jakarta will surely let the illegal immigrants go to Australia," Mr Tedjo said on Metro TV.'

"There are more than 10,000 [asylum seekers] in Indonesia today. If they are let go to Australia, it will be like a human tsunami."

Mr Tedjo has previously supported isolating the 10,500 refugees and asylum seekers on a remote island in Indonesia.

The chief security minister said it was "no big deal" if Australia stopped trading with Indonesia in the wake of the execution of Myuran Sukumaran and Andrew Chan.

"We have calculated, in fact, Australia enjoys the surplus on the Indonesia-Australia trade," Mr Tedjo said.

"Australia will in fact receive pressure domestically if it stops its livestock exports to Indonesia since Indonesia is Australia's main market."

Mr Tedjo, who was delivering a speech on nationhood at the School of Law at Gadjah Mada University in Yogyakarta, said Australia needed to respect the Indonesian judicial system.

He said a prisoner swap, which was proposed by Foreign Minister Julie Bishop in a last-ditch attempt to save the lives of Chan and Sukumaran, was "unethical".

"We respect other countries' legal systems, Australia must learn about ethics here in University of Gadjah Mada," Mr Tedjo said.

Mr Tedjo recommended the appointment of graft suspect Budi Gunawan as national police chief and outraged many in January when he lashed out at supporters of the popular and widely trusted Corruption Eradication Commission (KPK).

In December, Mr Tedjo also provoked anger when he suggested unresolved human rights cases were things of the past.

Views are divided on capital punishment within government ranks.

MP Prananda Surya Paloh, who is a member of the same party in the ruling coalition as Mr Tedjo, said the government should have seen the positive side of the Bali nine pair in jail, according to news website Okezone.com.

"With regard to the execution of Bali nine duo Myuran Sukumaran and Andrew Chan, I, Prananda Surya Paloh, would like to say that today is a very sad day with regard to humanity," he wrote on his website.

Mr Prananda, whose father is media mogul Surya Paloh, the chairman of Nasdem Party, tweeted that replacing the death penalty with another form of punishment was not a sign of weakness.

Meanwhile, Indonesian demonstrators took five bags of coins to the Australian embassy to 'repay' Australian aid after the 2004 tsunami and warned they would bring their government down if the Bali nine executions were cancelled.

The coins were not accepted by the embassy. Fairfax Media understands the police have been given the names of several charities to which the coins could be donated.

The noisy but small protest was part of the #coinforAustralia campaign that was launched after Tony Abbott asked Indonesia to reciprocate for the \$1 billion in aid money. The Prime Minister's comments caused widespread offence across Indonesia.

About 20 protesters, some of whom were from a Muslim students' organisation called PII, called on Tony Abbott "aka the big mouth" to apologise to the Indonesian people.

<http://www.smh.com.au/world/bali-nine-executions-indonesian-minister-threatens-to-release-human-tsunami-of-asylum-seekers-20150310-140dhn.html>

15. Inside The Department: The Explosive Leaked Transcripts From The Moss Review

A senior public servant's candid revelations about 'shit-worried' Scott Morrison, protests on Nauru, the violence on Manus, and the sacking of Save The Children workers. Max Chalmers and Chris Graham report.

New Matilda
13 Mar 2015

By Max Chalmers and Chris Graham

"In his September 25, 2014 video message to asylum seekers detained on Manus Island and Nauru, Scott Morrison plays the tough guy.

"A deadpan Minister for Immigration speaks directly into the camera: "If you are currently in Papua New Guinea or Nauru, you will not be transferred to Australia... you will remain there until you either choose to return, or you are resettled somewhere else other than in Australia.

"Now is the time to think about your future, for you and your family."

"The video was designed to bludgeon detainees into returning to the countries from which they fled. It backfired, spectacularly.

Full story at <https://newmatilda.com/2015/03/13/inside-department-explosive-leaked-transcripts-moss-review>

16. Federal Court dismisses Iranian man's asylum claim appeal

Federal Court dismisses Iranian man's appeal against rejected asylum claim amid discrepancies

ABC News Online
By Katherine Gregory
Posted Sat 14 Mar 2015, 5:22pm

The Federal Court has dismissed an Iranian man's appeal against a decision to reject his bid for asylum because of discrepancies found in his claim.

The 33-year-old had been on a two-month hunger strike in Darwin's Wickham Point Immigration Detention Centre since late last year after losing his application for a protection visa.

His application was lost after an Independent Merits Reviewer for the Immigration Department ruled there were discrepancies in his case for asylum.

The man subsequently launched an appeal against that decision in December, which was first heard in the Federal Court in Melbourne last month.

On Friday in Darwin, Judge Philip Burchardt rejected the appeal and said the man had no risk of being returned to Iran.

The man can either stay in indefinite detention in Australia or voluntarily return to Iran, since the country will not accept people forced to return.

The court heard the man claimed he fled Iran in 2010 because he was under threat of an honour killing by militia members for having a sexual relationship with their unmarried sister, breaking sharia law.

But the review found several discrepancies in the case, which it said added up to an implausible story and revoked his refugee status late last year.

The review said the man had first told an Immigration Department interviewer that he had sex with his girlfriend two weeks after meeting her.

Two years later, he told another interviewer that it was after three or four weeks.

The man's lawyer, Julian Burnside QC, told the Federal Court in Melbourne last month that these differences were minor, but the Crown said it showed the story was untrue.

Mr Burnside applied for a judicial review of the Iranian man's revoked refugee status on four grounds.

One of those was that the departmental reviewer made an error of law by not considering the applicant's claim he was at risk of persecution as a failed asylum seeker.

But Judge Burchardt found the man "has no political profile and the reviewer roundly rejected the prospect of risk on the basis of the alleged sexual episode which the reviewer did not accept had occurred".

Darwin lawyers acting for the Iranian man said they were in discussions with him about his options.

<http://www.abc.net.au/news/2015-03-14/court-dismisses-iranian-asylum-seekers-claim-amid-discrepancies/6320050>

17. Omid Ali Avaz, Iranian refugee granted temporary safe haven, found dead

Brisbane Times
Heath Aston
March 13, 2015 - 12:01PM

An Iranian refugee – one of the first people to receive one of the Coalition's new temporary safe haven visas – has been found dead.

Omid Ali Avaz, 29, an Iranian of Kurdish ethnicity, is believed to have taken his own life.

Police at Dutton Park in Brisbane confirmed on Friday that the body of a 29-year-old "deceased immigrant" had been found and an investigation begun. The Queensland coroner has been alerted to Mr Avaz's apparent suicide.

Mr Avaz left a final voice message asking for a Christian burial. He had been being supported by the Catholic Church's Romero asylum seeker support service in Dutton Park.

Since arriving in 2011, he had been in detention and community detention on a bridging visa.

During that time he had suffered mental illness and was treated at Brisbane's private Toowong Private mental hospital after a number of suicide attempts.

According to refugee advocates, Mr Avaz's health had deteriorated since learning news of the death of his mother.

He had also been concerned about his refugee status. Mr Avaz was assessed as a genuine refugee but, under the Coalition's rejigged visa system, he was granted a Humanitarian Stay (Temporary) visa, subclass 449, in late February.

Under the new system, the Minister for Immigration and Border Protection invites a person to apply for the safe haven visa and decides on the length of the visa period.

Mr Avaz was given 12 months.

The 449 visa, which allows a refugee to work in the community, is a first step to a Humanitarian Concern (Temporary) visa.

"Having these visas does NOT mean Australia accepts you are a refugee. It does mean that Australia has agreed to let you remain here for the length of your visa," the Department of Immigration states on its website.

Mr Avaz had been supported by Brisbane's Multicultural Development Association, which is said to be "shocked" at his passing. It referred inquiries to the Immigration Department.

Jeanie Walker, the president of the Australian Democrats in South Australia, who houses Iranian asylum seekers, has issued a press statement, saying she was "horrified" to hear of Mr Avaz's death.

"His name means 'hope', but we gave him none," she said.

"Omid was not on Manus. He was not even in a detention centre. But the damaging effects of the Abbott government's punitive policies reach even those asylum seekers living in the community."

<http://www.brisbanetimes.com.au/federal-politics/political-news/omid-ali-avaz-iranian-refugee-granted-temporary-safe-haven-found-dead-20150313-1435ay.html>

18. Manus asylum seekers mount fresh challenge against detention

Manus Island asylum seekers mount fresh challenge against detention in PNG's Supreme Court

ABC News Online
By Papua New Guinea correspondent Liam Cochrane - exclusive
Posted Thu 12 Mar 2015, 12:46pm

A group of 25 asylum seekers on Manus Island is mounting a fresh challenge in Papua New Guinea's Supreme Court against their detention.

The asylum seekers will argue that their ongoing detention breaches the right to liberty and the right to access legal representation guaranteed in PNG's constitution.

"The ultimate relief that we're seeking ... is [the] release of all detainees that are held at the [detention centre on] Lombrum navy base," said lawyer Ben Lomai, who is representing the asylum seekers.

The asylum seekers involved are from Iran, Myanmar, Pakistan, Syria and Lebanon.

The asylum seekers made contact with Mr Lomai through an intermediary while they were being detained without charge at the Manus Island provincial prison, accused of stoking protests at the detention centre in January.

The ABC has obtained copies of the court documents, including a consent form signed by the asylum seekers and emails requesting legal representation.

"I was in Indonesia detention for 18 months and was recognised as a refugee by the UNHCR," wrote one asylum seeker from Myanmar.

"Now I am being held in Manus Island (PNG) without getting any right information about our future."

PNG attorney-general Ano Pala told the ABC he had not read the documents yet, and chief migration officer Mataio Rabura was not immediately available for comment.

Lawyers for the asylum seekers this week filed a notice of motion requesting access to the detainees at the detention centre and refugees at the East Lorengau transit facility, so they can obtain official statements.

On March 18 PNG's Supreme Court is expected to decide whether to allow the lawyers into the facilities.

If access is granted, Mr Lomai plans on sending a team of up to six lawyers to record statements from the existing 25 clients and possibly other asylum seekers.

Amended constitution not retrospective, lawyer says

Mr Lomai will argue that the asylum seekers' detention on Manus Island breached Section 42 (1) and 42 (2) of the PNG constitution.

Section 42 (1) guarantees the right to liberty unless a person is suspected of committing a crime or illegally enters PNG.

Mr Lomai said the men were transferred to Manus Island under the terms of a Memorandum of Understanding (MoU) with Australia and therefore were not covered by PNG's constitutional exceptions.

However, the PNG parliament amended the constitution in early 2014 to effectively exempt the asylum seekers from the protections of Section 42.

The amended constitution now reads:

"No person shall be deprived of his personal liberty except ... for the purposes of holding a foreign national under arrangements made by PNG with another country or an international organisation that the Minister responsible for immigration matters, in his absolute discretion, approves."

"We will argue that the amendment can't be used retrospectively," Mr Lomai said.

The other part of the new case relates to Section 42 (2) of the constitution, which sets out the "five rights" guaranteed to anyone in detention in Papua New Guinea.

The asylum seekers will argue that they have not been granted access to a lawyer of their choosing.

They will also claim compensation for the long period of detention and alleged breaches of rights.

Asylum seekers also undertaking class action in Australian Supreme Court

This new challenge is slightly different to other cases underway.

While he was opposition leader of PNG, Belden Namah challenged the MoU with Australia, saying it breached Papua New Guinea's constitution.

Mr Namah was given standing to pursue the case more than a year ago, but his lawyers were not available to comment on the case's progress.

Separately, asylum seekers are undertaking a class action in the Australian Supreme Court, suing the Commonwealth for negligence relating to the standard of care provided at the detention centre and for psychological injury caused by conditions.

As of February 28, there were 1,004 asylum seekers detained at the Australian-run detention centre on Manus Island, and at least nine refugees living at the East Lorengau transit facility awaiting resettlement in PNG.

<http://www.abc.net.au/news/2015-03-12/manus-island-asylum-seekers-fresh-challenge-against-detention/6308364>

19. Vietnamese boats 'unseaworthy', government sources say

The Age
March 11, 2015 - 11:15PM
Sarah Whyte

The fleet of brightly coloured wooden Vietnamese fishing boats that the Australian government will use to turn back asylum seekers are unseaworthy and ethically wrong to use, marine sources in Darwin say.

A government official and a local fisher say they were shocked at the building standards of the 20-metre green, blue and red fishing boats that will replace the garish orange lifeboats that were deemed "unsinkable".

"The first boat the shipyard launched sunk, and it had to be retrieved with a crane," the government worker said.

"The materials are a really poor quality as well as the craftsmanship. They are completely unsafe and not a passenger boat.

"My gut feeling was that it wasn't ethical or moral to put people on these boats. You wouldn't do it to Australian citizens."

Shipbuilders working in Darwin also felt uncomfortable at the idea of sending asylum seekers back in the boats that have no marine safety standards, the government worker said. This includes the stability of the boats, their structural integrity and whether they could handle rough conditions in open seas.

According to the website of Dragon Industries Asia the company was given "exceptionally tight deadlines" by the Customs and Border Protection department to deliver 10 boats on a barge to Darwin. The website says it was a "multi-million dollar project".

"This project was delivered to exceptionally tight deadlines, with final delivery of all vessels within 18 weeks of project inauguration," it says.

A commercial fisher in Darwin, who asked not to be named, said people who arrived at the Darwin marina where the 10 boats are being stored often laughed at the sight of the fleet and asked whether it was a joke.

"I tell you what, they are a piece of rubbish. I said, what is this piece of bloody rubbish?" the fisher said.

The fisher estimated the cost of keeping the boats at Spot On Marine was costing the government at least \$10,000 a month.

"They just sit there and it is wasting money. They won't sink [but] they have no safety."

Fairfax Media understands the 10 boats will replace the garish orange lifeboats that can only be used once and cost the government \$7.5 million last year.

A spokeswoman from the Chinese company that sells the orange lifeboats, Jiangyinshi Beihai, confirmed the Australian government has not placed any additional orders.

"We didn't receive any inquiry from Australian government," the spokeswoman wrote in an email.

In January, the commander of Operation Sovereign Borders, Lieutenant General Angus Campbell revealed that 15 boats seekers had been turned back since the Coalition came into power on September 2013.

A spokesman from the Customs Department said: "Customs and Border Protection uses a variety of vessels to prepare for and perform its maritime tasks."

<http://www.theage.com.au/federal-politics/political-news/vietnamese-boats-unseaworthy-government-sources-say-20150311-1411bi.html>

20. Turning back the boats is a moral and legal failure, say academics

Researchers says policy is damaging Australia's reputation, there is no evidence it has saved lives and that the risk of deaths at sea remains

The Guardian

Joshua Robertson

Thursday 12 March 2015 20.04 AEDT

The first academic analysis of Australia's "turning back" of asylum seeker boats concludes the policy is a fatally risky, moral and legal failure that is "severely damaging" the country's reputation.

The University of Queensland study, which examines all 29 interceptions of boats under the Howard and Abbott governments from 2001, finds while there is no conclusive evidence the policy has saved lives, as many as eight people have died as a result of it.

The risk of death or serious injury at sea, including to Australian officials, remains elevated with the ongoing incentive for migrants to sabotage vessels in a bid to thwart forced returns to Indonesia or Sri Lanka, the study says.

"Given the official secrecy surrounding this topic, it is not possible to say with certainty that there have not been further cases of death or injury," it says.

UQ researchers Andreas Schloenhardt and Colin Craig argue the singular achievement of halting the arrival of irregular migrants is "greatly outweighed" by factors also including the diplomatic effect of making Australia's commitment to international refugee laws "meaningless".

They conclude: "It is difficult to advocate, support and sustain this policy in these circumstances."

Schloenhardt, a law professor and organised crime expert who came to the topic via his research of people smuggling, told Guardian Australia the government's dishonesty about the fact it was flouting those laws through "towbacks" was "appalling".

He said the nature of what took place during forced returns of mostly genuine asylum seekers – which have been kept secret by the government since last year – would make the public "think twice about this policy and whether it's really the best way of stopping people smuggling".

"Most people are not aware of the circumstances of returns, what happens on these boats, how few [towbacks] there have really been and all these other factors that flow into that," Schloenhardt said.

"They just think, ok, there's no more boats coming, that's all we really care about."

The study chronicles the frequency of dangerous incidents during forced returns by the navy and customs, from drownings to fatal explosions after engine sabotage and mechanical failures in unseaworthy boats towed at length.

It takes aim at Abbott's comments as opposition leader about the "success" of the policy under Howard – when he said there was "no reason why [the navy] can't do it safely again" – dismissing them as "a misrepresentation by any standard".

Schloenhardt said in both eras of the policy, there had been "a very consistent pattern" of passengers taking desperate steps, including self harm and violence, to avoid "towbacks".

He said it was striking how common these incidents were, as well as how few boats were actually turned back under Howard (four of 14 intercepted).

The law professor said Australia was unique in the way it broke its international refugee obligations and laws at sea, shifting the burden to countries like Indonesia and Malaysia with no such obligations.

Those countries tolerated underground societies of hundreds of thousands of illegal migrants, partly as a source of cheap labour but mainly because it was cheaper than detaining or deporting them in great numbers, he said.

Instead of accepting and protecting asylum seekers, Australia was repelling them in circumstances where it could not guarantee they would safely reach Indonesian shores – much less be protected from the risk of exploitation, arbitrary jailing or return to their original place of persecution, Schloenhardt said.

"There are international treaties and guidelines on this whole topic of people smuggling and none of them envisage the sorts of responses we have cooked up," he said.

"We have a situation where international refugee laws are completely and utterly meaningless for Australia and the government is simply so dishonest about that. That is what is so frustrating for me.

“The government should have been honest and say we don’t want to be bound by these obligations and withdraw our signature. Of course it’s politically very unpopular, it paints us in a very bad light internationally, but this is the effect that all of this has.

“The resettlement of people in refugee camps in third countries is a nice thing to do, very humanitarian, but it’s got nothing to do with the refugee convention, which says if people show up, look after them and don’t send them back.”

The Australian government was “quite ignorant” of the negative publicity it was gaining worldwide on the issue, especially in Europe.

Irregular migrant numbers in countries like Austria (70,000 a year) – where Schloenhardt spends half the year as a research fellow at the University of Vienna – dwarf Australia even at its 2003 peak of 20,587.

“Certainly in Europe where there are a lot of organisations dealing with refugees, they all think this is completely crazy, what the Australians are doing,” Schloenhardt said.

“In Italy, where in the first month this year they had 6,000 arrivals by boat, they debate to what lengths they go to to rescue these people not about what they can do to stop them coming in the first place.”

While the number of deaths that have occurred among asylum seekers trying to reach Australia by boat has been estimated at 1550, Schloenhardt said the true number – was likely twice that.

<http://www.theguardian.com/australia-news/2015/mar/12/turning-back-the-boats-is-a-moral-and-legal-failure-say-academics>

21. UN accuses Australia of systematically violating torture convention

Tony Abbott reacts angrily to report criticising Australia’s detention policies, saying Australians are ‘sick of being lectured to by the United Nations’

The Guardian
Ben Doherty and Daniel Hurst
Monday 9 March 2015 15.28 AEDT

Australia is systematically violating the international Convention Against Torture by detaining children in immigration detention, and holding asylum seekers in dangerous and violent conditions on Manus Island, a United Nations report has found.

But the prime minister, Tony Abbott, reacted angrily to the scathing findings, saying Australians were “sick of being lectured to by the United Nations”.

The United Nations special rapporteur on torture, Juan Mendez, has investigated allegations of torture and abuse of 68 countries, in a report to be delivered to the UN Human Rights Council on Monday.

The section on Australia is concerned entirely with the treatment of asylum seekers in immigration detention.

“The government of Australia, by failing to provide adequate detention conditions; end the practice of detention of children; and put a stop to the escalating violence and tension at the regional processing centre, has violated the right of the asylum seekers including children to be free from torture or cruel, inhuman or degrading treatment,” Mendez’s report said.

Two asylum seekers on Manus Island, referred to as Mr A and Mr B, allege they were tied to chairs by security staff and threatened with “physical violence, rape, and prosecution for ‘becoming aggressive’” if they refused to retract statements they had made to police about the murder of Reza Barati during detention centre riots.

Mendez’s report found those men’s rights were also breached.

“The rapporteur concludes that there is substance in the allegations presented in the initial communication, reiterated above, and thus, that the government of Australia, by failing to provide any additional information or details of the investigation into Mr A’s and Mr B’s allegations, has violated their right to be free from torture or cruel, inhuman or degrading treatment.”

And Mendez found that two government amendments to immigration legislation both risk violating international law prohibiting torture.

“The Migration and Maritime Powers Legislation Amendment ... violates the Convention Against Torture because it allows for the arbitrary detention and refugee determination at sea, without access to lawyers. The Migration Amendment (Character and General Visa Cancellation Bill) violates the CAT because it tightens control on the issuance of visas on the basis of character and risk assessments.”

When asked about the report on Monday, Abbott said the UN’s representatives “would have a lot more credibility if they were to give some credit to the Australian government” for stopping dangerous boat journeys by asylum seekers.

"I really think Australians are sick of being lectured to by the United Nations, particularly given that we have stopped the boats, and by stopping the boats, we have ended the deaths at sea," the prime minister said during a media conference in Western Australia.

"The most humanitarian, the most decent, the most compassionate thing you can do is stop these boats because hundreds, we think about 1,200 in fact, drowned at sea during the flourishing of the people smuggling trade under the former government.

"The best thing you can do to uphold the universal decencies of mankind, the best thing that you can do to ensure that the best values of our world are realised is to stop the boats and that's exactly what we have done."

Asked again whether he accepted the UN's findings about Manus Island, Abbott said the conditions were "reasonable under all the circumstances" and "all of the basic needs of the people on Manus Island are being met".

"Everyone's needs for food, for clothing, for shelter, for safety are being more than met, thanks to the good work of the PNG government, the Australian government and the people who are running the centre," he said.

Abbott's criticism of the UN follows his claim the Australian Human Rights Commission, in particular its president, professor Gillian Triggs, acted in a "blatantly partisan" way with its inquiry into children in immigration detention.

The immigration minister, Peter Dutton, has also been contacted for comment on the UN report.

The 31-year-old United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is one of the most widely-supported conventions in the world. Some 157 countries are parties to the convention.

Australia ratified the treaty in 1989, and is legally bound by it.

The director of legal advocacy with the Human Rights Law Centre, Daniel Webb, said the UN report confirmed that Australia's offshore processing policy was failing to meet basic human rights standards, and that new legislation would risk further breaches of international law.

"Under international law, Australia can't lock people up incommunicado on a boat somewhere in the middle of the ocean. Nor can we return people to a place where they face the risk of being tortured. Yet these are precisely the powers the government has sought to give itself through recent amendments to its maritime law."

Australia relied on international law and to protect its own interests, Webb said.

"So it's incredibly short-sighted for the government to start thumbing its nose at the UN system just because it doesn't like what it's being told."

Ben Pynt from Humanitarian Research Partners said the government was simply attempting to sweep torture allegations "under the rug".

"The prime minister has attempted to discredit the special rapporteur on torture in the same way as he attacked Professor Triggs, as biased and disreputable. What he did not do is counter the evidence provided or in any way attempt to disprove the allegations of torture, which the global authority on torture found to be substantiated."

The special rapporteur's report addresses allegations of torture and inhumane treatment in 68 countries. It criticises, as well, the United States for holding a mentally ill man on death row for 30 years, and raises concerns with the UK over several proposed deportations. Papua New Guinea did not respond to inquiries from the UN over its handling of the Manus detention centre.

Australia is currently actively lobbying for a seat on the Human Rights Council, in the ballot to take place in 2017.

The foreign minister, Julie Bishop told Fairfax Australia's bid was "consistent with our nation's history of promoting and protecting human rights". "We abide by our international obligations and we are confident that our experience and our commitment to human rights protection and promotion makes us a strong contender for the UNHRC."

Shadow minister for immigration Richard Marles described the prime minister's attack as "absurd".

"Instead of launching a cheap attack on the report's author, Tony Abbott should be providing an assurance that all the processing facilities Australia funds are run in a safe, humane and proper manner."

The last Labor government re-opened the Manus Island detention centre in November 2012.

<http://www.theguardian.com/australia-news/2015/mar/09/un-reports-australias-immigration-detention-breaches-torture-convention>

22. UN torture committee criticises Australia's mandatory detention policy for asylum seekers

ABC News Online

By Europe correspondent Philip Williams

Posted Sat 29 Nov 2014, 5:17am

The United Nations Committee Against Torture has criticised Australia's policies on asylum seekers, calling for an end to mandatory detention, especially for children.

The Geneva-based organisation has released its observations following its session examining Australia on a wide range of issues including the work of the current royal commission into historical child sexual abuse and violence against women.

But the strongest criticism was over the government's handling of asylum seekers.

The committee said it was concerned with the policy of turning back boats as there was the risk of insufficient assessment of asylum claims and because people forced home could face torture.

"We don't want people to be sent back to countries where they run a substantial risk, likelihood, of torture," the chair of the United Nations Committee Against Torture, Claudio Grossman, told the ABC.

The committee said the Australian Government should guarantee that all asylum claims were thoroughly examined and that asylum seekers had access to independent, qualified and free legal assistance throughout the entire asylum procedure.

In its concluding observations, the committee declared its concerns about the Migration and Maritime Powers bill that is before Parliament, which states that an officer's duty is to remove as soon as reasonably practical an unlawful non-citizen, irrespective of whether there has been an assessment.

It said the government should refrain from adopting any legislation that would lower existing safeguards.

"[The bill] would effectively license the government to return asylum seekers without any legal obligation to first assess their claims," Daniel Webb, director of legal advocacy at the Human Rights Law Centre, told the ABC.

"The committee says you've got a clear obligation under this treaty not only to not harm people but to not return them to harm."

There was also a recommendation to end the mandatory detention of adults and children on Manus Island and Nauru.

It disputed arguments that the two receiving nations, Nauru and Papua New Guinea, were responsible for the wellbeing of detainees.

"Who stopped these people first? Who pays the bills? In our opinion of the legal tradition there is a high degree of effective control that makes Australia responsible if there are violations," said Mr Grossman.

The committee said mandatory detention should only be used for very short periods and the holding of adults and especially children was at odds with the convention on torture.

The Australian Government said in its submission to the committee that it recognised "dual humanitarian imperative both to afford protection where it is owed and to protect people from abuse and exploitation".

But it went on to emphasise that its returns process for "those found not to be in need of protection is fundamental to the integrity of status determination processes".

<http://www.abc.net.au/news/2014-11-29/un-torture-committee-criticises-australias-asylum-seeker-policy/5927542>

23. Tony Abbott: Australians 'sick of being lectured to' by United Nations

Tony Abbott: Australians 'sick of being lectured to' by United Nations, after report finds anti-torture breach

The Age

March 9, 2015 - 9:32PM

Lisa Cox

Australians are "sick of being lectured to by the United Nations", Prime Minister Tony Abbott has said after a report found Australia's treatment of asylum seekers breaches an international anti-torture convention.

Mr Abbott's criticism of the UN follows his attack last month of Australian Human Rights Commission President Gillian Triggs, in which he called the report she commissioned on children in detention a "political stitch-up".

The United Nations report, by the UN's special rapporteur on torture, finds Australia is violating the rights of asylum seekers on multiple fronts under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Special rapporteur on torture Juan Mendez found the detention of children, escalating violence in offshore processing centres, and the detention and proposed deportation of two groups of Sri Lankan and Tamil asylum seekers were in breach of Australia's international obligations.

The report, which will be tabled at the UN Human Rights Council in Geneva on Monday, has been rejected outright by the government.

In extraordinary comments on Monday afternoon, Mr Abbott attacked the UN and said its representatives would "have a lot more credibility if they were to give some credit to the Australian government" for stopping boat arrivals.

"I really think Australians are sick of being lectured to by the United Nations, particularly, particularly given that we have stopped the boats, and by stopping the boats, we have ended the deaths at sea," Mr Abbott said.

"The most humanitarian, the most decent, the most compassionate thing you can do is stop these boats because hundreds, we think about 1200 in fact, drowned at sea during the flourishing of the people smuggling trade under the former government."

Mr Abbott said the best thing the government could do to "uphold the universal decencies of mankind" was to stop boat arrivals.

"And that's exactly what we've done," he said.

"I think the UN's representatives would have a lot more credibility if they were to give some credit to the Australian government for what we've been able to achieve in this area."

he comments escalate the Abbott government's assault on bodies that oversee human rights.

Last month, the government made a series of personal attacks on Professor Triggs, the President of the Australian Human Rights Commission – Australia's human rights watchdog.

Mr Abbott branded a commission report on children in detention that revealed alarmingly high rates of sexual and physical abuse a "transparent stitch-up" and Attorney-General George Brandis said he had asked Professor Triggs to resign.

Immigration Minister Peter Dutton said on Monday the government "rejects the views of the special rapporteur that the treatment of illegal maritime arrivals in detention breaches international conventions".

"Australia is meeting all its international obligations and with other regional nations provides a range of services to people who have attempted to enter Australia illegally," Mr Dutton said.

Mr Mendez says in his report that the Abbott government had failed to adequately address concerns raised under the convention about four specific incidents.

Among the concerns raised was that escalating violence on Manus Island, and the "intimidation and ill-treatment of two asylum seekers" who gave statements about last year's violent clash at the centre was in breach of the convention.

The report also finds that recent changes to the Maritime Powers Act to give the government the power to detain asylum seekers at sea and return them violated the convention.

Mr Abbott said on Monday that the needs of all asylum seekers on Manus Island "for food, for clothing, for shelter, for safety are being more than met".

"The conditions on Manus Island are reasonable under all the circumstances. All of the basic needs of the people on Manus Island are being met and, as I said, I think the UN would be much better served by giving credit to the Australian government for what has been achieved in terms of stopping the boats," Mr Abbott said.

As a result of the government's failure to "sufficiently" answer questions, Mr Mendez concludes in his report that "the government fails to fully and expeditiously cooperate" with the Human Rights Council's mandate.

He said Australia was not complying with its international legal obligations to promptly investigate and prosecute acts of torture or cruel or degrading treatment.

Labor said on Monday the Prime Minister was "absurd" for attacking a globally respected organisation for not giving more credit to his government.

"Instead of launching a cheap attack on the report's author – Tony Abbott should be providing an assurance that all the processing facilities Australia funds are run in a safe, humane and proper manner," Labor's immigration spokesman Richard Marles said.

"A critical part of that is ensuring Australian-funded facilities process people's refugee claims without delay."

Human Rights Law Centre director of legal advocacy Daniel Webb said the report made it clear Australia's policies and actions were in breach of international law.

"The government always assures the Australian people that it complies with its international human rights obligations. But here we have the United Nations once again, in very clear terms, telling the government that Australia's asylum seeker policies are in breach of international law," Mr Webb said.

"Australia signed up to the Convention Against Torture 30 years ago. We did so because as a nation we agreed with the important minimum standards of treatment it guaranteed. Yet here we are 30 years on, knowingly breaching those standards and causing serious damage to our reputation."

Human rights lawyer Greg Barns says he is working with Tasmanian independent MP Andrew Wilkie on seeking that the International Criminal Court launch an investigation into crimes against humanity by members of the Abbott government in relation to the treatment of asylum seekers.

<http://www.theage.com.au/federal-politics/political-news/tony-abbott-australians-sick-of-being-lectured-to-by-united-nations-after-report-finds-antitorture-breach-20150309-13z3j0.html>

24. UN torture expert denies Australia being lectured on human rights

United Nations special rapporteur Juan Mendez denies Australia being lectured on human rights

ABC Radio CAF - AM
By Rachael Brown
Posted Tue 10 Mar 2015, 7:08am

The UN's special rapporteur on torture has rejected claims by Prime Minister Tony Abbott that Australia is being lectured on human rights.

A new report on Australia's asylum seeker policies found aspects had breached the international convention against torture.

Mr Abbott said Australians were sick of being lectured to by the international organisation.

But the special rapporteur, Juan Mendez, told AM the UN was just doing its job.

"I do give credit to Australia for having a very robust, democratic system with guarantees of human rights for everybody," Mr Mendez said.

"But it is my mission, my duty, to point out when any country, including Australia, falls short of its obligations under international law."

The report, compiled by Mr Mendez, found Australia was violating the rights of asylum seekers on multiple fronts under the UN convention.

Mr Mendez took issue with the detention of children, violence in offshore processing centres, and recent amendments to Australia's maritime powers.

The Prime Minister responded by saying Australia was "sick of being lectured to by the UN".

"Particularly given that we have stopped the boats, and by stopping the boats we have ended the deaths at sea," Mr Abbott said.

Report has led to more robust debate: UN

Mr Mendez said his remit was not immigration but policies that resulted in people being sent back to persecution and torture.

He said detention should not solely be used to discourage further boat arrivals.

"I'm sorry that he considers what we do lecturing, we don't, we think it's our role," Mr Mendez said in reference to Mr Abbott's comments.

"We treat every country the same way. We just try to uphold international standards as we understand them."

Mr Mendez said he was not disappointed that Australia had brushed off his report.

"At least we are getting a robust debate in Australia, and that's more important to me than the initial reaction of government," he said.

"In many other cases we get governments that either brush us off or don't respond at all, so I'd rather get an intemperate response than no response.

"And in the meantime if we can help stir some debate, because I know that the debate is already going on in Australia with or without my participation, I think that's a way things can correct, and performance of government can get improved."

Mr Mendez was asked to comment on the Prime Minister's view that the best way to uphold the universal decencies of mankind was to stop the boats.

"I don't dispute the fact that in the high seas the Australian forces behave in a humanitarian way and provide essential services to people that they find, even rescue people who may be at peril," Mr Mendez said.

"That is obviously to be commended, but that does not detract from the use of prolonged arbitrary detention of people just because of their status, when in fact there could and should be better alternatives, including appropriate screening with a fair opportunity to state a claim why they should not be returned to a country where they face torture.

"I don't think that keeping people in prolonged arbitrary detention on the basis only of the fact that they attempted an irregular entry is a good course of action."

<http://www.abc.net.au/news/2015-03-10/un-says-australia-not-being-lectured-on-human-rights/6292784>

25. UN special rapporteur Juan Mendez responds to Tony Abbott criticism

Asylum seeker torture report: United Nations special rapporteur Juan Mendez responds to Tony Abbott criticism

The Age
March 10, 2015 - 10:14AM
Lisa Cox

The United Nations special rapporteur on torture has hit back at Tony Abbott's claim Australians are "tired of being lectured to by the United Nations", saying his organisation deserves respect.

"I'm sorry that the Prime Minister believes that we lecture," Juan Mendez told Fairfax Media on Tuesday.

"We don't believe so. We try to treat all governments the same way and deal with specific obligations and standards in international law as objectively as we can."

Mr Mendez is a human rights lawyer who survived torture under Argentina's military junta in the 1970s.

In 1975 he was blindfolded and shoved in a car and taken for nearly three days of questioning by Argentinian intelligence officials. Interrogators gave him electric shocks and at one point put a gun in his mouth to try to force him to reveal information about his work and associates.

He presented his report examining cases of torture and mistreatment by governments to the United Nations Human Rights Council in Geneva on Monday.

Of the 200 cases in the report involving 68 different countries, four refer to Australia and each of those examines claims of torture or cruel or degrading treatment in immigration detention.

Mr Abbott triggered a widespread outcry after he dismissed the report on Monday and attacked the UN for not giving his government credit for stopping boat arrivals.

"I think the UN's representatives would have a lot more credibility if they were to give some credit to the Australian government for what we've been able to achieve in this area," the Prime Minister said.

Among the concerns raised by the report was that escalating violence on Manus Island, and the "intimidation and ill-treatment of two asylum seekers" who gave statements about last year's violent clashes at the centre was in breach of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The report also found that recent changes to the Maritime Powers Act to give the government the power to detain asylum seekers at sea and return them violated the convention.

"I think people who are detained in the high seas and subject to prolonged detention on the basis of their status and not given a fair opportunity to make their case that they should not be sent back to a country where they might face torture," Mr Mendez said on Tuesday.

"I think it is my duty to tell Australia that, at least in that respect and in respect of keeping children in detention, that policy needs to be corrected."

He added that the government's response to concerns he had raised about the alleged mistreatment of two asylum seekers on Manus Island had been "insufficient".

"I called on the authorities to investigate and see if someone is being mistreated," Mr Mendez said.

"The government just said it's going through the courts. I think that is insufficient. What I want to know is if the investigation has singled anybody out for investigation or prosecution for torture."

Mr Mendez said the UN and the Abbott government disagreed about the extent to which Australia's asylum seeker policies complied with international law.

He described Mr Abbott's response as combative and invited Mr Abbott to have a constructive conversation.

"I appreciate the government has responded to the four cases I submitted, I just disagree that we are lecturing," Mr Mendez said.

"We are treating every government with a lot of respect.

"I think we in the United Nations also deserve respect and I wish the Prime Minister had taken my views on this more seriously and engaged with my rapporteurship more constructively.

"That is what I have always tried to do and I am still available for a constructive conversation."

Mr Mendez was appointed the UN special rapporteur on torture in 2010.

Prior to his appointment, he was a special advisor on crime prevention to the Prosecutor of the International Criminal Court and co-chair of the International Bar Association Human Rights Institute.

<http://www.theage.com.au/federal-politics/political-news/asylum-seeker-torture-report-united-nations-special-rapporteur-juan-mendez-responds-to-tony-abbott-criticism-20150309-13zrwz.html>

26. Julian Burnside: Refugee boats activists quiet under ALP

The Australian
March 12, 2015 12:00AM
Paige Taylor

CELEBRATED human rights lawyer Julian Burnside believes some refugee advocates went easier on Labor than they should have despite crowded and difficult conditions for more than 1000 children in the lead-up to the 2013 federal election.

Mr Burnside attacked the -Abbott government yesterday for "a pattern of trying to shut down the messenger" in its -response to the UN special rapporteur's new finding that Australia exposed asylum-seekers to torture or inhuman treatment.

But he also said the stance of some advocates who were outraged by the Coalition's asylum policies while comparatively "quiet" about Labor's treatment of detainees reminded him of Cecil Day Lewis's poem condemning those who would -"defend the bad against the worse".

This week's report by the UN's special rapporteur on torture accepted the claims of lobby groups without hearings, testimony or site visits, and was based on the lack of detailed rebuttal from the government.

An equivalent UN report in March 2013 made no mention of Australia, despite the fact there were many more people in detention at the time — more than 1100 children and an overall total of 6580 on Australian soil. More were held on Nauru and Manus Island.

Special rapporteur Juan Mendez told The Australian he did not include a section on Australia in that report two years ago because "either there were no complaints or the ones we were processing were not yet ripe for decision".

“I suspect that a number of advocates were a bit quiet when Labor was in because at least Labor were making the right noises,” Mr Burnside said. “They ended up doing the wrong thing.”

The number of adults and children in immigration detention has been steadily reducing since the Coalition took office in September 2013 and began its contentious policy of turnbacks at sea. There are currently 3732 -asylum-seekers who arrived by boat in camps in Australia, Nauru and Manus Island. This includes 117 children in various forms of detention on the Australian mainland, and 107 children in detention on Nauru.

Mr Abbott yesterday called the findings in the latest UN report “absolutely bizarre” and criticised the process set up by the UN Human Rights Council.

The findings are based on four reports from lobby groups including the Human Rights Law Centre and Ben Pynt, an advocate and commentator from the Darwin Asylum Seeker Support and Advocacy Network.

Professor Mendez stands by his conclusions but describes the process he was required to follow as “indeed rather limited, consisting of an exchange of notes with each government”.

The Australian government’s formal response to him on the first of four complaints — related to the treatment of asylum-seekers on Manus Island — was a letter less than one page in length, referring to other reviews.

Professor Mendez concludes: “In the absence of information to the contrary, the rapporteur concludes that there is substance in the allegations presented.”

Mr Abbott said yesterday: “You would think the UN would be saying, well, good on Australia for actually stopping the boats and stopping the drownings at sea. (The UN) went to the usual suspects, the usual human rights activists, accepted everything that they said as gospel truth and now we have got what is supposed to be a reputable body criticising the Australian government for doing the right thing.”

Yesterday Mr Pynt said his submission to the special rapporteur about the treatment of two men on Manus Island was thorough: “Because of my legal training, I know you have to be able to substantiate everything you say.”

<http://www.theaustralian.com.au/national-affairs/immigration/julian-burnside-refugee-boats-activists-quiet-under-alp/story-fn9hm1gu-1227259217764>

27. Goodwill letters to asylum seekers on Nauru returned unopened

Immigration department delivers three boxes of mail to barrister Julian Burnside – six months after he was assured it was being distributed to detainees

The Guardian
Richard Ackland
Tuesday 10 March 2015 10.53 AEDT

Thousands of goodwill letters sent by Australians to immigration detainees held on Nauru have been returned unopened.

The letters of comfort and support were organised by the Melbourne barrister Julian Burnside. He did the same in 2001 after asylum seekers on the Tampa were detained for long periods.

Last year, with the support of advocacy and social justice groups, he organised for almost 2,000 letters from Australians to be sent to detainees on Nauru. A similar number were sent to people at the processing centre on Manus Island.

The letters were directed to people whose identity and boat number are known to Burnside. Each letter contained a self-addressed stamped envelope so the detainees could reply to the sender if they wished.

The letters were designed to let the detainees know that Australians were thinking of them, that they were not alone and that not everyone is hostile to refugees.

By the middle of last year it was apparent that the letter writers had not received any replies from Nauru.

Burnside followed up with an email inquiry to Nikki Keirven, then the Department of Immigration and Border Protection’s lead service delivery officer at the Nauru offshore processing centre. On 25 June 2014 she replied:

“Thank you for your email. I appreciate you have an interest in knowing whether the letters you have been sending are arriving in Nauru.

“I can confirm that they are arriving and are being distributed to transferees by the service provider [Transfield Services]. This is a work in progress given that letters continue to arrive.

There are also a number of letters which have arrived for transferees who have departed Nauru. Where forwarding addresses are available, they will be forwarded on."

However, replies from detainees were still not being received. This was considered unusual, as in the past asylum seekers had been responsive to messages of support.

What followed was months of email correspondence between Burnside and the department. It emerged that the Nauruan postal authorities would only accept the self-addressed envelopes if the Australian stamps had been purchased in Nauru.

Burnside continued to press for information about what had happened to the letters. On 11 August he wrote:

"I am disappointed not to have received a reply. You probably do not need to be reminded that it is a serious offence to interfere with mail. People held on Nauru have written letters in response to letters from members of the Australian public. Those replies are not being sent out. You are aware of the blockage. I have offered to put them in the Australian postal system if the reply letters are returned to me in bulk: they all have Australian postage stamps on them."

There was no response. Two days later, he inquired again of Kierven: "Where are the letters?"

The correspondence was later referred to Tanya Findlay, director of the department's Nauru operations coordination section, but by September, a month later, Burnside had not heard from her and replies from detainees had still not been received back in Australia.

By November last year the matter had moved to the department's acting assistant secretary, Kylie Scholten, who emailed Burnside advising him that if he wanted to follow this up with the relevant postal services, "I recommend you search online."

She added: "In future if you have any feedback about offshore processing, please contact the department's global feedback unit" and provided a web address.

She said the service providers had arranged for all unclaimed correspondence to be returned to his office in Melbourne.

On 22 December Burnside received three large boxes from the department. They contained all but nine of the letters posted to asylum seekers. The letters were unopened and marked "Return to sender".

Burnside wants to know why he was told by the department in June that the letters "are arriving and are being distributed" when this was not the case.

He has now also started receiving letters which had been sent to Manus marked "Return to sender".

Transfield Services has responsibility for the mail deliveries to and from the regional processing centres and is investigating what happened to the letters.

The Department of Immigration and Border Protection, which has overall responsibility for the conduct of the processing centres, did not respond to questions from Guardian Australia.

<http://www.theguardian.com/australia-news/2015/mar/10/goodwill-letters-to-asylum-seekers-on-nauru-returned-unopened>

28. Letters to asylum seekers returned unopened, says human rights lawyer

Letters to Nauru and Manus Island asylum seekers returned to sender unopened, says human rights lawyer

ABC News Online
Posted Tue 10 Mar 2015, 9:29pm

Human rights lawyer Julian Burnside has accused the Immigration Department of trying to crush the hopes of asylum seekers by refusing to deliver letters of goodwill to them.

Approximately 2,500 letters addressed to detainees on Nauru and Manus Island have been returned, unopened, to Julian Burnside's chambers.

Mr Burnside said he sent the letters around last April on behalf of Australians wishing to express support for asylum seekers in detention.

He said he received numerous assurances from the Immigration Department the letters were being delivered, but the returned letters now suggested that was never the case.

"What the Department of Immigration is doing is a calculated attempt to destroy any sense of hope that asylum seekers might have," he said.

"And they are putting asylum seekers under increasing psychological pressure to abandon their claim for asylum and return to whatever country they've come from.

"The fact that the department refuses to explain why they misled me about the letters and why they can't explain why the letters have been returned, that suggests to me that it is something the department is doing."

A spokesperson for the Department of Immigration and Border Protection said the department was aware Mr Burnside had organised a letter writing campaign to asylum seekers at the Nauru and Manus Regional Processing Centres.

"Upon receipt of the letters, service providers at the Nauru and Manus RPCs attempted to deliver all letters to transferees," the spokesperson said in a statement.

"Most of the letters were not able to be delivered because asylum seekers had departed or were unwilling to accept letters from an unknown Australian source.

"Mr Burnside was in direct contact with several officers from the department in regards to the status of the letters.

"During the course of these discussions, the department organised the return of all undeliverable letters to Mr Burnside, as per his request."

<http://www.abc.net.au/news/2015-03-11/letters-to-asylum-seekers-returned-unopened-human-rights-lawyer/6294590>

29. MEDIA RELEASE: International Women's Day protest on Nauru

NAURU REFUGEE WOMEN CELEBRATE INTERNATIONAL WOMEN'S DAY WITH PROTEST

Tuesday March 10, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Nauruan refugees and children of all nationalities celebrated International Women's Day, yesterday, 9 March, with a protest at the Ijuw compound -- photos attached.

The protest comes less than a week after scores of women and children were arrested and mistreated by Nauruan police on 4 March.

Like other refugees, the women refugees had money and mobile phones stolen by police. Women refugees were also subjected to religiously motivated abuse.

Police removed the headscarves of all the Muslim women in custody and verbally abusing the women; telling them, "There are no Muslims here [ie Nauru]."

One Somali woman was forced to strip to her underwear.

"The massive operation to stifle peaceful protests last week has not deterred the Nauruan refugees," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"Yesterday's protest has sent a clear message to the Nauruan and Australian governments -- that the abuse has to stop and the discrimination has to stop.

"Nauru will not resettle the refugees, but is taking tens of millions of dollars a year to warehouse refugees for Australia, for up to five years."

The police repression only adds to the oppressive physical and social conditions on Nauru. As more refugees are released, the accommodation has got worse. Families are in converted, windowless shipping containers that are intolerable in the heat and humidity.

They are forced to boil the water used for toilets and washing because drinking water is too expensive given the tiny allowances given to refugees.

Other photos available on request

For more information contact Ian Rintoul 0417 275 713

30. MEDIA RELEASE: Nauru refugee protest defies police ban

Wednesday March 11, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Up to 300 refugees, women, men and children, from all refugee camps across Nauru have defied the Nauruan government and police attempts to ban refugee protests and staged a peaceful protest this afternoon (Wednesday, 11 March) -- photos attached.

The protest was held at the Nibok camp on the western side of the island, as plain-clothes police and Connect staff looked on.

The protest comes just one week since Nauruan police staged mass arrests on the island in a bid to stifle the campaign of non-cooperation being waged by the refugees. The Nauruan government had distributed notice on Nauru warning that protesters could be punished by up to three years jail.

One hundred and eighty three people including children were arrested on 4 March, and held for 24 hours without food and without water in some cells.

Ten of those arrested, including a number of children, are due to appear in the Nauruan district court on 18 March.

"We have just one slogan," refugees on the island told the Refugee Action Coalition, "Freedom and Justice".

Banners at the rally appealed for the UN to intervene on Nauru. The UNHCR has condemned Australia's offshore processing regime, while yesterday the report of the UN Committee Against Torture found Australia exposed asylum seekers to "torture and inhumane treatment."

Conditions on Nauru have also been condemned by the Australian Human Rights Commission and by medical staff recently on the island.

On International Women's Day, 9 March, women and children also held a defiant rally calling for 'Freedom' and an end to the discrimination that keeps them on the island.

Video of today's protest at Nibok are available on request.

For more information contact Ian Rintoul mob 0417 275 713

31. Leaked evidence casts doubt aid workers coached asylum seekers

Moss inquiry: Leaked testimonies cast doubt on claims Save the Children staff encouraged asylum seekers on Nauru to self-harm

ABC-TV - Lateline
By Steve Cannane, Lisa Main, and Alex McDonald
First posted Mon 9 Mar 2015, 6:02pm
Updated Tue 10 Mar 2015, 4:27am

The ABC has obtained leaked testimonies from the Moss inquiry that cast doubt on the evidence used to remove nine Save the Children staff from their jobs working with asylum seekers on Nauru.

In October last year, then minister for immigration Scott Morrison announced an inquiry to be chaired by former integrity commissioner Philip Moss.

The inquiry was to look into, among other things, claims of sexual and physical abuse at the Regional Processing Centre on Nauru and allegations Save the Children staff employed at the centre encouraged asylum seekers to self-harm.

While announcing the inquiry, Mr Morrison said: "If people want to be political activists, that's their choice but they don't get to do it on the taxpayers' dollar and working in a sensitive place like Nauru."

The allegations relating to Save the Children staff came from an intelligence report compiled from information gathered by Lee Mitchell, a senior intelligence analyst employed by Wilson Security on Nauru.

The Moss report is yet to be released by the Government, but in his testimony to the inquiry obtained by the ABC, Mr Mitchell admitted the information he compiled on Save the Children would not stack up in court.

"We're not looking to provide evidence. We're just looking at information of where there's likely to be an issue," he said.

When pressed by Mr Moss over allegations Save the Children staff encouraged asylum seekers to self-harm, Mr Mitchell provided no specific evidence, instead citing a previous report from former Nauru operations manager Greg Lake.

"I'm feeding back to Lake's comments in July," Mr Mitchell said.

"He says he knows this goes on. Coaching absolutely does go on."

Mr Moss said more clarification was needed.

"To my mind there's a world of difference between a general state of implying self-harm can be coached, and self-harm is being coached in the context of a particular series of demonstrations," he said.

"I know ... 75 per cent. It's three-quarters of the way there to confidence, to full confidence," Mr Mitchell responded.

Confusion over journalist's tweet

In one instance, Wilson Security's senior intelligence analyst cited a tweet from journalist Daniel Pye, as evidence Save the Children staff were leaking information to the media.

In his testimony to the Moss inquiry, Mr Mitchell said: "This is a guy who works for the Phnom Penh Times, so he's in direct contact with someone on Nauru."

"He's talking about academics working with refugees confirmed seven suicide attempts yesterday to me. Well, the only academics that work inside the centre are employed by Save the Children."

But Mr Mitchell misinterpreted Mr Pye's tweet. It contained a link to an article he wrote for Al Jazeera.

Mr Pye was not quoting Save the Children staff but Professor Suvendrini Perera.

Professor Perera had spoken directly with asylum seekers on Nauru and was quoted on the record for Mr Pye's article. She works for Curtin University, not Save the Children.

Mr Mitchell's testimony before the Moss inquiry also revealed he was approached to gather information on Save the Children in the lead-up to the Government's announcement of an inquiry.

"I think it was either the 28th or the 29th of September," he told Mr Moss.

"I was approached by someone from the department ... [who] just said that 'we're interested in anything you've got on Save the Children'."

Immigration Minister Peter Dutton was unavailable for interview.

"We're not going to comment before the report is released," a spokesman for the minister said.

There is speculation the Moss report will be released this week. Lateline understands it will detail allegations of sexual abuse as well as the trade in sexual favours between guards and detainees.

The transcripts of evidence seen by the ABC contain harrowing testimonies of sexual abuse.

<http://www.abc.net.au/news/2015-03-09/testimonies-cast-doubt-on-removal-of-save-the-children-staff/6292070>