

# Project SafeCom News and Updates

Sunday, 14 June 2015

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1. Joanne McCarthy: We can't look the other way
2. Don't treat asylum seekers as criminals: Cathy McGowan
3. Greg Barns: Sorry Vanstone, it's a 'Liberal' Party in name only now
4. Renouncing Australia: a dozen people to follow Murrumu by taking Yidinji citizenship
5. International flotilla rescues 5,900 asylum seekers from Mediterranean over weekend
6. Migrants returned to Bangladesh and an uncertain future
7. Australia slashes \$55m in aid to Myanmar, development fund says
8. Veil of secrecy descending over foreign aid, experts warn
9. Asylum-seeker debate gets essential input from Klaus Newmann
10. Threat of an Australian Snowden terrifies immigration department
11. Man claiming to be Indigenous held in WA immigration detention centre
12. Labor Pushes Changes To Bill Allowing Deadly Force Against Asylum Seekers
13. Asylum seekers should not be sent back to Sri Lanka yet, say religious leaders
14. Papua New Guinea immigration officials arrested over refugee bashing on Manus Island
15. Papua New Guinea immigration officers charged with assault on refugee
16. Refugee in hiding on Manus Island after allegedly being duped into resettlement promotion
17. Scott Morrison knew of Nauru abuse a year before government acted, inquiry told
18. Immigration interfered with Nauru asylum seeker diagnoses, Senate told
19. Asylum seekers abused on Nauru may never get justice, says former adviser
20. Nauru's president Baron Waqa and justice minister allegedly bribed by Australian phosphate dealer Getax
21. Australian firm bribed Nauru government ministers for special deal: AFP
22. Sacked Nauru police commissioner was consulting with US authorities
23. Immigration Department confirms Sarah Hanson-Young was spied on
24. Greens call Immigration Minister 'incompetent', demand apology over Hanson-Young spy allegations
25. Review board for hearing asylum seeker appeal claims yet to hire single panel member
26. Australian government promised mosques, jobs and football to refugees
27. Child moved in the dead of night: asylum seeker system questioned
28. Five-month-old baby born in Australia transferred to Nauru detention centre, Greens say
29. Immigration department defied advice not to transfer babies back to Nauru
30. Asylum seeker may end pregnancy rather than raise her child on Nauru
31. Hunger-striking asylum seeker wins right for refugee case to be reassessed
32. Defence Department to sell former Pontville Detention Centre site

# 1. Joanne McCarthy: We can't look the other way

The Newcastle Herald  
By Joanne McCarthy  
June 8, 2015, 10 p.m

AUSTRALIA'S treatment of asylum seekers – and particularly children in detention – makes me feel like a hypocrite.

How can I write about the abuse of children in institutions in the past, and stay silent about children detained by our government today, in our name, and where there are credible and serious allegations of sexual abuse and mental harm?

How to write about churches attacking people in the past for raising credible child sex allegations, when Tony Abbott and Peter Dutton launch extraordinary attacks on Human Rights Commissioner Gillian Triggs for raising credible allegations about abuse of children today?

The treatment of children in detention centres makes hypocrites of us all.

We cry tears as we shine a light on abuses in the past at the Royal Commission into Institutional Responses to Child Sexual Abuse, while children are spirited to Nauru under cover of darkness.

Their treatment reduces our tears for victims of offences decades ago to empty hand-wringing, and pity.

David Owen, Graham Rundle, Peter Gogarty, Bob O'Toole and thousands of others who live daily with the consequences of child abuse – what Mr Owen calls “the stain on the brain” – don't want pity.

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They came forward to bear witness at the royal commission, to ensure children are protected in future.

They want Australians to act.

If the royal commission has demonstrated anything after more than two years of harrowing testimony, it is that abuse occurs when powerful institutions tasked with the care of children rank that care below other considerations.

When the status of an institution, the ambition of individuals, job security or simple indifference take priority, children are abused.

When political expediency takes priority – a government and opposition in a race to the bottom for votes – children are vulnerable to abuse, and will be abused.

What difference is there between a government that places children on an island, prevents media scrutiny, silences whistleblowers with threats of jail, attacks people for raising credible allegations, refuses to answer questions because of “operational reasons”, and offers nothing but “Trust us” to community concerns, and the Catholic church isolating children at Neerkol orphanage outside Toowoomba in Queensland, or the Salvation Army at Eden Park orphanage in South Australia?

We trusted the Salvos and the Sisters of Mercy back then, as well. David Owen was assigned a number and locked away at Neerkol. Graham Rundle was assigned a number and locked away at Eden Park. They were dehumanised, powerless and voiceless, and they struggle with the consequences every day of their lives.

The most common question asked after shocking revelations from the Royal Commission into Institutional Responses to Child Sexual Abuse is: “How did this happen?”

The answer is in front of us – at Nauru and other centres where children are detained. This is how it happens. What we don't know about – by excuse or government design – we don't care about.

Which is why there's a groundswell of anger from the victims and survivors of historic child sexual abuse, their partners and families.

They fought churches, politicians and governments for a royal commission, and will fight for their voices to be heard on children in detention today.

How does abuse of the most vulnerable and powerless among us occur, whether in institutions, in homes by family members, or in detention centres? It occurs when we look the other way.

<http://www.theherald.com.au/story/3133194/opinion-we-cant-look-the-other-way/>

## 2. Don't treat asylum seekers as criminals: Cathy McGowan

The Border Mail  
By OLIVIA LAMBERT  
June 6, 2015

INDI MP Cathy McGowan is the first independent to be appointed to the Parliamentary Joint Committee for Human Rights.

She announced the new position yesterday and said she is already calling on the government to treat asylum seekers better.

The committee looks at legislation and decides whether or not it aligns with Australia's human rights obligations.

"There was a piece of legislation a couple of weeks ago, giving permission to people who work in detention centres to use more force to work with people in there," she said.

"What I've been talking to Immigration Minister Peter Dutton about is if we've got people in detention centres we've got to treat them well.

"They're not prisoners, they haven't broken laws.

"They are in detention centres, not prisons and I think that sometimes the government thinks they are prisons and punishments for people when in fact the rule of law says that's not the case and they are in a holding place."

Ms McGowan said deaths and sexual abuse did not have a place in detention centres.

"The government says you have to make it hard otherwise they'll keep coming but I'm saying there's a balance," she said.

Ms McGowan believed she was a valuable addition to the human rights committee because she was not political.

"Everybody else is either a member of the Labor party, the Liberal Party or The Greens," she said.

Ms McGowan said she would also be paying attention to service delivery.

"Are rural and regional people treated equally to city people when it comes to accessing services?" she said.

"I'll be able to ask the questions of that committee and see what the impact of this would be on the rights of rural and regional Australians."

<http://www.bordermail.com.au/story/3129447/dont-treat-asylum-seekers-as-criminals-cathy-mcgowan/>

## 3. Greg Barns: Sorry Vanstone, it's a 'Liberal' Party in name only now

While it's important that respected Liberals like Amanda Vanstone voice their opposition to the Liberal Party's penchant for undermining rights and disregarding the rule of law, it is a case of too little too late, writes Greg Barns.

ABC The Drum  
By Greg Barns  
Posted Tue 9 Jun 2015, 9:04am

Former Howard government minister Amanda Vanstone is aghast at those in the Liberal Party who want to allow for the stripping of citizenship by ministerial fiat alone.

Such a move, says Ms Vanstone, is antithetical to "commitment to individual rights, the belief that you and I can and should do things for ourselves, with the state only sticking its bigger and bigger beak into our lives when it is really needed."

Ms Vanstone is right. But the party that she served for many decades, and of which I was once a member, has become the political force in federal politics that stands unambiguously for enhancing the power of the executive over the individual, of removing the courts from their role as protectors against arbitrary uses of power by the executive, and of an enlarged security state.

In fact, the federal Liberal Party has been lessening core democratic values like the rule of law and individual freedom since 1996 when Ms Vanstone and her colleagues were re-elected to the Treasury benches for the first time since 1983.

When I joined the Liberal Club at Monash University in 1981 and worked for various Liberal ministers and premiers through the 1990s, the Liberal Party housed a strong liberal wing that stood for individual freedoms, both social and economic.

John Howard, however, facing a possible election loss in 2001, presented legislation to the Parliament equally as odious as the stripping of citizenship without appeal rights.

This was the so-called Tampa legislation. It was designed to stop a ship carrying asylum seekers from coming to Australia. That legislation suspended the rule of law in that it allowed Australian military personnel to use whatever force was necessary to keep the ship out of Australian waters. There was immunity from legal action for those who used force.

Mr Howard then used the pretext of 9/11 to devise and have enacted a series of so-called anti-terror laws that allowed for evidence to be used against suspects that was not available to their lawyers; that let ASIO and police hold a person for a number of days without charge; and that allowed for orders to be placed on the movements of individuals without that person ever having to be charged, let alone found guilty of a terrorism offence.

The Liberal Party under Mr Howard also introduced legislation to restrict access for asylum seekers to the courts. It sought to kill off the growing global movement for marriage equality by passing a law defining marriage as between a man and a woman.

It ought to be noted that the ALP supported much of this illiberal legislation, but as a former senior federal ALP figure said to me a few years ago, the ALP likes a big state.

The Howard years saw the Liberal Party become a misnomer. The party that Robert Menzies, its founder, had said should walk down the middle of the road, was now a deeply conservative force that favoured the use of the considerable power of the state to curtail individual freedoms and rights when it appeared politically expedient to do so.

On its assumption to office again in 2013 the Howard formula has been extended to a dangerous extent. The Liberal Party under Prime Minister Tony Abbott appears to regard the courts and other independent statutory office holders like the Human Rights Commissioner as dilettantes.

Potential abuses of state power by the military, ASIO and in immigration detention centres are now off limits to the media and to whistleblowers. The so-called Operation Sovereign Borders makes it difficult to know if the Australian Navy is acting in accordance with international maritime law principles when it turns back boats of asylum seekers. ASIO agents can now have an operation badged a "special intelligence operation", which allows the commission of crimes (not murder, serious injury, sexual assaults or serious property damage) and civil wrongs.

If a whistleblower or victim of such an operation goes public then that individual and the journalist who reports their story can go to jail for five or 10 years. The new border force law makes it a criminal offence for doctors, social workers, teachers and other workers in detention centres to go public with their concerns.

Last year the Abbott Government passed laws that stripped asylum seekers of the right to have the Refugee Review Tribunal hear their claims. Instead, a paper review by bureaucrats will determine the lives of many desperate and vulnerable people.

There is a pattern here. For almost two decades the federal Liberal Party has been the party that stands for tipping the scales in favour of the state and against the rights of individuals. While it is important that senior and respected Liberals like Amanda Vanstone voice their opposition to the Liberal Party's penchant for undermining fundamental rights and disregarding the rule of law, it is a case of too little too late.

The federal Liberal Party has become a creature that feeds on the politics of fear. Today it is fear of terrorist activity, and before that of asylum seekers. The jettisoning of liberal principles, once important values when the party was led by people like Malcolm Fraser and John Hewson, happened long ago.

It will take a lot more than a column from senior and well-respected Liberals like Vanstone to undo the damage that has been done to the term "Liberal" in Australia.

<http://www.abc.net.au/news/2015-06-09/barns-sorry-vanstone-its-a-liberal-party-in-name-only-now/6530988>

## **4. Renouncing Australia: a dozen people to follow Murrumu by taking Yidinji citizenship**

Move may cause headache for Queensland police if those taking pledge insist on using documents issued by Indigenous nation

The Guardian  
Paul Daley  
Sunday 7 June 2015 12.02 AEST

Queensland police may have regarded it as a rather bizarre, one-off incident when they recently arrested Murrumu Walubara Yidindji while he was driving with a licence and a car registration issued in the name of his north Queensland Indigenous nation.

But when a dozen or so other people take the Yidindji citizenship pledge in Cairns on Monday, the headache for Queensland police might really begin – especially if they decide to follow closely in the footsteps of Murrumu.

Since early 2014 Murrumu – formerly the National Indigenous Television journalist known as Jeremy Geia – has been living by the tribal law of his Indigenous Yidindji people. He has renounced his Australian citizenship and all associated documents and permits. He decided to forgo his bank and superannuation accounts, and has shunned money and other possessions beyond a few clothes.

While the details of how, precisely, he keeps body and soul together are vague, outside supporters of the Yidindji nation help with day-to-day basics. Murrumu is also a visual artist who sometimes uses his work for barter.

Sceptics (see their comments, among many hundreds of others, below the recent articles in Guardian Australia about him) have suggested Murrumu is a cynical publicity seeker – and worse. But there can be little doubt the guy has done more than merely talk the talk when it comes, as he puts it, to “abandoning the citizen-ship”.

In January Murrumu was arrested in Canberra on a trespass charge related to his use of public housing property as the Yidindji embassy. The car he was driving, fitted with black and gold number plates reading YID 001, had also come to police attention and the plates were taken. They have not been returned.

Last month police arrested Geia at a roadside stop at Gordonvale, north Queensland. He had again been driving a car with Yidindji plates and using a Yidindji licence. Police charged Geia with driving an unregistered and uninsured car with false plates, and driving without a licence while possessing “an article resembling a licence”.

Geia is due to reappear in court this month. But Murrumu – the Yidindji foreign affairs and trade minister – is unlikely to show: the Yidindji nation does not recognise the jurisdiction of the court. Murrumu and his attorney general, Gaan-Yarra Yalambara, insist the crown has no authority to impose its law on Yidindji citizens because the Australian constitution does not recognise Aboriginal and Torres Strait Islander people.

Besides helping to establish the fledgling Yidindji nation – which covers an area in North Queensland about one and a half times the size of Hong Kong – Murrumu is home schooling his infant son, Jeremy. No pre-school in the Cairns district would accept the child without an Australian birth certificate; Murrumu could only offer a tribal birth document.

Gaan-Yarra is one of about 12 people who will pledge their Yidindji citizenship tomorrow.

He says because Indigenous Australians are not recognised in the constitution, those who pledge themselves to the Yidindji can not be dual Australian citizens.

“It is recognised even by the federal court of Australia that ‘adoption’ is a method of recruitment in accordance with the traditional law and custom of the Yidindji Tribal People. The United Nations defines ‘Aboriginal’ people as: ‘Self-identification at the individual level and accepted by the community as their member’,” Gaan-Yarra said.

“The Australian people have not yet voted to ‘recognise’ the Aboriginal people into their Australian constitution. Due to this lack of recognition dual citizenship will not be possible until the Australians vote ‘yes’ to let the Aboriginal people take part in the social, cultural, economic and political life of the Commonwealth of Australia.”

Asked if the decision to quit Australia to join the Yidindji nation was a “lifestyle choice” (an echo, perhaps, of prime minister Tony Abbott’s controversial assertion that Indigenous Australians who live on some remote communities were exercising such discretion), he said: “This is not a lifestyle choice; this is about correcting the past injustices and securing the future for all people who call this great land home.”

Murrumu says Gaan-Yarra is one of several white skinned, soon to be former Australians, who were becoming Yidindji citizens on Monday.

“He has been adopted through the Yidindji tribal law,” Murrumu says.

He says those who become Yidindji citizens on Monday “can use whatever resources are in our territory” including “such resources that have been put there without Yidindji consent”.

“In general the citizen can go about their business as long as they cause no harm, injury or loss to anyone else. The sovereign Yidindji government is continuing to build its capacity to ensure it maintains peace, order and good governance of our territory and its citizens through an interim transition process which is being developed.”

Full story at <http://www.theguardian.com/australia-news/2015/jun/07/yidindji-nation-to-pursue-people-powered-independence-says-murrumu>

## 5. International flotilla rescues 5,900 asylum seekers from Mediterranean over weekend

ABC News / Reuters

First posted Sun 7 Jun 2015, 8:16pm

Updated Mon 8 Jun 2015, 4:39am

An international rescue fleet plucked almost 5,900 migrants from rickety boats making the perilous sea crossing from North Africa to Europe on Saturday and Sunday, the Italian coastguard said.

British warship Bulwark assisted in picking up more than 1,000 refugees, including 10 pregnant women, the Ministry of Defence said.

The Italian coastguard, which coordinates rescue efforts from Rome, said British, Swedish, Spanish and Italian ships and a merchant vessel were called upon to go to the aid of 15 different boats on Sunday, rescuing 2,400 people in all.

On Saturday, 3,500 migrants were rescued about 45 miles from the Libyan coast.

The tide of migrants and refugees risking the often deadly sea crossing to reach Europe from Africa is on the rise this year and the UN refugee agency estimates more than 1,800 have drowned.

About 800 perished in a single shipwreck in April.

In response, the European Union bolstered its presence in the Mediterranean between Sicily and Libya to help rescue people in boats who are taking advantage of the calm summer seas to attempt the crossing.

But the EU is still debating how to handle the refugees and migrants once they are ashore.

All those rescued are being taken to Italian ports, which has created tension between the government and local politicians from opposition parties, especially from the anti-immigrant Northern League, who said they could not take any more migrants.

The League's president of the northern Lombardy region, Roberto Maroni, said he would refuse to shelter more migrants and cut regional funding to cities that agreed to host them.

But Italian prime minister Matteo Renzi said Mr Maroni, a former interior and labour minister, was partly responsible for locking Italy into an unfair European Union treaty that required asylum seekers to ask for refuge in the country where they first entered the bloc.

EU interior ministers are due to discuss a European Commission plan on June 16 to disperse 40,000 asylum seekers from Italy and Greece to other member states, and to bolster the enforcement of the treaty that Mr Renzi wants changed.

"It's unthinkable to continue to bring them all [migrants] to Italy," Mr Renzi told reporters at the G7 summit in Kruen, Germany.

"There is an immigration problem.

"To tackle it, we need the strength and courage to make ourselves heard at European meetings."

The turmoil in Libya, which has become one of the main transit routes to Europe, has given free rein to people smugglers.

During the first five months of the year there were 46,500 sea arrivals into Italy, a 12 per cent increase on the same period last year, the office of the United Nations High Commissioner for Refugees said.

The Italian government projects 200,000 in all will come this year, up from 170,000 in 2014.

<http://www.abc.net.au/news/2015-06-07/international-effort-underway-to-rescue-10-migrant-boats/6528606>

## 6. Migrants returned to Bangladesh and an uncertain future

AFP

Tuesday June 9, 2015

by Phyto Hein Kyaw

Some 150 migrants found adrift in a boat off Myanmar's coast were transferred under armed guard to neighbouring Bangladesh Monday, returning them to a life of grinding poverty many tried to flee months ago.

The transfer of the men across a bridge over the Naf River separating the two countries began late morning, AFP reporters on the scene said.

"I'm happy," one of the men, who gave his name as Uzzal, told AFP in English. "Four months after, go back to Bangladesh, to the family, very happy."

In recent years tens of thousands of persecuted Rohingya Muslims from Myanmar and Bangladeshi economic migrants have fled on boats across the Bay of Bengal in search of better prospects, usually to Malaysia.

The lucrative smuggling and trafficking industry was largely ignored until a Thai crackdown last month upended those routes and led to gangmasters abandoning their victims at sea and on land.

Since then, around 4,500 of them have returned to shore, but the UN estimates around 2,000 are still at sea.

Nearly 1,000 have been taken to Myanmar's western Rakhine state, which borders Bangladesh, after being found by Myanmar's navy in two boats in the Bay of Bengal. Neither nation initially showed a willingness to accept them and rights groups are concerned some could be pushed to the wrong side of the border.

Myanmar insists the majority of those discovered recently are Bangladeshis leading to fears it may try to deport unwanted Rohingya Muslims, some 1.3 million of whom live in Rakhine State. But they now appear to have agreed on the nationality of some of the rescued migrants, who come from a first boatload of more than 200 found in late May.

After accepting 150 people back, a Bangladeshi border official said the complicated process of establishing where the remainder belong was ongoing.

"Only after the verification we can say how many or if any Bangladeshis are among these migrants," Lieutenant Colonel Khandaker Saiful Alam, head of Bangladesh border guards in Cox's Bazar district bordering Myanmar, told AFP.

## ***Unwanted***

But the migrants have received little sympathy from the country's prime minister Sheikh Hasina who last month dubbed them "mentally sick" for leaving and tarnishing Bangladesh's image.

The Cox's Bazar region is notoriously poor and known for powerful trafficking gangs who had, until recently, operated largely unhindered. Hours before the group was repatriated Bangladeshi police said a Rohingya man suspected of involvement in people trafficking had been shot dead in a fight with rival gangs in Teknaf, near Myanmar's border.

Last month three men accused of being involved in the trade were gunned down by police in the same region. Inside Myanmar conditions for migrants allowed to stay are unforgiving. Impoverished Rakhine state is a tinderbox of tension between its Buddhist majority and the persecuted Rohingya Muslim minority, many of whom live in displacement camps after deadly unrest erupted there in 2012.

The Rohingya are denied citizenship and face a raft of restrictions, including on their movement, family size and jobs. Buddhist hardliners there are planning a day of protest on Sunday against local authorities for helping the desperate boat migrants.

The fate of 733 other migrants found on another boat on May 19 has also yet to be decided, with officials from both countries still in the process of verifying their nationalities. Myanmar has yet to clearly state what the origins of the remaining passengers are or what will happen to migrants who are not deemed to be from Bangladeshi territory.

Rohingya are classified by Myanmar authorities as illegal immigrants from Bangladesh, despite many living there for generations. Bangladesh already hosts tens of thousands of Rohingya in camps, many the victims of previous bouts of sectarian instability across the border.

Authorities have proposed moving them to a nearby island, something Rohingya groups have said will only worsen their plight.

Myanmar has come under increasing pressure from the international community to halt the ongoing persecution of its Rohingya population. But the authorities have stuck to their line that Rohingya are not fleeing persecution.

<http://www.msn.com/en-au/news/world/migrants-returned-to-bangladesh-and-an-uncertain-future/ar-BBkPiKT>

## **7. Australia slashes \$55m in aid to Myanmar, development fund says**

The Age  
June 8, 2015 - 7:44PM  
Sarah Whyte

Myanmar's largest development organisation has accused Australia of slashing nearly \$55 million to its health care program as a result of the Abbott government's latest cuts to foreign aid.

The Three Millennium Development Goal Fund, of which Australia is currently the chair, has announced on its website that Australia will not be contributing an allocated US\$42 million (\$54.9 million) to the organisation.

The full effects of the \$11 billion aid cuts made by the Coalition are only being felt now by some individual organisations, as others wait to see how their country's programs will be affected.

A statement on the Three Millennium Development Goal Fund (3MDG) website read: "On the 12 May the Australian government announced cuts to its foreign aid budget.

"As a result, Australia will not be making a planned further contribution to the Three Millennium Development Goal Fund of approximately US\$42 million. Australia remains the second largest contributor to the fund, having already provided US\$48.2 million and remains the chair of the 3MDG Fund board."

The group, which works in partnership with the Myanmar government, is also funded by foreign aid from Denmark, the European Union, Sweden, Switzerland, United Kingdom and the US.

Between 2012 and 2016, the organisation, which is currently the largest development fund in Myanmar, received \$330 million from its major foreign donors.

In its statement it said the Australian cuts would have "no immediate impact" on current programs, including child and maternal health as well as addressing HIV/AIDS, malaria and tuberculosis.

Under the aid cuts from Australia's Department of Foreign Affairs and Trade, Myanmar, which has recently been in the political spotlight for its treatment of the Rohingya people, lost 40 per cent of its funding from \$70.1 million down to \$42.1 million.

A spokeswoman from DFAT said: "The Australian government is consulting the government of Myanmar on our aid program for 2015-16. Final decisions have not yet been made regarding individual investments."

It comes as would-be Australian volunteers were also only recently told that government-funded volunteer positions with the Red Cross, Scope Global and Australian Volunteers International have been put on hold due to the cuts to the aid budget.

Three Millennium Development Goal Fund did not respond to calls made by Fairfax Media.

<http://www.theage.com.au/federal-politics/political-news/australia-slashes-55m-in-aid-to-myanmar-development-fund-says-20150608-ghj67w.html>

## **8. Veil of secrecy descending over foreign aid, experts warn**

The Age  
June 14, 2015 - 12:15AM  
Adam Gartrell

Australia's multibillion-dollar foreign aid program is becoming increasingly secretive under the Abbott government, with experts warning it's getting harder to tell how taxpayers' money is being spent and what's being cut.

The government has cut \$11.3 billion from the aid program since coming to office in 2013, slashing assistance to some of the world's poorest countries and leaving many long-running and successful programs in doubt.

And now it appears to be taking the axe to transparency too.

Experts are complaining that this year's budget papers contained far less detail than usual about aid. Chief among their concerns is the absence of a so-called "blue book", a ministerial statement that typically contains a wealth of information about how money is being spent, including country and regional allocations and reports on progress and results.

The government first failed to provide a blue book last year but later published the equivalent information in a document released online.

This year, the information has not materialised at all.

Marc Purcell from the Australian Council for International Development, the peak body for non-government aid and development groups, says the program is now more opaque than he's ever seen it.

"Transparency has really declined. I won't say transparency has completely evaporated but it's really hard now for Australians to see how their money is being spent," Mr Purcell said.

The budget did provide headline figures on how much money individual countries would get. But that's not enough information to give the public confidence that their money is being used appropriately, Mr Purcell says: "We know the dollars but we don't know what's being done with them."

A spokeswoman for Foreign Minister Julie Bishop says information previously provided in the blue book is now available on the Department of Foreign Affairs and Trade's website.

But Australia's leading aid academic, ANU professor of economics Stephen Howes, says that's not entirely true.

"The amount of information available on the web is in fact very uneasy and patchy – and in a lot of cases is just not there at all," he said.

Professor Howes, who heads up the Development Policy Centre, says aid transparency improved as the program scaled up under the Rudd and Gillard governments. But he says Ms Bishop's pledge to improve transparency further is going unfulfilled.

"Unfortunately it's gone in the opposite direction," he said.

"We learnt in the budget what countries are going to be affected – and that's important – but what really matters is what projects are going to be cancelled or downsized."

Ms Bishop's spokeswoman says more information about the aid program will be made available later in the year.

"Further information on priorities for significant country programs will be available in Aid Investment Plans following consultation with Australia's partner governments," she said.

Labor's foreign affairs spokeswoman Tanya Plibersek says the government's aid cuts have not only hurt some of the world's poorest people but have also put the region's security at risk.

"Julie Bishop has gone to extraordinary lengths to hide details of her \$11.3 billion cuts because she is embarrassed about what the truth shows: that she presides over the weakest foreign aid program in Australian history," she said.

Australia's spending on aid will drop to just 0.22 per cent of gross national income in 2016-17 – the lowest level since records began.

Ms Bishop has also been accused of wanting to "pad out" the aid budget numbers by counting the cost of overseas military and security assistance, in contravention of OECD standards. But Ms Bishop says she wants those figures better reported, not included in the aid budget.

<http://www.theage.com.au/national/veil-of-secrecy-descending-over-foreign-aid-experts-warn-20150613-ghmbdk>

## **9. Asylum-seeker debate gets essential input from Klaus Neumann**

Miriam Cosic  
The Australian  
June 06, 2015 12:00AM

Across the Seas: Australia's Response to Refugees: A History  
By Klaus Neumann  
Black Inc, 358pp, \$34.99

In the first nine months of 1977, a trickle of small boats arrived in northern Australia, carrying a total of 167 people fleeing communist Vietnam. By November, the numbers were rising. On the 20th and 21st alone, six boats arrived with a total of 218 people on board. One of them, the Tu Do, now in the Maritime Museum in Sydney, was owned by a Vietnamese businessman who had purpose-built it for his meticulously planned escape. It arrived towing another boat it had found stranded en route.

Meanwhile the Song Be 12, a refrigerated Vietnamese trawler carrying 181 people, had been seized by its crew, who overpowered armed soldiers deployed to prevent them jumping ship. Australian authorities monitored its progress though the Indonesian archipelago. It anchored for five days in Surabaya and finally arrived in Darwin Harbour on November 30, escorted by HMAS Ardent.

Outrage was quickly whipped up. Northern Territory Labor senator Ted Robertson warned the government not to "open the floodgates". The mayor of Darwin, Ella Stack, called some of them "pseudo-refugees". Newspapers quoted health officials and waterside workers saying they looked too clean and healthy, "as though they'd been on an excursion cruise". Waterside Workers Federation president Curly Nixon said they couldn't be refugees because they wore "pressed trousers". He asked: "Who makes money out of civil war?" And answered himself: "Black marketeer, dope runners and brothel keepers."

Gough Whitlam, who had been unsympathetic as prime minister, claimed it was “not credible 2½ years after the end of the Vietnam War that these refugees should suddenly be coming to Australia”. He coined the usage “queue jumpers”. Bob Hawke, then still ACTU president, said only refugees selected offshore should be allowed. Foreshadowing slogans later used by the other side of politics, Hawke insisted that, as a sovereign state, Australia had “the right to determine how it will exercise its compassion and how it will increase its population”.

After shilly-shallying for a few days, the Fraser government responded. At a joint press conference, foreign minister Andrew Peacock and immigration minister Michael MacKellar appealed to politicians “not to subordinate the issues ... to electoral considerations, not to exaggerate the dimensions of the problem, not to attempt to exploit the assumed fears of sections of the Australian public, and not to forget the human tragedy represented by these few small boats”.

In *Across the Seas*, historian Klaus Neumann narrates this story of the paradigm-breaking mass intake of Vietnamese refugees into Australia as the culmination of a detailed examination of our response to refugees from the time of Federation.

Many of the tropes of Australian history, such as the White Australia policy and anti-Semitism, hover throughout. Constant unthinking expressions of racism and ethnocentrism pepper the notes of selection officials eyeing prospective immigrants, even the urgent humanitarian crisis of post-World War II displacement: “too dark”, “fuzzy hair”, “poor specimens”. But the book also throws light on some aspects of the history that lie hidden under our broadbrush memories, placing those Vietnamese arrivals in context.

Seven months after Federation in May 1901, the new federal government passed two bills: the Immigration Restriction Bill, which established the cornerstone of the White Australia policy; and the Pacific Island Labourers Bill, which eventually sped up deportation of 7500 indentured Melanesian labourers brought to work in the Queensland cane fields.

The population of Australia was 3.8 million at the time. Despite the 3 per cent that was indigenous, and the 2 per cent of Pacific Islanders, the population was, Neumann points out, “more homogenous than that of the motherland, Britain”. During the next four decades, the Chinese-born minority shrank from 29,900 to 6400.

Refugees started coming to the young colonies early, however. Among them were German Lutherans, French Communards and exiled Chilean president Ramon Freire. A few of the 2.5 million Jews who fled eastern Europe in the 20 years before World War I fetched up in Australia. The international arrangements for the millions displaced after the war were a shambles, most notably the Minorities Treaties, drafted to protect the patchwork of nationalities that remained stranded in foreign nation-states after the break-up of the Austro-Hungarian Empire. Neumann pays little attention to these, beyond outlining the Australian government’s overall attitude to international refugee negotiations, but focuses again when the rise of Nazism began to make the position of Jews in Europe untenable.

Australia was vaguely sympathetic, mostly apathetic and, without the pressure of public opinion spurring them on, federal politicians prevaricated. “In monocultural Australia, eastern European Jews in particular were often considered to be too different (and, in the eyes of the immigration authorities, to be an ‘inferior type’),” Neumann writes. The same, mind you, was said of southern Italians and Greeks.

Australia did eventually take some European refugees during the war, under pressure from the British, and more after it, choosing them carefully for what they could contribute to the country: vigour, health and northern European looks. Neumann doesn’t comment on it directly, but it’s creepy now to realise how closely our benchmarks mirrored Nazi eugenics.

Even as the war played out, Australia was already thinking of postwar expansion — a turnaround from the 1930s, when politicians had been against immigration-driven population growth. In 1941, Arthur Calwell told parliament that even if Australia were to win, it could not remain a “white man’s country” in the midst of Asia without a population of 40 million. By 1944, cabinet was acting on advice to consider displaced Europeans within a “vigorous policy of white alien immigration”.

Glowing stories abound of Australia’s huge postwar, post-refugee migrant intake in the 50s and 60s, which powered, among other things, the Snowy Mountains Scheme. Neumann steps us through the era, charting shifting national and international attitudes and laws specifically concerning refugees. The cross-purposes of the various governments and policymakers in Foreign Affairs, Immigration, Labour and other departments is remarkable, almost comic at times.

We responded to political unrest and war in Lebanon, Cyprus, Uganda, Chile and West Papua, but hardly wholeheartedly.

It would not be until the Vietnamese refugee crisis of the 70s that an Australian government would specify humanitarian criteria that included, for example, taking in the elderly and the ill.

“Fraser favoured a multicultural and, if need be, a multiracial Australia,” Neumann writes, “and he believed the government’s response to refugees should also be guided by humanitarian considerations.” It was Fraser who broke the White Australia mould.

Full story at <http://www.theaustralian.com.au/arts/review/asylum-seeker-debate-gets-essential-input-from-klaus-neumann/story-fn9n8gph-1227383385195>

## 10. Threat of an Australian Snowden terrifies immigration department

Laws that prevent immigration staff speaking out won't curb whistleblowing – sometimes the need to speak up outweighs the fear of consequences

The Guardian

Paul Farrell

Wednesday 10 June 2015 15.29 AEST

For many who have worked in Australia's immigration detention centres, silence is no longer an option.

On Tuesday a Senate inquiry into serious allegations at Nauru detention centre heard from those who have worked within Australia's immigration system.

Dr Peter Young, Viktoria Vibhakar, professor David Isaacs, Alanna Maycock and Kirsty Diallo have, along with many others, taken the opportunity under parliamentary privilege to speak out about what they have witnessed and the events they say point to a systemic, institutional failure of our immigration detention system.

In evidence to the committee, Diallo said former immigration minister Scott Morrison was made personally aware in December 2013 of serious allegations of sexual abuse at Australia's detention centre on Nauru, almost a year before a full review into allegations was commissioned. Vibhakar told the inquiry that children in Nauru were "left in situations of ongoing harm".

Her submission to the Senate inquiry details 30 documented case studies of serious abuse of children as young as two, which include emails and incident reports to support her findings.

Young told the inquiry the immigration department regularly interfered with medical assessments on Nauru and asked medical staff to change reports.

Many others have made submissions to the inquiry, and the committee is still deliberating over their release. Many have done so anonymously, including one guard who raised serious allegations – now confirmed by departmental secretary Michael Pezzullo – that Greens senator Sarah Hanson-Young was spied on while on the island.

Even with the protection of parliamentary privilege, however, whistleblowers from the immigration detention system who speak out publicly – even only in generalities – face great threats for doing so.

Quite recently the federal government, with the support of Labor, introduced a new offence relating to the operations of the Australian Border Force that would render disclosures from routine activities of many doctors and contractors potentially illegal.

Disclosures of commonwealth information have for a long time already been an offence under the Crimes Act and several stories by journalists have been referred to the police by departmental secretary Michael Pezzullo in order to prosecute whistleblowers under this section.

But the new offence gives the secretary a broader discretion to determine what kind of "protected information" would be subject to the offence, and also greater powers in determining who it could be applied to. The new offence does not just prohibit disclosure, but also criminalises the the making of "a record" of information that is protected.

These new offences pose particular difficulties for medical staff. Clinical consultations and mentoring with peers outside an organisation are common and important parts of professional development for medical practitioners. All of these could constitute disclosures under the act. These basic parts of a doctor's work are rendered extremely difficult with such measures in place.

Although there are some exemptions to disclosures, much of this needs to be done at the discretion of the secretary. Without his express or delegated permission, detention staff could be subject to the offence.

We can already begin to see how such provisions could be used. Young himself was recently contacted by the Australian federal police about a presentation he was giving to the Royal Australian and New Zealand College of Physicians to remind him about his disclosure obligations in giving his talk.

These offences could also be used to restrict reporting to other external oversight bodies. Guardian Australia reported on Tuesday that the immigration department delayed the transfer of medical files of a doctor who had allegedly sexually assaulted asylum seekers to the Australian health regulators.

The immigration department and the government clearly fear an Edward Snowden-style leak in Australia's immigration detention network. The prospect of an immigration officer taking years of incident reports and ministerial briefings and bringing all that has occurred in our detention centres into the public domain terrifies them. Their response, though, is not to target the problem itself, but to introduce more punitive measures to deter would-be whistleblowers.

But it is unlikely to work. The risks may be greater, but the disclosures won't be stopped.

From all we have come to understand about the motives of whistleblowers, it appears that there comes a time when the need to speak out outweighs the fear of possible consequences. When overwhelmed by the despair that arises from working in a system that is unaccountable and unable to police itself, the best hope for some is to shine a ray of light on the issue.

<http://www.theguardian.com/australia-news/2015/jun/10/senates-nauru-inquiry-allows-detention-centre-workers-to-voice-deep-concerns>

## **11. Man claiming to be Indigenous held in WA immigration detention centre**

ABC News Online

By Nicolas Perpetch

First posted Tue 9 Jun 2015, 6:37am

Updated Tue 9 Jun 2015, 8:38am

A man being held in Western Australia's Yongah Hill Immigration Detention Centre says he is an Indigenous Australian and not a visa overstayer or asylum seeker.

Eddie David, 39, has been held in the centre since Friday.

He said he was born on Murray Island in the Torres Strait, and his claim was backed up by a WA Aboriginal land council.

Mr David told the ABC he was sent to Yongah Hill, near Northam, 97 kilometres north-east of Perth, after being told his passport was fake.

He said he had been mistaken for someone else, possibly a Fijian man of a similar age.

"I'm not a refugee and I'm not an immigrant," Mr David said from Yongah Hill.

"I am Aboriginal, I am an Australian citizen, born and bred of this land.

"I shouldn't be in this detention centre. If it was a fraud, they should have put me in the cell, in the lock-up, in the jail, not a detention centre."

The Department of Immigration and Border Patrol is adamant Mr David is not Australian.

"The department detained an individual claiming to be an Australian citizen, following a thorough investigation by which the department was fully satisfied that he is an unlawful non-citizen," it said in a statement.

"As part of this investigation, the Local Aboriginal Council did not affirm his claims to be Aboriginal."

### ***Land council in no doubt about man's Aboriginality***

However, the South West Aboriginal Land and Sea Council said its cultural advisor Kevin Fitzgerald signed a document affirming Mr David's Aboriginality when he applied for a passport.

Council community development officer Michelle Nelson-Cox also met Mr David and is convinced he is Aboriginal.

She said it was a major concern he was detained at Yongah Hill.

"We wouldn't be so optimistic to sign off on any documentation [if] we thought there was some doubt around his origins," Ms Nelson-Cox said.

"We were satisfied that he met all the criteria, and all the processes and protocols around sustaining that identity."

Ms Nelson-Cox said Mr David displayed knowledge of Aboriginal cultural protocols and knowledge about a mission in South Australia he claimed to have spent time at.

"The knowledge around this individual's upbringing and around his physique and some of the men's business that they discussed," she said.

"He was accepted on the grounds that he met the cultural values and cultural protocols."

Mr David said he had spent many years living on the streets, homeless and alcoholic in NSW and elsewhere, and had come to Western Australia several years ago.

He had wanted to access Centrelink benefits but was told he did not have sufficient identity papers.

He said he applied for a passport with the help of the South West Aboriginal Land and Sea Council, which he said he received in March.

But when he took it to Centrelink, they told him it was fake.

### ***Passport dispute 'led to detention'***

He said immigration officers then came looking for him through his part-time employer, bricklayer Daryl Rogers.

Mr David decided to go to the immigration office on Friday, where he said he was detained and sent to Yongah Hill.

Mr Rogers is sure Mr David is Indigenous.

"I worked with Eddie over the last 12-18 months," Mr Rogers said.

"He is Aboriginal. I think it's a mistaken identity."

Mr Rogers had spoken to immigration officers.

"I got a phone call from immigration on speaker phone saying, 'We've got Eddie David here. We think he's a Fijian. They said some name, which I don't know.'"

Human rights lawyer George Newhouse, who is representing Mr David, said he had sent letters to the Australian Government demanding his client be released.

"He has provided information to the Department of Immigration and yet they continue to detain him," he said.

"This is a very serious matter. It's not since the cases of Cornelia Rau and Vivian Solon that we've heard of an Australian being wrongfully detained and the Government needs to clear this issue up as a matter of urgency."

Mr David was at a loss to understand what was happening to him.

"But these detainees are helping me," Mr David said.

"They're shocked that there's an Aboriginal Australian in a detention centre.

"They say, 'This is your land, you should be out there, not in here'. It's a mistaken identity, I think it's just a facial mistaken of identity."

Australian permanent resident Cornelia Rau was mistaken for a visa overstayer and unlawfully detained in immigration detention for 10 months between 2004 and 2005.

Vivian Alvarez Solon, also an Australian, was wrongfully deported to the Philippines in 2001.

<http://www.abc.net.au/news/2015-06-09/man-held-in-immigration-detention-claims-he-is-indigenous/6531112>

## **12. Labor Pushes Changes To Bill Allowing Deadly Force Against Asylum Seekers**

A senate committee has been split over the Bill, with Coalition senators digging in despite serious warnings. Max Chalmers reports.

New Matilda  
8 June 2015  
Max Chalmers

A Bill allowing guards to use potentially deadly force on detainees in immigration detention centres has been endorsed by the Coalition members of a senate inquiry, with Labor and Greens members splitting and delivering dissenting reports, arguing the legislation should not be passed in its current form.

The Bill aims to clarify the force guards are permitted to use on asylum seekers but has been heavily criticised for vague safeguards and inadequate avenues for appeal.

In their dissenting report, Labor senators recommended amendments to the Bill be made in line with submissions from the Australian Human Rights Commission and the Law Council.

Like other submissions, the groups drew attention to the fact the Bill allows officers to use force against asylum seekers if they “reasonably believe” it is necessary to keep “good order” or prevent injury to others.

The Committee heard from multiple witnesses that the subjectivity of these tests meant it would be hard to prove any guard had exceeded their authority.

The Bill also bars legal action being launched against the Commonwealth if the action is not undertaken in “good faith”, something the Committee heard was virtually impossible to prove.

In response, Coalition senators recommended that the Bill’s explanatory memorandum be amended and that limits be set on what reasonable force guards may use, including that it must not involve cruel, inhumane or degrading treatment.

But they declined to recommend such protections be placed in the Bill itself.

Claire Higgins, a research associate at the Kaldor Centre for International Refugee Law, said the Bill allowed force in a broad range of circumstances, and potentially in response to legitimate requests, dissent or protests.

“... as the Bill currently stands, the test for when force may be used is not well defined, and turns on the subjective belief of the authorised officer,” Higgins said.

“The subjectivity of the test may therefore make it difficult for detainees to know when the force that is used against them is authorised, which means that detainees may be less likely to challenge inappropriate and unauthorised use of force.”

Departing from the recommendations of the Coalition and Labor, the Greens’ dissenting report recommended the legislation be ditched and that, instead, the government alter the migration act to allow journalists access to detention centres.

Labor has previously put forward amendments to the Bill which address some of the concerns raised by human rights and legal groups.

But Paul Power, Chief Executive of the Refugee Council, told New Matilda the changes do not go far enough in ensuring force is used as a last resort, and after an “objective assessment of risk”.

“The amendments do not ameliorate the overall tone of the Bill, one that continues the role of demonising and dehumanising very vulnerable people, many of whom who have come to us seeking protection.

“There is also no reference to the requisite training that detention facility staff must have in relation to human rights standards and in dealing with psychologically traumatised people.”

Power added that Labor’s proposal to have the Ombudsman investigate complaints about the use of force was not a sufficient swap for proper judicial appeal.

“The Bill should most emphatically not be passed. If the Government is committed to good order in detention, it would ensure that there are legislated time limits on detention and independent monitoring and transparent reporting.”

The report issued by Coalition senators dismissed concerns about the inadequate checks on guards’ use of force.

“The committee regards the existence of objective tests for the reasonableness of the use of force as imperative to ensuring that the Bill is proportionate to meet its objectives, and welcomes the department’s clear and repeated assurance that the Bill does not make the threshold for acceptable use of force a purely subjective matter,” it said.

Higgins said that, as noted in evidence to the Committee, the Bill made it “quite possible” a person could be killed by an officer’s use of force.

“Under the Bill, an officer may subject a person to grievous bodily harm through the use of force, where the officer reasonably believes the use of force to be necessary,” she said.

“The Explanatory Memorandum states clearly that grievous bodily harm includes death or serious injury.”

<https://newmatilda.com/2015/06/08/labor-pushes-changes-bill-allowing-deadly-force-against-asylum-seekers>

### **13. Asylum seekers should not be sent back to Sri Lanka yet, say religious leaders**

‘There are positive developments, but these are not signs everything is good and everything is democratic now,’ says Catholic priest

The Guardian  
David Corlett in Colombo

Monday 8 June 2015 12.02 AEST

Sri Lankan religious leaders say it is too early to send asylum seekers back to the country, despite the recent change of government.

“My general view of the countries holding asylum seekers: please do not send them back immediately,” says Catholic priest and lawyer Fr Veerasan Yogeswaran. “There are positive developments. But at the same time these are not signs that everything is good and everything is democratic now.”

Last month, Australia’s minister for immigration and border protection, Peter Dutton, visited Sri Lanka for the first time since the Rajapaksa regime was defeated in January’s presidential elections.

“Australia and Sri Lanka have and will continue to work closely together to detect, disrupt and return people-smuggling ventures and combat other transnational crimes,” Dutton said.

Both Labor and Coalition governments had built strong ties with the Rajapaksa regime, in large part to stop Sri Lankans seeking to come to Australia by boat.

Refugee and human rights activists argued that it was unsafe to return Sri Lankan asylum seekers to a country that, even after the end of the bitter civil war in 2009, remained under the strong-arm rule of President Rajapaksa and his family.

Despite serious human rights concerns successive Australian governments enthusiastically returned Sri Lankan asylum seekers.

There is evidence that in doing so Australia has breached its international obligations not to return refugees to situations in which they may be persecuted.

Shortly after coming to power, Sri Lanka’s new prime minister, Ranil Wickremesinghe, said Australia was successful in getting agreement from the Rajapaksa regime to return asylum seekers to Sri Lanka because it remained silent on human rights abuses.

Yogeswaran, speaking in the eastern city of Trincomalee where he runs the Centre for Promotion and Protection of Human Rights, said the human rights situation in Sri Lanka remains unresolved and uncertain.

“The minority communities are of the opinion still that we do not feel safety and security in this island. And that is one of the reasons that they are also fleeing. There may not be abductions but there can be constant harassment and intimidations,” he said.

On the other side of the island, in Mannar, Bishop Rayappu Joseph agreed. He said the country’s criminal investigation department remained an unwelcome presence in many communities “Even now, the people are living in fear,” he said.

Both Joseph and Yogeswaran said the ongoing military presence remains a significant cause of insecurity for minority communities.

“That’s why the north and east are calling to demilitarise these areas,” Yogeswaran said. “Remove excessive army camps and remove army or armed forces’ influence over the civilian life. The government is still not addressing these issues. The government says we will not move any military settlements or military camps. And they are increasing it again, here and there. All that shows that we are living in an occupied land under intimidation and threat and therefore the people feel insecure and security is threatened. So they are not leading a normal life as the other Sri Lankans [are].”

Instead of returning asylum seekers, the religious leaders said Australia should focus on engaging with Sri Lanka on the problem of how its minority communities can live peacefully as part of the Sri Lankan nation.

The best way for Australia and other countries to stop people from Sri Lanka leaving on boats, according to Joseph, is “to involve themselves in the political formation of this country and create a situation where the people feel that they are wanted and that they are equal citizens of this country and that they can rule and develop themselves as a nation.

“Those countries must be involving themselves to get the Sri Lankan government solving this issue – a hundred year problem – the political rights of the Tamil people. This is a multinational, multiracial, multilinguistic, multicultural, multireligious country. They must accept that fundamentally in the constitution, this is the political reality of the country.”

Dutton has said Australia supported the reconciliation process in Sri Lanka. “The Sri Lankan government’s commitment to advancing democratic reforms, improving human rights and pursuing reconciliation is fundamental for Sri Lanka’s long-term stability and prosperity,” he said.

<http://www.theguardian.com/australia-news/2015/jun/08/asylum-seekers-should-not-be-sent-back-to-sri-lanka-yet-say-religious-leaders>

## 14. Papua New Guinea immigration officials arrested over refugee bashing on Manus Island

ABC News Online

By Papua New Guinea correspondent Liam Cochrane

First posted Tue 9 Jun 2015, 11:38am

Updated Tue 9 Jun 2015, 12:11pm

Three Papua New Guinea immigration officials have been arrested over the assault of a refugee on Manus Island who says he was threatened with death and refused medical treatment.

Iranian refugee Mohsen Sakhravi, 28, alleges he was repeatedly beaten and forced to run in front of a PNG immigration vehicle back to his Australian-funded accommodation.

The assault happened after Mr Sakhravi missed a 6:00pm curfew imposed on refugees living at the East Lorengau transit centre on Manus Island while they wait for permanent resettlement elsewhere in PNG.

At the time of the attack, provincial police commander Alex N'drasal incorrectly identified the suspects as security guards.

However, the suspects worked for PNG immigration and have been identified as Randall Livingstone, Kopi Kaminiel and Septer Wailiou.

They are aged between 28 and 30 years and are not from Manus Island.

They have been released on a bail of \$46 and are expected to face a Manus Island district court next week on assault charges.

### ***'We gonna kill you'***

The ABC has obtained a copy of the refugee's handwritten statement to police, which details the attack and alleged death threats.

Mr Sakhravi was at the Harbourside Hotel with a friend at around 9:30pm on June 1 when hotel staff told him immigration officials were waiting at the gate.

"I say hello and they started punching me on the face and I say why and they told me look at the time," wrote Mr Sakhravi.

"Again they punch me and told me this is my country, and we gonna kill you."

Several sources on Manus Island have independently confirmed the assault outside the hotel.

Mr Sakhravi said he was forced to run in front of a vehicle carrying the PNG immigration officials back to the East Lorengau transit centre.

"When I stop running they came down and beat me again," he told police.

Photographs taken after the incident show Mr Sakhravi with a bruised face.

"After a few hours I asked them to go to the hospital and they refused and told me it's not an emergency," said Mr Sakhravi.

Comment has been sought from PNG's chief migration officer Mataio Rabura.

<http://www.abc.net.au/news/2015-06-09/png-immigration-officials-arrested-over-refugee-bashing-on-manu/6532094>

## 15. Papua New Guinea immigration officers charged with assault on refugee

Three officials allegedly beat up and threatened to kill Mohsen Sakhravi saying, 'This is our country'

The Guardian

Bridie Jabour

Tuesday 9 June 2015 13.13 AEST

Three immigration officers who allegedly beat up a refugee saying "This is our country" have been arrested in Papua New Guinea.

Mohsen Sakhravi was having dinner in a Manus Island restaurant on 1 June when the officials entered and told him he had to get back to his transit accommodation, a refugee acting as an interpreter has told Guardian Australia.

"They [Mohsen and friends] were enjoying their time in the restaurant when immigration people came and said, 'You are here at 10pm and you should be at accommodation,' " he said.

"They hit him. They pick Mohsen up in the car and bring back to accommodation. Mohsen talk to police and is talking to PNG lawyer. They hit him in the head."

The officials allegedly told Sakhravi "this is our country" and threatened to kill him before making him run ahead of their car. After a while they allegedly beat him again then drove him to the accommodation where his pleas to be taken to hospital were refused.

Sakhravi was bleeding when he arrived back at the accommodation and suffered bruising and swelling over the next week.

Three officials have been charged with assault, Sakhravi's lawyer, Ben Lomai, told the Papua New Guinea Post-Courier.

Sakhravi is staying at the East Lorengau transit centre – which was bankrolled by the Australian government – in the capital of Manus Island while he awaits resettlement in the PNG community after being processed as a refugee.

Although the transit centre is not a detention centre there are restrictions on the movements of refugees there with a curfew of dusk, which is about 6pm.

Some refugees in the Manus detention centre have feared for their safety at the prospect of moving to the transit centre and some have refused to go.

The standoff with the PNG government resulted in threats they would have access to some services restricted – such as the medical centre and the internet – if they did not move to the centre.

<http://www.theguardian.com/australia-news/2015/jun/09/papua-new-guinea-immigration-officers-charged-with-assault-on-refugee>

## ***16. Refugee in hiding on Manus Island after allegedly being duped into resettlement promotion***

ABC News Online

By Papua New Guinea correspondent Liam Cochrane

First posted Sat 13 Jun 2015, 2:38pm

Updated Sat 13 Jun 2015, 3:03pm

A refugee is in hiding on Manus Island in fear of his life, after allegedly being tricked by Papua New Guinea immigration officials into making a newspaper advertisement promoting resettlement.

Haider Khan told the ABC other refugees are furious with him and have threatened his life for appearing in a photograph holding a digitally-altered sign saying: "Thank you for helping us."

Mr Khan said he did not agree to the campaign and specifically asked PNG officials not to use his image publicly.

"Why Australian Government and PNG Government play with us, this is our lives," he said in a phone call from Manus Island.

Mr Khan said the photo was taken during a trip to PNG's capital Port Moresby, which was suggested by a woman named Jenna working for Transfield Services.

Mr Khan said PNG immigration officials promised him a meeting with the immigration minister and refugee status if he agreed to go on the trip.

He said he felt "very happy" to have a break from Manus Island, where he has spent 19 months, mostly in detention.

Mr Khan said he posed for a photo to thank officials for giving him \$303 to buy food and T-shirts, but warned PNG immigration not to publish the image.

"[I said] if you put my photo in the poster, here the refugees and asylum seekers will be very angry with me," he said.

On June 10, two national newspapers published an advertisement featuring a photograph of Mr Khan, as well as his name, nationality and occupation. "The Government of PNG has permitted refugees to live and rebuild their lives in PNG," the newspaper advertisement said. "Let's give them a positive start."

But that positive start quickly turned negative for Mr Khan, when other refugees in the transit centre accused him of speaking on their behalf and promoting a resettlement plan many see as deeply flawed.

"Many refugees said, 'Everyone witness, if I see his face, we are kill him'," Mr Khan told the ABC.

He said he understands why other refugees are upset but insists he did not mean to speak on their behalf and was duped into appearing in the promotion.

The ABC has independently confirmed the threats against Mr Khan. "Yes unfortunately, somebody are still threatening him," another refugee staying at the East Lorengau transit centre said.

### ***'I'm in a very bad situation'***

On Wednesday, the 33-year-old Bangladeshi man fled the Australian-funded transit centre, a place for those who have been released from detention and are awaiting resettlement.

"In front of the road there is one small empty shop ... I'm sleeping there, many mosquitoes bit me," Mr Khan said.

He then walked away from the transit centre and is sheltering in the home of a local resident with only bread and biscuits to eat.

"Now I'm in a very bad situation, I have one T-shirt, one shorts, I can't shower here, no toilet," he said.

"I'm so much hungry," he said, breaking into tears on the phone.

He has been hiding for three days.

Mr Khan said he does not want to return to the transit centre where other refugees have threatened him and cursed his mother.

"This is not life. I get the refugee status, why I wait here, why I don't go outside, why this situation?" he said.

Papua New Guinea's immigration minister Rimbink Pato, chief migration officer Mataio Rabura and Australian Immigration Minister Peter Dutton have been contacted for comment.

Earlier this month an Iranian refugee at the transit centre was repeatedly punched in the face and allegedly threatened with death for missing a 6:00pm curfew.

Three PNG immigration officials have been charged over the incident.

In July 2013, Papua New Guinea agreed to take about 1,300 asylum seekers who had tried to reach Australia by boat, detaining them on a naval base on remote Manus Island.

In exchange, Australia is giving PNG \$420 million in additional aid and spending \$513 million to upgrade immigration infrastructure, on top of the cost of detention and processing on Manus Island.

More than 400 asylum seekers have returned to the country they fled and 129 have been found to be refugees.

Two Iranian men have died – one bashed to death allegedly by local staff at the detention centre, and the other from an infected foot.

Almost two years after the Refugee Resettlement Arrangement was signed, no refugees have been resettled in Papua New Guinea and the Government does not have a policy for resettlement.

<http://www.abc.net.au/news/2015-06-13/refugee-in-hiding-after-trick-resettlement-promotion/6544162>

### ***17. Scott Morrison knew of Nauru abuse a year before government acted, inquiry told***

The then immigration minister was made personally aware of allegations of a sexual assault by a cleaner against an asylum seeker in November 2013, Senate inquiry hears

The Guardian  
Paul Farrell  
Tuesday 9 June 2015 17.08 AEST

Scott Morrison was made aware in December 2013 of serious allegations of sexual abuse at Australia's detention centre on Nauru, almost a year before a full review into allegations was commissioned, a Senate inquiry has heard.

A committee in Canberra is currently investigating serious allegations of sexual assault at the Nauru detention centre. The inquiry has heard evidence that the immigration department regularly interfered with medical assessments on Nauru and asked medical staff to change reports.

The committee heard from two former Save the Children child protection workers on Tuesday, Viktoria Vibhakar and Kirsty Diallo, who both raised significant concerns about the process for reporting and mitigating risks surrounding sexual assaults at the Nauru centre.

In relation to one serious sexual assault by a cleaner against an asylum seeker in November 2013, Diallo said the then immigration minister Scott Morrison was made personally aware of the allegations as well as in an incident report from the service providers on the island.

“In December 2013 I asked the Save the Children manager if that incident report had been forwarded on to the minister for immigration,” Diallo said. “I was advised the minister had seen the report.”

Her testimony highlights the high level at which serious assaults appear to have been reported within the immigration department.

A full review into allegations of sexual assault was not commissioned until October 2014, when former integrity commissioner Philip Moss was asked to investigate the allegations.

Diallo said she was forced to conduct an assessment following the assault “under a tree”.

“I had to carry out that assessment in an open space under a tree because there was no private setting to have that conversation with that child. That would be completely inappropriate in Australia,” she said.

Diallo expanded on her comments in her written submission to the inquiry, which details the aftermath of the assault.

“During the conversation with the boy he was visibly upset and stated repeatedly ‘this is a matter of my honour’. I also spoke with his mother who sobbed throughout the conversation stating ‘I brought my children to Australia to keep them safe, now this happens.’”

Diallo wrote that despite the alleged direct knowledge of Morrison, “no further steps were taken to protect this child or his family from being targeted by other local staff who remained in the centre”.

In her submission she also raised broader concerns about conditions, including the lack of appropriate footwear for children. Many child asylum seekers were forced to wear “rubber thongs” that were poorly made, despite the harsh conditions of the Nauru detention centre. Other basic items were often not made available to asylum seekers.

“As a result children were subjected to extended periods of neglect. In Australia, this type of neglect would often warrant a child protection investigation and could result in children being removed from their biological parents. However in Nauru this type of systematic neglect was accepted as normal due to the persistent logistical and policy deficits in place.”

Diallo added: “Neglect is recognised as a significant form of abuse, as it results in emotional and psychological harm to children.”

She said the allegations of sexual abuse and the role the department played in failing to act to stop assaults needed to be investigated by the royal commission into institutional responses to child abuse.

Vibhakar told the inquiry that children in Nauru were “left in situations of ongoing harm”.

Vibhakar’s extraordinary submission to the Senate inquiry details 30 documented case studies of serious abuse of children as young as two, which include emails and incident reports to support her findings.

“Even though on numerous occasions they were aware of assaults that occurred to children, the children remained in situations where they faced harm. All you were allowed to do was provide them as much support as possible within the detention environment in Nauru,” Vibhakar said.

“This would not be a situation that would be considered appropriate or adequate to respond to sexual abuse in Australia.”

The crowding of the centre and lack of privacy meant that it was exceedingly difficult to protect asylum seekers, she said.

Vibhakar added that one of the key child protection mechanisms in Australia that is not available to workers on Nauru is the power to remove children from unsafe situations.

The inquiry was due to hear from the immigration department later on Tuesday.

<http://www.theguardian.com/australia-news/2015/jun/09/scott-morrison-knew-of-nauru-abuse-a-year-before-government-acted-inquiry-told>

## 18. Immigration interfered with Nauru asylum seeker diagnoses, Senate told

Department regularly asked to see medical assessments on Nauru and asked medical staff to change a report, Senate inquiry hears

The Guardian

Paul Farrell

Tuesday 9 June 2015 13.45 AEST

Australia's immigration department regularly interfered with medical assessments on Nauru and asked medical staff to change a report, a Senate inquiry has heard.

Former International Health and Medical Services (IHMS) mental health director Peter Young told a hearing on Tuesday into serious allegations and conditions at the Nauru detention centre that it was a regular occurrence for the immigration department to interfere with diagnoses.

Young said that department officers would "regularly" request changes to medical assessments for asylum seekers at the detention centre, and that there was a general "unwillingness to accept that people had genuine or real mental health problems" arising from their time in detention.

"Officers of the department would frequently in their conversation say that people being taken to Australia for treatment would undermine the policy of offshore detention," he said.

"When making recommendations to people's mental health we were told it was unacceptable to put in these reports that detention caused harm."

Young said he had refused to change reports when requested, and said it was "well established these sort of conditions caused harm to mental health ... and it was right and proper to include that in the report".

He drew on specific examples, including one instance where the department deterred the reporting of a "botched surgery" at the Nauru hospital to Australian and Fijian medical authorities.

"One of the most striking ones was a case of a botched surgery that occurred in Nauru. There was a patient who had a procedure done at the local hospital. There was a misdiagnosis in that case. There were very serious post-surgical complications," he said.

"The person had very serious complications and the departmental position on that was we should not be reporting that surgical report that shows the misdiagnosis."

"They said we shouldn't be reporting that to the Australian health regulatory authority. They were very reluctant to do anything about it. They said we shouldn't be referring it to the Fijian health authority either."

He said the "only reluctantly and after considerable pressure" did the department permit the allegations to be referred to the Nauruan health authorities.

Speaking generally about the problems with the immigration detention environment, Young said: "Where there is a power differential between those who are being supervised and those who are supervising you create situation where abuses can tend to occur.

"There are conditions in the offshore processing centres that cause harm to peoples mental health, and do so greater than Australian detention centres."

The inquiry also heard from former magistrate Peter Law, who was deported by the government in January 2013 after he ordered an injunction relating to the deportation of two Nauruan residents.

In testimony to the committee, Law said he received a text message from the Nauruan justice minister, David Adeang, about the case just a week earlier.

The allegation would amount to an extraordinary interference with judicial processes.

Law said: "After I did so I received a text message signed DA, I presume that was the minister for justice, David Adeang."

"That text message says 'don't you realise I'm authorised by cabinet to make this decision.'"

He was also concerned about the ability of the Nauru police force to investigate serious assaults and abuses, since the departure in early 2013 of the Australian federal police officer who was the Nauru commissioner of police.

"They [the AFP] were able to offer their expertise and assurances of independence in the investigations."

“After the departure ... I had sent off matters for investigation as my role as coroner. In fact I had no reply from the newly made director of police, despite follow ups.”

“It left me without any confidence that the NPF would act either independently or with the capability of capacity they really needed.”

His comments follow remarks from a former senior adviser to successive immigration ministers, Caz Coleman, who said asylum seekers who have been sexually abused on Nauru may never face justice.

On Monday the ABC also reported that the Nauruan president, Baron Waqa, and Adeang at the centre of bribery claims.

Law reiterated concerns about a serious breakdown in the rule of law on Nauru, following a series of deportations by the government, the suspension of opposition MPs and the introduction of a new offence that could stifle dissenting voices.

<http://www.theguardian.com/australia-news/2015/jun/09/immigration-interfered-with-nauru-asylum-seeker-diagnoses-senate-told>

## **19. Asylum seekers abused on Nauru may never get justice, says former adviser**

Exclusive interview: Former senior policy adviser Caz Coleman says Australia’s offshore detention centres have failed and warns ‘closing the door’ is not going to fix the crisis

The Guardian  
Paul Farrell  
Tuesday 9 June 2015 08.03 AEST

A former longstanding adviser who has been one of the government’s most senior experts on asylum-seeker policies says Australia’s detention centres on Nauru and Manus Island have failed and asylum seekers who have faced sexual abuse in detention may never receive justice.

Caz Coleman was one of the most prominent advisers to Coalition and successive Labor governments on asylum-seeker policy in Australia.

Until November 2014 she was a member of the advisory council of the immigration minister, Peter Dutton, a role she also occupied during Scott Morrison’s time as minister, as well as successive Labor ministers beforehand.

Coleman was also one of the key personnel involved in the early establishment of the Nauru detention centre. She was contracted to the Salvation Army in early 2013 as the transitional contract manager at the centre on the island.

In an extensive interview with Guardian Australia, Coleman spoke out for the first time about the state of Australia’s asylum-seeker policies.

In a stark warning about the policies of both the government and Labor, she said Australia must move beyond its rhetoric of “stopping the boats” to develop a truly regional migration response. She also called for asylum seekers on Nauru and Manus to be brought to the mainland for claim processing.

Coleman described the responses to sexual abuse in immigration detention as a “systemic failure” by the immigration department and the private companies tasked to manage them, amid an ongoing Senate inquiry into serious allegations of abuse at Nauru.

### ***Manus and Nauru detention centres not rescuable***

While Nauru and Manus Island could potentially form part of a regional framework, Coleman said that in their current form they represented a significant policy failure.

The 2012 an expert review panel was commissioned by the then Labor government to examine Australia’s asylum and migration policies.

Among a raft of recommendations by panellists Air Chief Marshal Angus Houston, refugee advocate Paris Aristotle and Professor Michael L’Estrange, it was suggested that Manus Island and Nauru could be reopened. But at the heart of the panel’s advice was a vast and comprehensive regional framework that the panel believed could be achieved with a combination of measures.

Coleman said: “I firmly believe that Nauru and Manus in their current role have failed, and we should bring the asylum seekers there back to Australia to process them here.”

“Nauru and Manus were never meant to look the way they currently do,” she said. “That was clear in the expert panel report. It was meant to be a step towards a regional protection framework.”

Coleman said that while she was not pleased that Nauru and Manus Island had been brought up as part of that framework by the then Labor government, if the other recommendations of the expert panel were implemented, she believed they could work.

But Australia has now departed substantially from the recommendations of the expert panel. The previous government began a process – radically accelerated by the current government – that saw a far greater emphasis placed on deterrence.

Millions of dollars have been spent on advertising campaigns in Australia and around the world advising prospective asylum seekers they will never be settled in Australia if they arrive by boat. The concept of a regional solution has gradually receded further into the background.

“Building a sustainable open centre model could have worked to be put to use in Malaysia and Indonesia and other countries,” Coleman said.

“But we’ve moved so far away from that now and we’ve become so introspective in terms of Australia’s role and the prevention of people being resettled from Nauru and Manus, that the original move is defunct in terms of its purpose.”

“We now have a very concerning environment in both locations that in all fronts do not look sustainable when it comes to people movement across our region.”

Coleman did not preclude the possibility of Manus or Nauru being used as part of a broader regional solution: “But not under the current circumstances. I don’t believe they’re rescuable.”

### ***Investigation of sexual abuse in detention centres a ‘systemic failure’***

Coleman also spoke out about the crisis surrounding sexual abuse in Australian-run immigration detention centres. The Nauru Senate inquiry has heard devastating submissions from former staff at the centre that raised documented allegations of serious physical and sexual abuse of children as young as two.

Coleman also lodged a submission to the inquiry in which she outlined a series of failures by the contracted service providers and the immigration department to effectively manage the centre and help refugees transition into the community in collaboration with the Nauruan government.

She told Guardian Australia the framework for investigating sexual abuse and serious assaults in the offshore detention centres was inadequate. She said “red flags” should have been identified early on, and the allegations of abuse now being raised demonstrated a systemic failure of the detention system.

“At this stage achieving justice is going to be very, very difficult. These issues should have been dealt with before they even started. The onus was on the department and those service providers to pre-emptively deal with it,” Coleman said.

“We waited until it was a crisis and that is the systemic failure of the system. To achieve justice now is to go through judicial processes, to have investigations, to have the possibility of people being charged.”

But she said that – particularly in the case of Nauru – these outcomes were unlikely in what is a fragile legal environment on the island nation.

The Nauruan government has no child protection framework. Concerns have been raised consistently about the ability of the Nauruan police to investigate assaults and abuse. As recently as late May, allegations of sexual assault of an Iranian asylum seeker surfaced where concerns were raised about the professionalism and training of the police officers who investigated the claim.

Coleman said: “In a context like Nauru there’s not even a legislative environment for most of these claims.”

The responsibility for establishing such a framework, she said, must lie at least partly with Australia.

“If we’re going to set up a centre in a country that does not have a legislative environment to deal with sexual assault or child protection then we have to take that seriously and either work with that government to get laws that protect everybody or we need to look at a system internally that allows people to achieve justice.”

She referred to the arrangements on Nauru, where the private companies whose employees are sometimes suspects in allegations of sexual assault are in essence tasked to investigate the allegations themselves.

In a November 2013 case where a Transfield cleaner was accused of sexual assault, the only investigative report ever produced was by the company itself. No charges ever been brought against the cleaner.

“There would certainly need to be an appointed body that’s not employed by the security firm or the logistics firm on site all the time, whose responsibility it is to monitor use of force, but also to receive complaints of alleged abuse,” Coleman said.

## ***Australia must move beyond ‘stopping the boats’***

Coleman urged a new approach to Australia’s asylum-seeker policy that engaged with countries across the region, instead of withdrawing from them.

The government’s policies on asylum seekers have at their core the premise of stopping asylum-seeker vessels arriving in Australia.

It has achieved this through an aggressive strategy of turning back asylum-seeker vessels at sea, as well as through the use of Manus Island, Nauru and Christmas Island detention centres. Collectively the strategy is known within the immigration department as the “three island strategy”.

Coleman said it was important to acknowledge that, for the moment, asylum-seeker vessels had stopped making the journey to Australia. But without engaging with the region, Australia risked growing more and more isolated.

“We need to move beyond this discussion of stopping the boats and stopping drowning at sea,” she said.

“We need to concede across the sector that most of the boats have stopped. But there are hundreds of thousands of people seeking protection in this region. It is the equivalent of shoving everything in the closet, closing the door and pretending it’s not there.”

She stressed that asylum seekers should still be deterred from making the journey across the sea – but that a broader regional approach should be used.

“We have to continue not allowing boats on the sea. But the only way we’re going to effectively do that is to work with the region.”

“Simply closing the door to Australia is not going to fix anything in this region.”

Coleman’s comments add to a growing number of statements by senior staff and officials with intimate knowledge of Australia’s immigration detention system calling for changes to the system.

In August 2014, Peter Young, the former chief psychiatrist for Australia’s immigration detention centres, told Guardian Australia the detention environment deliberately inflicted harm on vulnerable people. Viktoria Vibhakar, a former senior child protection manager on Nauru, said she felt a duty to tell Australians about the abuses occurring at the detention centre.

Coleman’s interview comes just weeks after Dutton announced that Coleman was not to be reappointed to his advisory council. Three other existing members were also not reappointed to the panel. At the time, Dutton thanked the members for their service.

Coleman wished her colleagues on the council all the best and said she would now be looking at others ways to engage on the question of sustaining the hundreds of thousands of refugees on the region. “It’s not just about Australia,” she said.

<http://www.theguardian.com/australia-news/2015/jun/09/asylum-seekers-abused-on-nauru-may-never-get-justice-says-former-adviser>

## **20. Nauru's president Baron Waqa and justice minister allegedly bribed by Australian phosphate dealer Getax**

ABC News Online

By the national reporting team's Alex McDonald and Hayden Cooper

First posted Mon 8 Jun 2015, 2:24pm

Updated Mon 8 Jun 2015, 2:48pm

The ABC has obtained evidence that the president of Nauru and his justice minister were allegedly bribed by an Australian phosphate dealer.

President Baron Waqa allegedly received \$60,000 while the justice minister David Adeang — Nauru's most powerful politician — received \$10,000 per month in 2009 and 2010.

Other government MPs are also implicated in the scandal.

Leaked emails show Mr Adeang solicited an additional \$665,000 in corrupt payments for himself and other Nauruan politicians from the Australian company, Getax.

Those transactions are being examined by the Australian Federal Police as part of a major foreign bribery investigation.

The emails reveal a plot to overthrow the Nauru government in 2010.

When Mr Adeang was in opposition in 2009 he told former Getax director Ashok Gupta: "We can create a new business relationship that can take this country to a higher level of development and of course taking also your business to even more success".

Mr Adeang told Getax he had the support of a number of other MPs who were prepared to desert the government.

"We give you full authority to mobilise or lubricate the MPs to secure the vote and win the battle," Mr Gupta replied.

Getax was already buying phosphate from Nauru at a bargain rate.

When the world price rose to almost \$400 in 2008, Getax was paying as little as \$43 per metric tonne.

In another leaked email, Mr Adeang suggested Getax could take over the island's phosphate business entirely.

"It will not be easy," Mr Adeang wrote.

"But as a business in the long term it may be ideal."

Current Getax director, Amit Gupta, asked Mr Adeang to prepare a "full business proposal".

A subsequent offer by Getax was rejected by the government.

Former president Sprent Dabwido said that privatising the island's phosphate business would cripple Nauru financially.

"Offering to sell the whole phosphate industry," Mr Dabwido said, "is close to treason if you ask me."

"The only national asset we have that's worth protecting he was offering to be sold, so [Mr Adeang] could get some \$50,000, \$70-000 for campaigning."

### ***'Adeang calls the shots on Nauru'***

After years of political instability, Mr Adeang and his supporters finally took control of Nauru's parliament under president Baron Waqa in June 2013.

Mr Waqa was among a group of MPs who allegedly received two \$30,000 bribes from Getax in 2010.

According to another leaked email the funds were for the "impending elections".

In a separate email from July 2010, Mr Adeang complained that those who received the payments were "not focused enough on the work at hand" and were more interested in "shopping, horse-betting, the national airline refusing to transport all their cargo to Nauru, and other rubbish".

Nauru's police commissioner, former AFP officer Richard Britten, was suspended one month after the Waqa government came to power.

Mr Britten was investigating the bribery allegations when he was dismissed.

Dozens of other foreign officials working in Nauru have since been sacked by the government, deported or resigned.

A number of them have told the ABC that Nauru is now effectively a dictatorship.

Those who stir up so-called "political hatred" on the island now face the threat of seven years' jail.

Facebook in Nauru was shut down last month, a move the president said was necessary to stop the spread of pornography.

Mr Adeang — who refuses to be interviewed by foreign media — claimed that the majority of Nauruans supported the ban.

"David Adeang calls the shots on Nauru," said Roland Kun, one of five opposition MPs suspended from parliament indefinitely last year for criticising the government.

"A lot of the major decisions, especially decisions in regards to censorship and removal of particular individuals from Nauru, that's all come from David."

## ***Wife's death: police 'scared of Mr Adeang'***

Mr Adeang ordered the arrest and deportation of Nauru's former resident magistrate Peter Law in January last year.

Before his arrest, Mr Law was preparing a coronial inquiry into the death of Mr Adeang's wife.

Madelyn Adeang burned to death outside the family home in April 2013.

"It was put to me that it had been an accident," Mr Law said.

"There were no crime scene photographs, there were no statements from neighbours."

Mr Law said local police investigating the matter were "scared of Mr Adeang".

Nauru's former chief justice Geoffrey Eames, QC, was also concerned about the circumstances surrounding Madelyn Adeang's death.

"The police obviously did not have the enthusiasm to conduct an inquiry," said Mr Eames, who resigned last year after the government cancelled his visa.

"That's a pretty alarming state of affairs."

When asked whether Mr Adeang was ever interviewed by police, his Australian-based PR agent Lyall Mercer said: "How dare you ask questions like this. We will be making an official complaint to the ABC. Do not contact us again".

## ***Nauru government claims bribery allegations 'ridiculous'***

Mr Adeang did not respond to questions about the bribery allegations or the circumstances surrounding his wife's death.

A Nauru government spokesman denied Mr Adeang or Mr Waqa had received bribes.

The allegations were "a slur on the character of our president and offensive to our nation", the spokesman said.

"They are of no interest to the people of Australia as they are domestic issues of Nauru, and our president, parliament and country [are] not answerable to ABC Australia.

"The president has never received a cent from anyone connected with buying phosphate."

Getax did not respond to repeated requests for comment.

Nauru will receive an estimated \$25.9 million in Australian aid in the next 12 months.

On top of that Nauru receives tens of millions of dollars each year to host Australia's regional processing centre.

"The detention centre on Nauru is good for the economy," said exiled MP Roland Kun.

"But all that is lost if the economic upside is mismanaged by the government of the day."

<http://www.abc.net.au/news/2015-06-08/nauru-president-and-justice-minister-allegedly-bribed/6530038>

## **21. Australian firm bribed Nauru government ministers for special deal: AFP**

The Age  
June 8, 2015 - 5:20PM  
Nick McKenzie, Richard Baker

Federal police are preparing to lay criminal charges over allegations that a number of high-ranked Nauru politicians - including its president and justice minister - accepted bribes from an Australian company.

The allegations are likely to plunge the impoverished island nation into further turmoil and raise fresh questions about the Australian government's ongoing payments to a nation that has detained hundreds of asylum seekers on behalf of Labor and Coalition governments.

Documents obtained under freedom-of-information laws by Fairfax Media reveal that in 2013, AFP investigators running an Operation codenamed Zurzach uncovered strong evidence that senior Nauruan politicians had been bribed by a Gold Coast mining company, Getax.

It is understood the alleged bribery involved payments and inducements made via Asian bank accounts as part of suspected efforts by Getax to obtain political backing for its phosphate mining operations.

The AFP has been planning the resolution of its operation after gaining evidence of these alleged inducements, which involve some of Nauru's most influential political figures.

The AFP, which declined to comment on the probe, has also flagged in documents that diplomatic tension is likely to erupt when charges are laid in connection to the case.

Each year, Australia gives around \$25 million in aid to Nauru, making it the Pacific island's most significant donor partner.

AFP files reveal that the probe has uncovered corrupt conduct "involving members of the" Nauru government.

Police have briefed the Department of Foreign Affairs and Trade and the federal government.

One document states that the likely arrest of Getax directors and alleged involvement of Nauruan officials will require "significant [Australian] ministerial attention".

The files also state that the release of information uncovered during the investigation prior to its completion may risk damaging "the international relations of the Commonwealth".

On Monday Fairfax Media sent questions about the corruption case to the office of the President of Nauru, Baron Waqa. His media spokesperson said it was unlikely Mr Waqa would respond.

Last week, in anticipation of adverse coverage in the Australia media, the Nauru government released a statement blaming opposition MPs for spreading "lies about the country and President Baron Waqa".

"The Waqa government has been the first administration to truly tackle cronyism and corruption that has plagued previous governments," the statement said.

On Monday night the ABC reported that among those bribed were the president, who allegedly received \$60,000 and justice minister David Adeang.

The revelations of the impending charges are also likely to raise fresh questions about the breakdown of the rule of law in Nauru and what impact this has on the asylum seekers on the island.

Refugee advocates have claimed Nauru cannot guarantee the safety and welfare of asylum seekers, due in part to the shaky rule of law.

Earlier this year, a damning report by Philip Moss found that women had been sexually abused on the island and asylum seeker centre guards were trading contraband for sexual favours.

On Tuesday, an inquiry into conditions on Nauru will hear from more witnesses.

Fairfax Media reported on Saturday that a former senior child-protection worker for Save the Children, Viktoria Vibhakar, had claimed children as young as two being assaulted in the asylum seeker centre.

The AFP bribery inquiry is part of a major ramping-up of the agency's attack on firms allegedly engaging in foreign corruption. These inquiries suggest the AFP is committed to a far bolder anti-corruption regime than previously existed.

Getax, which could not be reached for comment, is just one of several firms the AFP is investigating over allegedly bribing foreign officials.

Members of the wealthy Gupta family, which is based in Queensland, India and Singapore, run Getax, and several of the firm's directors are believed to be among those likely to be charged.

The FOI documents reveal the AFP investigation has uncovered "potentially suspicious relationships" involving "entities" closely linked to Getax.

<http://www.theage.com.au/national/australian-firm-bribed-nauru-government-ministers-for-special-deal-afp-20150608-ghj69j.html>

## **22. Sacked Nauru police commissioner was consulting with US authorities**

Sacked Nauru police commissioner was consulting with US authorities over corruption allegations when dumped: former solicitor-general

By Pacific affairs reporter Liam Fox  
Posted Wed 10 Jun 2015, 1:23pm

A former Nauru solicitor-general says a police investigation into alleged kickbacks from an Australian phosphate company to Nauru's president and justice minister was well advanced at the time of police commissioner, Richard Britten's sacking in July 2013.

Steven Bliim, an Australian barrister, served as Nauru's solicitor-general from December 2012 until his resignation in January 2014.

He told Pacific Beat that Nauru police, justice and parliamentary officials were confirming with US authorities the authenticity of emails showing funds provided by Australian miner Getax to then-opposition MPs were to be used during the 2010 election campaign to force a change of government.

The emails, which formed part of a report aired on the ABC on Monday, also revealed Getax was attempting to take control of the island's phosphate business.

"I became aware of them in conjunction with the commissioner of police, Richard Britten, and the parliamentary counsel, Katy Le Roy, and my involvement was in drafting the request for mutual assistance to the United States authorities in order to just get confirmation from Hotmail of the authenticity of the emails that the police had," he said.

"After that request was made, and as I understand it was submitted by Richard on behalf of the police, I heard nothing further about it.

"But it was only a matter of weeks, to a month and a half later, that the [Nauru Regional Processing Centre] riot occurred in July [2013] and Richard was stood down and eventually left the island.

"I think that the departure of Richard Britten may well have been connected with the Getax matter."

Commissioner Britten is not permitted to speak on the matter due to his ongoing employment with the Australian Federal Police.

Parliamentary counsel Katy Le Roy, the wife of Nauru opposition MP Roland Khun, who has not been able to take his seat in parliament for more than a year, has also had her visa revoked.

### ***George Brandis' department briefed on Nauru judiciary concerns***

Mr Bliim told Fairfax Media at the time of his resignation that he quit in direct response to the termination of resident magistrate Peter Law's visa and the exile of chief justice Geoffrey Eames.

He said in February 2014 he briefed staff at Australia's Attorney-General's Department in Canberra about his concerns over the state of the judiciary in Nauru.

"I gave a briefing to members of the [Australian] Attorney-General's Department, I was invited at Canberra to talk to some of the senior solicitors in that department," Mr Bliim said.

After the briefing, which did not include detail about the emails, Mr Bliim said he had heard nothing more from Canberra.

"The reaction of the politicians at the time was dismissive, indicating that it was purely an internal Nauruan affair, which seemed at odds with the sort of reaction that was taken, for instance, when the Fiji coups occurred," he said.

"This wasn't as overt as what happened in Fiji, but the effect of it has been very similar where the country has failed to abide by its own laws and it's effectively taken steps to make itself not accountable."

On Tuesday, Nauru's government demanded an apology from the ABC over the report into alleged corruption linking phosphate company Getax to Nauru's president Baron Waqa and justice minister David Adeang.

In a statement, Mr Adeang called for an immediate investigation into what he calls a "disgusting and unethical report", and also into the relationship between the ABC journalists who produced it and the Nauru opposition.

Former solicitor-general Steven Bliim says the expulsion of five Nauru MPs from parliament for speaking to foreign media "very much seems to be an exercise in keeping the lid on dissent on the island".

"That relates very much to recent attempts to cut access to Facebook," he said.

"Many have taken that to be aimed at the asylum seekers and refugees, but I think it's more aimed at the locals being kept under control."

In documents sighted by the ABC in mid-May, Mr Adeang presented to parliament the Criminal Code (Amendment) Bill 2015 which prohibited language "that is threatening, abusive or insulting in nature and has the intention to stir up racial or religious hatred".

The final law enacted by parliament added "political hatred", which critics say could be used to criminalise opposition comments leading into next year's election, as an offence punishable by seven years in prison.

<http://www.abc.net.au/news/2015-06-10/nauru-police-consulted-with-us-over-corruption-in-2013/6535664>

## 23. Immigration Department confirms Sarah Hanson-Young was spied on

The Age  
June 9, 2015 - 7:22PM  
Sarah Whyte  
With AAP

The Immigration Department has confirmed Greens Senator Sarah Hanson-Young was spied on during her visit to Nauru by at least one Wilson Security officer who may have had a "brain explosion".

This directly contradicts comments by Immigration Minister Peter Dutton, who said last week that the spying claims were "complete nonsense", labelling Senator Hanson-Young as an "embarrassment to this country".

But in evidence given on Tuesday to a parliamentary inquiry into allegations of abuse at the Nauruan centre, department secretary Michael Pezzullo confirmed that at least one Wilson security staff member had trailed Senator Hanson-Young's car during her visit to Nauru in December 2013 and had since been disciplined.

"I'm not aware of any other case where a visiting Parliamentarian has been treated in that way," Mr Pezzullo said.

"I don't wish to impugn the person at all, he might have had a brain explosion, he might have thought he was operating under diligent action."

According to a submission to the committee into abuse on Nauru, a Wilson supervisor ordered the spying in a briefing that included her room number, car registration, and using the code name "Raven" over the radio to make reference to her.

Despite not being at the helm in 2013, Mr Pezzullo told the inquiry he was confident management would have quashed any spying plan immediately and that Ms Hanson-Young should have been told about the incident.

"It would have taken no more than a nanosecond," he said.

"I think they would have very quickly jumped at any such suggestion had senior members of the department been consulted about such a foolish action."

On Friday Mr Dutton discounted the spying claims, saying they should be tested by the "appropriate authorities".

"I think it's complete nonsense and I think Senator Sarah Hanson-Young should provide some sort of evidence, some sort of advice, to [substantiate] the claims and then she can make the complaint to the appropriate authority," he said.

"I think if you look at her track record she's got a pretty shabby track record when it comes to facts and if she's got facts in relation to this matter, bring them forward and of them tested by the appropriate authority."

Ms Hanson-Young said the committee had vindicated her.

"Dutton had his facts wrong," she said.

Mr Pezzullo also confirmed that there had been 50 referrals to the Nauru police since 2013. Of these, five charges were made which resulted in two convictions where sentences were handed down.

<http://www.theage.com.au/federal-politics/political-news/immigration-department-confirms-sarah-hansonyoung-was-spied-on-20150609-ghk0kr.html>

## 24. Greens call Immigration Minister 'incompetent', demand apology over Hanson-Young spy allegations

ABC News Online  
By political reporter Eric Tlozek  
Posted Wed 10 Jun 2015, 11:20am

The Greens have called Immigration Minister Peter Dutton "incompetent" and say he was negligent in his handling of spying allegations made against a government contractor.

The Immigration Department yesterday confirmed a security contractor had been disciplined for conducting unauthorised surveillance of Greens senator Sarah Hanson-Young on Nauru.

The Wilson Security supervisor was disciplined for tailing Senator Hanson-Young's car after she left Australia's immigration detention facilities on the Pacific island.

Greens leader Richard Di Natale said the evidence contradicts Immigration Minister Peter Dutton, who dismissed the spying claims last week and said Senator Hanson-Young had a "pretty shabby track record when it comes to facts".

"We now firstly need an apology from Minister Dutton for his outrageous and unjustified response and we need this issue to be thoroughly investigated," Senator Di Natale said.

"We have got an Immigration Minister who has shown himself not just to be incompetent, but also negligent in his responsibilities."

Immigration Department secretary Michael Pezzullo told the committee he did not know why the supervisor had followed the Senator.

"I don't wish to impugn the person in question at all, he might have had a brain explosion," he said.

"He might have thought he was operating under diligent action."

Senator Hanson-Young plans to refer the spying allegations to the Senate's privileges committee, which investigates conduct which could obstruct the work of the Senate.

The Immigration Minister's office said Mr Dutton had no further comment on the issue.

<http://www.abc.net.au/news/2015-06-10/greens-demand-apology-from-immigration-minister-over-spying/6535342>

## **25. Review board for hearing asylum seeker appeal claims yet to hire single panel member**

Absence of appointments to Immigration Assessment Authority sparks concern it could cause further backlogs in the processing of asylum seeker claims

The Guardian  
Paul Farrell  
Wednesday 3 June 2015 08.13 AEST

A review board established to hear new appeals for asylum seeker claims in Australia has yet to hire a single panel member, sparking concerns about a potential backlog in asylum appeals.

The federal government began permitting asylum seekers in Australia to start applying for temporary protection visas last week, following the passage of controversial legislation in December 2014.

Under the new laws, when a decision by the immigration department is refused, it is automatically sent to the Immigration Assessment Authority (IAA) for review. The IAA is a statutory body that forms part of the Refugee Review Tribunal (RRT). It is comprised of the principal member of the RRT, a senior reviewer and several other reviewers, and offers a shorter form of review that only considers written submissions, and without a formal hearing.

But Guardian Australia has learned that the IAA has yet to finalise a single appointment. Asylum seekers who have been invited to lodge claims only have 30 days to apply, which means in the event they are refused, the IAA could be expected to hear matters imminently.

A spokesman for the RRT said: "The IAA is headed by the principal member of the RRT and comprises a senior reviewer and a number of reviewers. Recruitment for the senior reviewer is being finalised. Recruitment is under way for a number of reviewers who will be located in Sydney and Melbourne."

He added: "The IAA will have a dedicated website, [iaa.gov.au](http://iaa.gov.au) containing important information for applicants, representatives and other stakeholders on how the IAA will operate. The website will be launched in the near future."

At this stage in time, the only public details about the process are a series of short fact sheets placed on the immigration department's website.

Australian Lawyers Alliance spokesman Greg Barns said the absence of appointments could cause further backlogs in the processing of asylum seeker claims.

"It's unfortunately fairly typical of the shambolic way in which both the ALP and the Coalition have dealt with claims from asylum seekers," he said.

"It's generally characterised by a whirl of a activity and threats to make sure people comply with the next round of voluminous paperwork, but then you get to a bottleneck where they haven't made the right appointments, and this seems like another example of that.

"There's been a continual backlog because both sides of politics have refused to ensure asylum seekers are dealt with fairly, but particularly in relation to the rapid movement of their cases through the system."

When the RRT advertised for a senior reviewer, it also did not outline that prospective employees would need to have legal qualifications or any expertise in refugee law.

Instead, the job advertisement said the reviewer needed to be "very effective at managing a caseload to ensure that reviews are conducted quickly and efficiently in accordance with the legislative requirements".

It continued: "Reviewers also need to have high-level analytical, interpersonal and communication skills, possess a strong sense of fairness, have sound knowledge of administrative law, exercise good judgment and be able to make and write high quality decisions."

The CEO of the Refugee Council of Australia, Paul Power, said the absence of criteria for expertise in refugee assessment was concerning.

"What it will require are people with a deep knowledge of the refugee determination process and a deep understanding of how the highest level of procedural fairness can be provided to applicants," he said.

"It's disturbing the way in which the position has been advertised. It doesn't make clear that a deep knowledge of the refugee determination process and detailed legal knowledge about notions of procedural fairness [are required]. They should be central attributes of anyone they are seeking.

"One would presume that the reviewers will be dealing with cases in a matter of weeks and one would hope that they would be well prepared for that and that there would be a significant amount of knowledge and understanding to begin assessing cases."

The review process for asylum seekers under the new regime is particularly controversial because the immigration minister can expressly refuse to allow matters to be sent to the IAA.

Instead, asylum seekers can be excluded from ever seeking a review of their initial decision, leaving their only option a judicial review to the federal court.

Legal groups have warned this new process could risk genuine refugees being deported to their countries of origin.

<http://www.theguardian.com/australia-news/2015/jun/03/review-board-for-hearing-asylum-seeker-claims-yet-to-hire-single-panel-member>

## **26. Australian government promised mosques, jobs and football to refugees**

WA Today  
June 7, 2015 - 10:16PM  
Lindsay Murdoch  
With Sarah Whyte

Phnom Penh: Australian immigration officials told 400 refugees languishing on the tiny Pacific island of Nauru earlier this year that Cambodia was a promised land of opportunity with mosques, jobs, football and martial arts.

Despite being haunted by a 1970s genocide and years of civil war, the former French colony had no violent crime or even stray dogs, they said.

And a loaf of bread costs \$2.65, a pack of cigarettes \$1.59 and a meal at one of the country's restaurants a bargain-priced \$4.53.

But hours before four of the refugees flew into Phnom Penh on a one-way ticket on Thursday, Cambodia scored a dismal 99th out of 102 countries on a survey based on key indicators including corruption and fundamental rights.

Only Zimbabwe, Afghanistan and Venezuela fared worse on the World Justice Project's Rule of Law Index.

The Iranian couple, Iranian man and a Rohingya man from Myanmar were whisked away from the airport to a life in one of the world's poorest nations, where about 18 per cent of the country's 15 million people survive on less than \$1.22 a day.

The refugees' arrival was part of a top-secret operation with military-style planning.

A leaked Australian Immigration Department document showed that in their first 12 months in Cambodia they will be showered with benefits that millions of Cambodians can only dream about.

Their "case manager" would be waiting to provide cash, villa-style accommodation, help finding work, language training, health insurance, an orientation to life in Cambodia and help bringing their families to the country to join them.

They had already received \$15,000 and at least three of them had their applications for refugee status fast-tracked in return for agreeing to make the journey to Cambodia, refugee advocates said.

A Senate committee in Canberra has been told the cost so far for providing services to support the resettlement of the refugees, including health and education training, is a staggering \$15.5 million.

The deal is a long-awaited diplomatic triumph for Cambodia's strongman Prime Minister Hun Sen, whose regime will pocket an additional \$40 million from Australian taxpayers in exchange for agreeing to accept the refugees.

For more than 30 years the former company commander of the murderous Khmer Rouge has used persecution, violence, repression and corruption to remain in power, multiple reports by human rights and other groups say.

Australian writer Sebastian Strangio, who has just published a book, *Hun Sen's Cambodia*, says very little of billions of dollars of aid money that Western governments have sent to Cambodia has reached the country's impoverished masses.

In the meantime, Mr Hun Sen and 20 or more of his closest associates have amassed billions of dollars in personal wealth, prompting Cambodia to be ranked near the bottom of Transparency International's index of 175 nations.

As Australia's propaganda on Nauru portrayed Cambodia as a developing-nation utopia, Mr Hun Sen's regime has pushed a new law to severely limit the rights of non-government organisations operating in the country, has continued to block new prosecutions at a United Nations-run tribunal on the Khmer Rouge's genocide and refused protection for asylum-seekers fleeing persecution in Vietnam's Western Highlands.

The Abbott government threw huge diplomatic resources into getting the first four people to Cambodia after the deal was made public by Cambodian officials in February 2014 during a visit to the country by Foreign Minister Julie Bishop.

Weeks before the deal was signed in September 2014 at a champagne-sipping ceremony in Phnom Penh, Australia boosted the number of staff at its embassy in Phnom Penh by 10, including an immigration official and two senior bureaucrats to oversee the deal.

The operation was headed by Major-General Andrew Bottrell, commander of Australia's Joint Agency Task Force for Operation Sovereign Borders.

Senior Australian officials made numerous trips to Cambodia and Cambodian officials flew to Nauru at least twice, where some refugees put up signs saying they were not welcome.

There was at least one secret high-level meeting in January 2015 as pressure grew on the Nauru refugees to accept the deal.

Australia told the refugees they had only three options: go to Cambodia, return to their home country or remain languishing on Nauru.

"You will not under any circumstances be settling in Australia. This is not an option the Australian government will ever present to you," Immigration Minister Peter Dutton said in a video message to them in April.

Australia's efforts to get the deal off the ground came amid fierce criticism in Cambodia and internationally.

The United Nations agency responsible for refugees (UNHCR) refused to play any role despite the fact that the Australian and Cambodian governments had both said earlier they were relying on it to help implement the resettlement program.

Full story at <http://www.watoday.com.au/world/australian-government-promised-mosques-jobs-and-football-to-refugees-20150607-ghhl38>

## 27. Child moved in the dead of night: asylum seeker system questioned

Sydney Morning Herald  
June 5, 2015 - 6:44PM  
Sarah Whyte

In the dead of night, a baby bundled in a white rug is held tightly as her parents are forced to walk across tarmac in Nauru back to the island's controversial detention centre.

The five-month-old baby was born to Nepalese asylum seekers who are part of a group of eight secretly escorted from the Melbourne Immigration Transit Accommodation at 4.30am on Thursday back to the Pacific island where they will live in large tents.

The grainy picture was obtained by refugee advocate Pamela Curr, who says 20 officers entered the Melbourne immigration facility in a "military-style operation" to return the asylum seekers to the island. It is understood the baby and her family had been in Australia for a number of months.

The Darwin barrister representing the baby, Mark Thomas from John Toohey lawyers, says he was not told about the removal of the child until the family had reached the island.

"It is a fundamental breach of natural justice," he said. "It is appalling conduct by the government.

"They grabbed her and took her away."

Mr Thomas said there was now no possibility of Federal Court action given the family are in Nauru.

The baby is one of the first of those born after December last year to be sent back to Nauru. They were not included in a deal struck by former immigration minister Scott Morrison and Senator Ricky Muir that Mr Morrison would allow a number of women to remain in Australia with their babies in return for his support to sweeping changes to the Migration Act.

Earlier this year, a damning report found women had been sexually abused on the island and guards were trading contraband such as cigarettes in exchange for sexual favours.

In a submission to the ongoing inquiry into conditions on Nauru, a former senior child protection worker for Save the Children, Viktoria Vibhakar, has claimed children as young as two are being assaulted in the open centre.

On one occasion an eight-year-old child made more than one allegation that she had been sexually assaulted in the Nauru centre, but would not say who had abused her, the submission says.

"Although the alleged sexual assault allegations were reported to [the Immigration Department] in January 2014, Mia remained in the Nauru detention facility for more than seven months," Ms Vibhakar writes in her submission.

A spokeswoman for Immigration Minister Peter Dutton said: "We do not comment on operational matters".

<http://www.smh.com.au/federal-politics/political-news/child-moved-in-the-dead-of-night-asylum-seeker-system-questioned-20150605-ghhsm5.html>

## 28. Five-month-old baby born in Australia transferred to Nauru detention centre, Greens say

ABC News Online  
Posted Wed 10 Jun 2015, 10:07pm

The Greens say the Federal Government has transferred a five-month-old baby born in Australia to an offshore immigration detention in Nauru.

They say the baby is the first to be transferred offshore since the Government amended the Migration Act with crossbench senators in December last year.

The deal allowed a number of babies born in Australia to stay, but babies born since then will be taken to Nauru.

Greens immigration spokeswoman Sarah Hanson-Young said the baby and her parents were taken from Melbourne to Nauru a week ago, after the family were brought to Australia so the woman could give birth, because Nauru lacked a specialist obstetrician.

Senator Hanson-Young said the process was traumatic and that the new arrangements would affect other pregnant women and their children.

"While there were dozens of children, in fact almost 100 children, who were born in Australia who were given reprieve, this child, simply because it was born a few weeks too late, has now been sent off to Nauru," she said.

The Federal Government is paying to upgrade hospital services in Nauru so future births can happen on the island.

<http://www.abc.net.au/news/2015-06-11/baby-born-in-australia-transferred-to-nauru-detention-centre/6536994>

## **29. Immigration department defied advice not to transfer babies back to Nauru**

Exclusive: infant born into detention in Australia transferred to Nauru despite warning to government that move would be potentially catastrophic

The Guardian

Paul Farrell

Thursday 11 June 2015 09.57 AEST

A baby was sent to the Australian-run detention centre on Nauru in defiance of advice given to the immigration department, Guardian Australia has learned.

Last week the immigration department began its first transfer of an infant born into detention in Australia – a five-month-old girl known as baby Asha – to Nauru, despite widespread concerns about the adequacy of conditions at the centre.

But high-level department sources have told Guardian Australia that several weeks ago Save the Children, which is contracted to provide welfare services on the island, conducted a detailed risk assessment for the planned transfer of up to 10 babies to area 9 of regional processing centre 3 at the Nauru detention centre.

The risk assessment outlined that the transfer of babies back to that part of the centre would be potentially catastrophic and recommended the transfer not occur.

Incident reports have previously detailed the presence of rats and mice in area 9, and recent pictures of the area obtained by Guardian Australia show the compound remains in poor conditions.

But the immigration department disputed the assessment and requested that it be changed, Guardian Australia was told. Instead it opted to rely on a Transfield risk assessment that outlines a slightly lower level of risk.

Following this, the first baby was sent to Nauru last week with more transfers imminent. The infant child has now developed gastroenteritis, while both parents are being monitored heavily due to concerns about their wellbeing.

Asylum seeker mothers are generally transferred from Nauru to the Australian mainland to give birth.

Greens senator Sarah Hanson-Young said she has written to the immigration minister, Peter Dutton, asking him to act immediately to remove the baby from Nauru.

"It is horrific that baby Asha, born in Australia, is now in detention in Nauru. The trauma being experienced by this family is cruel and the government should bring them back to Australia immediately," Hanson-Young said.

"The parents of baby Asha are so desperate that they are considering suicide so she can be brought back to Australia. This is the human tragedy of Australia's asylum seeker detention policies.

"This family were awaiting specialised trauma counselling and medical treatments when they were forcibly removed to Nauru last Thursday and their situation is now even more tenuous."

Prior to the transfer, the mother and father of the infant were restrained using cable ties on their hands, and the atmosphere in the Melbourne detention centre remains highly charged after their removal. The removal of the infant and her parents last week caused serious distress to other asylum seekers at the centre, a staff member said.

The group of infants facing removal back to Nauru with their families were all born in Australia after 4 December 2014. This date represents a cutoff point as part of a "one-off deal" made by then immigration minister Scott Morrison with crossbench senator Ricky Muir to pass the federal government's temporary protection visa legislation.

As part of the deal, a group of 31 babies born into detention before this date, along with their families, were eligible to apply for protection visas in Australia. Those born after this date faced being sent offshore.

The immigration department has not responded to requests for comment.

<http://www.theguardian.com/world/2015/jun/11/immigration-department-defied-advice-not-to-transfer-babies-back-to-nauru>

## 30. Asylum seeker may end pregnancy rather than raise her child on Nauru

An Iranian woman who conceived while visiting her husband in a Melbourne detention centre pleads to be allowed to stay on the mainland

The Guardian  
Paul Farrell  
Thursday 11 June 2015 14.44 AEST

An Iranian asylum seeker who is set to be returned to Nauru is considering terminating her pregnancy rather than raising her child in the offshore detention centre.

There are heightened concerns that a group of asylum seekers with infant babies are scheduled to be returned to Nauru imminently, despite serious concerns about their wellbeing at the offshore detention centre.

The immigration minister, Peter Dutton, and his department have both refused to comment despite the concerns.

Maryam – not her real name – is an Iranian asylum seeker who is currently being held in a Melbourne detention centre with her husband.

She was previously held at the detention centre on Nauru, but was brought to the mainland due to her husband's deteriorating mental health. She subsequently fell pregnant, and is approximately 12 weeks into her pregnancy.

In a recording from Maryam that was subsequently passed to Guardian Australia, she pleaded directly to the Australian public to allow her to stay in Australia.

“Now I am pregnant and I don't want to go to Nauru anymore. There is no security, safety and hygiene situation on Nauru. But immigration want to return me to Nauru by force.”

“I'm begging you Australian people to help me, my husband and my baby. I don't want to grow up my baby on Nauru.”

“Please help me to stay in Australia and grow up my baby here with security, safety and acceptable mental health.”

The recording outlines the considerable fears held by asylum seekers that are facing the prospect of raising infant children on Nauru.

Guardian Australia reported earlier on Thursday that the immigration department defied advice from the welfare provider on Nauru not to transfer babies back to the facility.

A five-month-old baby that is the first to be returned to Nauru with her parents has developed gastroenteritis.

Greens senator Sarah Hanson-Young has written to Dutton asking him to act immediately to return the baby and the family back to an onshore centre.

The infants currently facing return to Nauru were all born in Australia after 4 December 2014. This date represents a cut-off point as part of a “one-off deal” made by then immigration minister Scott Morrison with crossbench senator Ricky Muir to pass the federal government's temporary protection visa legislation.

<http://www.theguardian.com/australia-news/2015/jun/11/asylum-seeker-may-end-pregnancy-rather-than-raise-her-child-on-nauru>

## 31. Hunger-striking asylum seeker wins right for refugee case to be reassessed

ABC News Online  
By Anthony Stewart  
Posted Fri 12 Jun 2015, 9:45am

The deportation of an Iranian man who went on a prolonged hunger strike has been delayed after he won an appeal in the Federal Court in Darwin.

The 33-year-old ended his hunger strike earlier this year after prominent barrister Julian Burnside stepped in to represent the man.

The Federal Court has now ruled a review of his case made an error of law and denied the man procedural fairness.

In 2012 the Independent Merit Review examined the man's case and found discrepancies in his asylum claim.

But an email sent to the man's migration agent, giving him an opportunity to respond to the discrepancies included an incomplete email address and was never responded to.

As a result, Justice John Mansfield ruled the Independent Merit Review made an error of law by denying the man procedural fairness.

The decision means the man's claim will have to be assessed again by the Immigration Department.

<http://www.abc.net.au/news/2015-06-12/deportation-of-hunger-striking-asylum-seeker-delayed/6541280>

## **32. Defence Department to sell former Pontville Detention Centre site**

ABC News Online

By Ellen Coulter

Posted Thu 4 Jun 2015, 11:47am

A former army camp and immigration detention centre north of Hobart is on the market.

The Department of Defence plans to sell the Pontville Small Arms Rifle Range complex because it no longer needs the land for training or operations.

Most recently, the site was used to house asylum seekers.

In a statement, the Parliamentary Secretary to the Minister for Defence, Darren Chester, said the land was surplus to requirements.

"Defence no longer needs the Pontville site for training or operations and as a result the site will be sold," he said.

Pontville is listed on the Commonwealth Heritage List and also contains sensitive flora and fauna areas.

Any future use will need to be consistent with its heritage status and protect the environmental and heritage value of the site.

"Before the site is sold, Defence will engage with the local council and key stakeholders and will conduct necessary due diligence activities, including environmental site assessments," Mr Chester said.

The Federal Government has agreed the proceeds from the sale of Defence Department real estate will go to other defence projects.

<http://www.abc.net.au/news/2015-06-04/pontville-detention-centre-site-to-be-sold/6521718>