

Project SafeCom News and Updates

Sunday, 9 August 2015

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1. Coalition rejects call by own advisers for extra scrutiny on polluters

Sydney Morning Herald
August 5, 2015 - 1:15AM
Nicole Hasham

The Abbott government has rejected a call by its own independent advisers to impose extra scrutiny on polluters to ensure billions of taxpayer dollars are not spent on emissions cuts that would have occurred anyway.

The refusal, which comes as the government prepares to announce post-2020 emission reduction targets, casts doubt on Australia's centrepiece climate change policy and raises fears that taxpayers are subsidising otherwise profitable private projects.

The Climate Change Authority is an independent agency that advises the government on carbon mitigation policies. The government sought to abolish the authority last year but was blocked in the Senate.

In December, a report by the authority examined the Emissions Reduction Fund, which spearheads the government's "direct action" plan to reduce Australia's greenhouse gas emissions and meet global carbon reduction commitments.

The government provided \$2.55 billion to set up the fund, which pays polluting companies to reduce their emissions. Projects signed up in April promised to save 47 million tonnes of carbon dioxide and equivalent gases at a cost of \$660 million, which Environment Minister Greg Hunt described as "a stunning result".

Eligible projects must prove "additionality", which means the emissions cuts would not have happened without the funding. The project must be new, unlikely to attract other government money and not required by law.

However, the authority expressed concern that the test is not strong enough and the fund could still lead to "large payments for reductions that would have occurred anyway".

This might include a manufacturer being paid to install more energy efficient equipment – a move that would save on power bills and which the firm was likely to have pursued in any case.

The authority said such risks "will need to be well managed if additionality rates are not to decline sharply".

It recommended that the Department of the Environment, in consultation with the Clean Energy Regulator, more closely scrutinise projects receiving large payments, including whether the project would have been financially viable without the funding.

It is understood that while such assessments may be difficult and put additional burden on industry and administrators, they would help ensure the most efficient use of public money and the best environmental outcomes.

In an official response, the government rejected the authority's recommendation.

A spokesman for Mr Hunt said projects were assessed "at a program level, under a rules-based framework" that ensures the government buys only genuine emissions reductions.

He said an independent expert committee assessed whether these methods met the fund's requirements, including that it leads to "reductions that would not occur in the normal course of events".

Climate Institute chief executive John Connor said the authority's recommendations were warranted and the government's response was "disappointing".

"The highest level of scrutiny should be [applied] when we are using taxpayer funds," he said, adding the nation "lacks a framework that has the polluters taking responsibility and puts broad limits on carbon pollution".

Climate Change Authority acting chief executive Kath Rowley said there was a "good case" to apply a more stringent additionality test for large projects because "it's very important to make sure those dollars are spent on real emissions reduction".

The ABC reported in May that LMS Energy was paid more than \$100 million for landfill gas projects, when at least 25 out of 28 of the projects were already established and some had been operating for more than a decade.

At the time, Mr Hunt said the government had achieved "genuine and additional abatement".

<http://www.smh.com.au/federal-politics/political-news/climate-change-coalition-rejects-call-by-own-advisers-for-extra-scrutiny-on-polluters-20150803-giqv2a.html>

2. Citizenship bill likely to be struck down in High Court, says legal expert

Sydney Morning Herald
August 4, 2015 - 7:49PM
Jane Lee, Judith Ireland

The High Court would probably strike down a plan to automatically revoke dual nationals' citizenship, a leading constitutional law expert says, with solicitors already gearing up to challenge it if it becomes law.

UNSW professor George Williams told a Senate inquiry on Tuesday that it was the most "problematically drafted bill" he had ever seen, with more constitutional problems in it than any he had given evidence on. This included a law that allows ASIO to detain and question any Australian for up to a week and foreign fighter legislation aiming to restrain Australians returning from conflict zones in Syria and Iraq.

Professor Williams had "no doubt" such a law would be challenged in the High Court and had already been approached by "prominent solicitors" who had clients facing charges that are included in the bill.

"It's such an obvious one to bring a challenge to; I don't see why they wouldn't to escape loss of their citizenship."

Under the plan, crimes that could automatically deprive you of your citizenship range from treachery, sabotage and mutiny to damaging or destroying Commonwealth property. Dual nationals engaged in terrorism-related activity would automatically forfeit their Australian citizenship even without a conviction, though they could appeal the revocation in court.

Under the bill, offenders could have their citizenship revoked even if they were later acquitted by a jury, Professor Williams said. It aimed to bypass the courts in breach of the separation of judicial power, and also breached the implied right to vote.

Professor Williams conceded the property damage offence – which does not require proof of a link to terrorism – could have been a drafting mistake. "It is the most problematically drafted bill I've seen, which is deeply concerning [because it allows the] automatic revocation of citizenship."

This raised questions about what advice the Solicitor-General gave the government on whether the bill was constitutionally sound and whether it should be introduced to Parliament.

Asked by Senator Penny Wong how the Parliament could deal with the "evidentiary and practical concerns" involved in terrorism-related offences, Professor Williams said: "I don't have a concrete answer ... that's the price you pay for living in a democracy [with] basic fact-finding procedures that sometimes prove inconvenient. Not only do we have them, they're constitutionally entrenched."

UNSW law academic Sangeetha Pillai said the bill afforded fewer rights to some Australians than asylum seekers and permanent residents who never had citizenship to begin with.

Criminal solicitor Rob Stary told Fairfax Media he had not sought Professor Williams' advice but said he and many others would want to challenge such a law in the High Court, to preserve the rule of law and the separation of powers.

"I've not heard one person in the criminal law fraternity – prosecution or defence – that says there's a demonstrated need for this legislation or who supports it."

Offenders nearing the end of their prison terms for terror-related crimes would be the most likely to be targeted, adding another layer of punishment to their crimes, he said.

Duncan McConnel, president of the Law Council of Australia, told the inquiry he had "serious concerns" about the current bill, including the "very broad and imprecise" definition of the conduct that would lead to the automatic loss of someone's Australian citizenship.

Barrister Gabrielle Bashir added the bill could "capture activity" that had nothing to do with "not having allegiance to Australia". This could include puncturing the tyre of a Commonwealth vehicle, even if someone was not aware it was a government car.

The council said the bill also had no safeguards for children and could apply to children under 10 "regardless of whether the children knows that his or her conduct is wrong and without an intention to sever allegiance with Australian values".

Ms Bashir noted that in criminal law, children under certain ages are exempted from criminal responsibility because they did not have the capacity to understand the consequences of their acts.

<http://www.smh.com.au/national/citizenship-bill-likely-to-be-struck-down-in-high-court-says-legal-expert-20150804-girihv.html>

3. AFP providing support to Sri Lankan government department accused of torture

ABC-TV - 7.30

By Dylan Welch and Jodie Noyce

First posted Mon 3 Aug 2015, 6:13pm

Updated Tue 4 Aug 2015, 3:30am

The Australian Federal Police (AFP) has been providing equipment and assistance to Sri Lanka's Criminal Investigation Department (CID), which has been accused of kidnapping and torture.

The AFP was central to the Government's attempts to deal with the influx of asylum seekers fleeing the civil war in Sri Lanka.

In mid-2009 it struck a deal with Sri Lankan police to provide equipment and training to help Sri Lanka disrupt people-smuggling networks.

Documents released to 7.30 under a Freedom of Information request, the last of a series dating back to 2011, detail what is being provided.

Across five years the AFP have given the CID and other branches of the Sri Lankan police everything from furniture and office equipment to high-tech intelligence programs.

Among them is the Jade Investigator software program, which allows police to easily link photos, video, intelligence reports and other evidence together.

Another program given to the CID was IBM's i2 Analyst's Notebook, a powerful tool to visualise networks of people being targeted by a police force.

The AFP also handed over two machines that extract information held on mobile phones, including deleted emails, texts and location data.

Former diplomat Bruce Haigh served as Australia's deputy high commissioner in Sri Lanka in 1994.

He told 7.30 the equipment could have been used to pursue the Sri Lankan government's enemies.

"[The equipment could be used] to pick people up off the street and take them back to headquarters and interrogate, torture and in many cases eliminate them," Mr Haigh said.

The AFP also built or refurbished at least four offices in CID's headquarters in Sri Lanka's capital, Colombo.

Director of policy and advocacy at human rights group Freedom From Torture, Sonya Sceats, said her organisation had worked with many survivors "who were tortured in Sri Lanka at the hands of the CID".

"Their headquarters in Colombo, known as the Fourth Floor, is a notorious torture facility," she said.

"There are a number of torture methods associated with the CID, including beatings to many parts of the body; sexual torture, including rape both of men and women; burning, including with cigarettes and increasingly with hot metal implements; as well as asphyxiation and suspension methods of torture."

In November 2011 the AFP gave the CID a new white van. Such vans are synonymous with torture and kidnappings in the island nation.

"It's become part and parcel of the operations of CID in Colombo," Mr Haigh said.

"It's got a reputation worldwide for doing this sort of thing — the so-called white van syndrome where they used white vans to pick people up off the street and then relatives and family would never see those people again."

Photographer abducted by CID; blindfolded, burnt and raped

Among the victims is a man called Nik (whose name has been changed to protect his identity as he fears for his family) still in Sri Lanka.

In Sri Lanka he was a photographer documenting violent repression.

Between 2010 and 2012 Nik was abducted five times, mostly by the CID.

He said he was blindfolded and terrified.

"I felt a burning metal rod pushed into my back in about six places, leaving burning wounds. The pain was excruciating," Nik told 7.30.

His torturers repeatedly burned him with cigarettes, often on the same spot.

"I was on the brink of death for they put a gun to my mouth, head, chest and back many times," he said.

He was also raped many times and subjected to other sexual torture, too graphic to describe.

"The things they did were totally alien to me. While they tortured me I didn't know if it was night or day," Nik said.

Nik fled the country in 2012, eventually seeking asylum in Australia.

Human rights organisations dispute Sri Lanka's denial of torture

The Sri Lankan embassy declined 7.30 an interview but Sri Lankan authorities have long denied involvement in torture, disappearances and murder.

However, a series of reports since the end of the war by the United Nations, the British government and dozens of human rights organisations dispute that denial.

The recently elected Sri Lankan government said it was not committing human rights abuses, but groups like Freedom From Torture disagree.

"Freedom From Torture can say categorically that torture has continued in Sri Lanka," Ms Sceats said.

"It is perpetrated by the CID and other arms of the state in Sri Lanka.

"It is deeply entrenched in the operating procedures of the CID."

Meanwhile, the document obtained by 7.30 shows that AFP support continues today.

Another young Tamil, Raja, said he was repeatedly tortured and raped by the CID.

He said his 16-year-old brother was abducted and beaten by the CID just three weeks ago.

"CID are not human, they are killers," Raja told 7.30.

"They are all killers. They want to kill the Tamil people."

Nik and Raja have now settled in Australia but still live with severe trauma caused by their torture.

Both want Australia to stop working with the CID.

<http://www.abc.net.au/news/2015-08-03/afp-provide-support-to-sri-lankan-department-accused-of-torture/6669562>

4. Fact check: Are staff working in detention centres protected by whistleblower laws if they speak out?

ABC Online - Fact check

First posted Mon 3 Aug 2015, 8:06am

Updated Tue 4 Aug 2015, 9:10am

New legislation that makes speaking out about conditions in offshore detention facilities a crime has caused significant concern among the staff and contractors who work on Manus Island and Nauru.

More than 40 current and former workers in Australia's offshore detention centres wrote an open letter challenging the Abbott Government to prosecute them for speaking out under the new Act.

Many of these workers had previously spoken out about sexual abuse in offshore detention centres.

But MPs from both major parties have defended the newly implemented Border Force Act which contains controversial secrecy provisions that make it a criminal offence - punishable by two years imprisonment - for entrusted employees working in detention facilities to "disclose" or "record" protected information to the media and external organisations.

Labor voted in support of the measures, saying new whistleblower protection laws protect employees' right to speak out.

Labor's Immigration spokesman Richard Marles said: "It is absolutely critical that doctors, nurses, lawyers, any contractor employed in a detention facility be free to speak out when they see that there is something wrong."

Mr Marles said the Australian Border Force Act made "it absolutely plain that the whistleblower protection, which applies across the public service, which is the basis upon which people speak out, applies in this situation as well".

ABC Fact Check investigates whether staff who work in detention centres are prevented from speaking out by the secrecy provisions or are free to do so under the whistleblower laws.

Secrecy provisions in the Border Force Act

The secrecy provisions of the Border Force Act 2015 are found in section 42 which says:

A person commits an offence if:

- (a) the person is, or has been, an entrusted person: and
- (b) the person makes a record of, or discloses, information; and
- (c) the information is protected information.

Penalty: Imprisonment for two years.

In response to intense criticism of the secrecy provisions, the Minister for Immigration and Border Control, Peter Dutton, released a statement that said the Act's secrecy provisions are "in line with partner and like agencies, such as the Australian Federal Police and the Australian Defence Force".

Mr Dutton cited section 70 of the Crimes Act which criminalises the "unauthorised disclosure" of information by a Commonwealth officer, and those performing services of behalf of the Commonwealth.

A.J. Brown, Professor of Public Policy and Law at Griffith University, told Fact Check that Mr Dutton is right that other acts carry similar secrecy provisions, so the imposition of two year penalties on federal public servants and contractors is not new.

But Professor Brown also said critics have long campaigned for the removal of section 70 of the Crimes Act because they believe it is a draconian law.

A report by the Australian Law Reform Commission (ALRC) in 2009 recommended that section 70 should be repealed, and replaced by a range of new offences outlined in the report.

Federal Court Justice Susan Kenny said in 2011 that the section which prohibits the disclosure of Commonwealth information acquired by a person in the course of his or her duties again remains one of "the most significant secrecy provisions in Australian law".

In recommending the ALRC changes she outlined at least four significant changes that have taken place since 1914 when the law was brought into effect, including freedom of information, Wikileaks, and the internet.

She said the ALRC recommendations "recognise that secrecy provisions can have an important role to play in effective governance, but that their retention depends upon some principled justification compatible with the contemporary conception of participatory democracy".

Secrecy exemptions

There are some provisions in the Border Force Act where disclosures are allowed; one is section 48, which allows disclosures where there is a serious threat to the life and health of an individual.

Fact Check was told by human rights lawyer George Newhouse this provision would most likely cover serious allegations such as sexual abuse or child abuse.

Khanh Hoang, an associate lecturer with the Australian National University's Migration Law program, said a person who relies on an exception from the law "bears the onus of proof".

He told Fact Check that "whistleblowers must make judgements about whether a threat to life or health is serious enough to warrant disclosure and then be willing to defend their action in court".

He also said the exceptions to the secrecy provisions "sit uneasily with the other provisions of the Act... that regulate employee conduct".

Mr Hoang warned that while disclosure may not result in imprisonment it could lead to a loss of employment.

Mr Hoang gave the example that "if the [Australian Border Force] Commissioner issues a direction that information related to the health of individuals not be disclosed to the media, a failure to follow a direction may be grounds for termination of employment on the basis of serious misconduct under the Act".

Do the whistleblower laws apply?

Whistleblowing can be broadly defined as "the disclosure by organisation members (former or current) of illegal, immoral or illegitimate practices under the control of their employers" according to Whistleblowing in the Australian public sector, a book edited by Professor Brown.

In January 2014 new whistleblowing protections for federal public servants and contractors, the Public Interest Disclosure Act (PIDA), came into force.

Professor Brown told Fact Check the laws apply extra-territorially, which means they extend to workers who are employed overseas by the public service, including contractors.

The Public Interest Disclosure Act 2013 specifically states that it "extends to acts, omissions, matters and things outside Australia".

The Senate committee that reviewed the Australian Border Force Bill 2015 said "several submissions were critical of the secrecy and disclosure provisions in Part 6 of the bill" and argued that the "provisions essentially criminalise any whistleblowing".

However the committee says that section 42 (2) c of the bill "already provides an exception" that means the Public Interest Disclosure Act 2013, or whistleblowing law, applies in offshore detention centres.

However Mr Hoang says that while whistleblower law applies, it is far from certain that whistleblowers will be protected.

How robust is the whistleblowing law?

In a recent report on whistleblower protection law in G20 countries a collection of researchers, including Simon Wolfe and Suelette Dreyfus from the University of Melbourne, find Australia has the most comprehensive whistleblowing laws for public sector workers compared to other countries, despite the system not being perfect.

The Commonwealth Ombudsman's most recent report on the whistleblowers scheme said that the PIDA "places responsibility on Australian government agencies to have procedures in place to proactively manage, investigate and resolve disclosures from its employees".

It also requires the government to "support and protect public officials from reprisal action as a result of making a disclosure".

Categories of disclosable conduct are broad and include:
something that contravenes a commonwealth, state or territory law
is corrupt
unreasonably endangers health and safety
involves the abuse of one's position

Professor Brown told Fact Check that when internal disclosures of wrongdoing are made to the department, Ombudsman or similar agencies, they must be dealt with.

"If the whistleblower believes on reasonable grounds that the internal response to their disclosure has been "inadequate", they can go public with the information, or reveal it to any third person, other than a foreign public official," he said.

However the external disclosure cannot on balance be "contrary to the public interest", nor contain any more information than is "reasonably necessary to identify one or more instances of disclosable conduct".

Mr Newhouse told Fact Check that the scheme is so complex that it's almost impossible for an average worker to be able to make the series of legal judgements required to decide when it was reasonable to go public.

While Mr Hoang said: "If they wish to go public, they must be confident that the matter has not been adequately dealt with under internal review procedures, and that the disclosure is not, on balance, contrary to the public interest."

"However, there is little guidance in the PIDA as to what is, or is not, in the public interest," he said.

How much internal disclosure is happening?

Unless there is an immediate threat to health or safety, a person must first make an internal disclosure within a department.

In late 2014 the Commonwealth ombudsman released its first report on disclosures made under the new Act that shows that in the first six months of 2014 there were 378 internal disclosures made across the public service.

A further 286 approaches were received from potential disclosers but "the report of wrongdoing did not amount to a disclosure", the report says.

The Department of Defence received the most disclosures at 181, while the Department of Immigration and Border Protection has the second highest number with 61 disclosures.

The report suggests the reason for such large disclosures is because "both these agencies have a large number of public officials".

Of the 61 disclosures made by the Department of Immigration and Border Protection, 24 were investigated.

The disclosures made to that department included:

- 31 contravene a law of the Commonwealth, State or Territory
- 17 abuse of position or grounds for disciplinary action
- four risk of danger for health or safety to one or more persons
- three perversion of the course of justice or corruption
- three maladministration
- three wastage of public money

Professor Brown, who is leading research to help evaluate the new whistleblower scheme, said it was impossible to know whether the new whistleblower laws were being implemented correctly, but he said without proper implementation the laws will not perform properly.

A 2008 report into whistleblowing in the public sector, by Professor Brown, found that "the bulk of whistleblowing begins and ends as an internal process".

It found only 3 per cent of whistleblowers went to an external agency and less than 1 per cent of all whistleblowers went outside official channels to the media.

The verdict

Whistleblower laws apply to workers in offshore detention centres who come across wrongdoing. But questions remain as to how well these laws protect workers in offshore detention centres if they choose to speak to the media.

Mr Marles's claim is correct, but there's more to the story.

<http://www.abc.net.au/news/2015-08-03/whistleblowers-offshore-detention-fact-check/6633168>

5. Ranjana Srivastava: A letter to my patient, whose terminal cancer is the least of her worries

When I look at my gravely ill patient, I don't see an 'illegal arrival'. I see a thoughtful woman cursed first by geography and then illness

The Guardian
Ranjana Srivastava
Monday 3 August 2015 11.22 AEST

Metastatic pancreatic cancer has a survival rate of less than 5% at five years and yet it seems like it's the least of your problems. For many weeks now I have found this hard to understand and not only that, have been irritated when you have not shown up on time, held up a chemotherapy chair, or been late to your appointment. When you do make it in you are disengaged and even nonchalant, although never combative, which has led me to wonder if between the oncologist and the patient I am the one doing all the worrying.

Although your English is broken and our consultations time-consuming, between us we managed alright, I thought. For example, I know that the nausea bothers you, your pain arises in waves and your fatigue can be so consuming on days that you can't lift your head off the pillow. But how is it that you don't get the gravity of your situation? Are you a patient in denial or am I missing something? Nonplussed, I finally get an interpreter.

It turns out that you are a refugee. This much I knew but only this.

Now I learn that in your home country you escaped the militia barefoot, under cover of the night, hiding in thick jungles as you carried your youngest child while the older one held on tightly to your dress. Avoiding rape, accidents and death from

starvation you and your children somehow made it to a refugee camp where you strived to relocate your missing husband. The news, when it filtered through from other refugees, was patchy and unreliable but eventually you received confirmation that your husband was dead. And you fled.

So here you are now in Australia, on a bridging visa, waiting to hear whether your application for permanent protection will be granted. You don't know how long the wait is and you don't know the strength of your claim; in the interim, you are surviving on meagre government assistance and charitable organisations that have found you a room in a derelict apartment and stocked it with donated furniture and threadbare blankets. The biting cold and the broken shower are nothing but it's not so easy when the children go hungry. You had wanted to banish the thought of widowhood and find some work until you realised that you were prohibited from working under your visa conditions. So it was back to charity but the charities said they were overwhelmed and you couldn't afford to exhaust their goodwill.

Full story at <http://www.theguardian.com/commentisfree/2015/aug/03/a-letter-to-my-patient-whose-terminal-cancer-is-the-least-of-her-worries>

6. Richard Cooke: Nope, nope, nope: Why Australia won't help the Rohingya

Richard Cooke
The Monthly, Long Read
August 2015

Full story at <https://www.themonthly.com.au/issue/2015/august/1438351200/richard-cooke/nope-nope-nope>

"A hazy narrative has taken hold [...] It goes something like this. Gough Whitlam exorcised the White Australia policy, opening the way for a modern multicultural society. This allowed Malcolm Fraser to usher in a golden age of Australian refugee politics, which was then maintained by Bob Hawke and, to a lesser extent, Paul Keating. Boat people, especially Vietnamese boat people, were at the centre of this. Fraser was determined to steer a moral course, partly because of his mother's Jewish background, which added a personal determination not to turn away the desperate. He quelled any racist undercurrents, the country welcomed boats of the desperate to its shores, and we got on with the business of resettling them. This consensus was then undone by John Howard, who resurrected Australia's old racist id, and then channelled it to win the 2001 election. We have been plumbing a series of new lows ever since. Almost none of this story is true [...] Jack H Smit of Edith Cowan University presented research outlining just how much stopping the boats became a priority for the Fraser government."

Full story at <https://www.themonthly.com.au/issue/2015/august/1438351200/richard-cooke/nope-nope-nope>

7. The Saturday Paper: How Mohammad Nasim Najafi died in a detention centre

Two weeks after being beaten and placed in a solitary cell, asylum seeker Mohammad Nasim Najafi was dead. These were his last days.

The Saturday Paper
Abdul Karim Hekmat
Aug 8, 2015

It started with a night attack. Three weeks ago, a group of criminals broke into Mohammad Nasim Najafi's room in the Yongah Hill Immigration Detention Centre outside Perth, scattering his belongings and beating him.

Overcrowded prisons mean half of the detainees at the centre are convicted criminals rather than asylum seekers. Fearing for his life, Nasim managed to escape the attackers and took shelter in an office with Serco employees, the contractors who run the detention centre.

As yet, the Department of Immigration and Border Protection has given no reason for what happened next. After being beaten by the gang – one of a number that jostle for control in Yongah – Nasim was placed in a solitary cell. His room was two metres by two metres and had no toilet. The card that allowed him to enter the main areas of the detention centre, including the gym and recreational facilities, was blocked.

By Friday, July 31, Nasim was dead. As his body was carried from the centre, loaded into an ambulance under a white sheet, fellow detainees chanted in volleys of Arabic and English: "He did not kill himself, the immigration killed him."

The official response from the department of immigration is brief. It sheds no light on how the healthy 27-year-old might have died: "The department can confirm that a male detainee died at the Yongah Hill Immigration Detention Centre on Friday 31 July 2015. There was no indication of suicide or suspicious circumstances. The WA Police attended the centre and is conducting an investigation as per normal practices in such cases."

This week, The Saturday Paper spoke to a number of detainees who were close to Nasim, including the last person he spoke to. The picture they paint is of a man denied proper medical care, an epileptic who died in detention because he was not properly monitored, who requested medical attention but was given only Panadol and sleeping tablets.

Nasim's mother still lives in Hotqool, in Afghanistan. Ten years ago, her husband was killed by the Taliban. Now, her eldest son is dead. She hasn't slept in the week since he died. She has stopped eating. When The Saturday Paper calls, her words are few and desperate. "Who killed my son? How did he die?" Her voice is pleading and full of sobs. Eventually, she drops the phone and all that can be heard are her cries. "I want my son back."

Full story at <https://www.thesaturdaypaper.com.au/news/law-crime/2015/08/08/how-mohammad-nasim-najafi-died-detention-centre/14389560002226>

8. Asylum seeker school student 'dragged on ground', put in detention in lieu of deal to return Iranian citizens, husband says

ABC News Online

By Eric Tlozek

First posted Fri 7 Aug 2015, 10:38pm

Updated Sat 8 Aug 2015, 9:41am

Iranian asylum seekers say the Federal Government is putting them back into detention because it cannot force them to leave the country.

Over recent months an undisclosed number of Iranians on bridging visas have been taken from their communities and put in detention.

Australia is still negotiating with Iran to accept the return of its citizens who have not been found to be refugees.

Brisbane high school student Mojgan Shamsalipoor was put back in detention for eight months, after spending more than two years in the community and marrying an Australian resident.

"It's very upsetting and hurtful because we're just young and love each other and all our dream was to live together and make our life and be happy," she said.

Ms Shamsalipoor was moved from the Brisbane Immigration Transit Accommodation centre to detention in Darwin on Friday after speaking to the ABC.

Her husband, Milad Jafari, said he did not understand why his wife was moved when she had family support and was attending school in Brisbane.

"They were dragging her on the ground and taking her to the interview room, telling her she's going to be deported and separated from the husband and she's not going to be able to study anymore," he said.

Mr Jafari said he was not allowed to say goodbye to his wife, who he has been visiting every day since she was re-detained.

"I felt like a dead body," he said.

"Why can't I even talk to the person who I love? I just want to calm her down. I don't want her to get [panicked]."

Detention 'heartbreaking, extremely disruptive'

The Immigration Department said Ms Shamsalipoor was moved to Darwin for operational reasons, not because she spoke to the ABC.

The relocation means Ms Shamsalipoor is unable to continue her Year 12 studies at Brisbane's Yeronga High School.

Teachers at the school were upset and planning to protest against the move, saying it was distressing.

"It is heartbreaking, it is extremely disruptive, [Mojgan] will be emotionally distraught right now," Yeronga High School teacher Ken Myers said.

The department said it was trying to resolve the cases of failed asylum seekers who were living in the community and expected them to leave Australia voluntarily.

It said they can be detained and removed if they don't cooperate.

Greens senator Sarah Hanson-Young said the practice was inhumane.

"The Government's objective is to make people feel so horrible, so helpless, that they'll give up and go home," she said.

"Picking people up out of the community, locking them up, moving them to remote locations such as Wickham Point, is all about forcing people to choose between the hell of Iran or the hell of detention."

There are almost 7,000 Iranians who came by boat living in the community on bridging visas, but at least 265 have had their refugee claims rejected, and some have already been sent back to detention.

If Australia reaches an agreement with Iran, Ms Shamsalipoor could be one of the first scheduled to go back there.

"I told immigration that if that stage come and they want to deport me, I will kill myself before I go to Iran," she said.

"Die in peace is better than [to] die with torture."

<http://www.abc.net.au/news/2015-08-08/iranian-asylum-seekers-devastated-by-return-to-detention/6682210>

9. Teachers, pupils rally against detention of Iranian student, Border Force Act in Brisbane

ABC News Online

By Stephanie Smail and Patrick Williams

First posted Sat 8 Aug 2015, 12:59pm

Updated Sat 8 Aug 2015, 3:32pm

An Australian resident whose Iranian wife has been put back into immigration detention after more than two years in the community says he will do anything to keep her with him.

Milad Jafari said his wife Mojgan Shamsalipoor was abused and tortured in Iran and she would not leave Australia voluntarily.

"No, never. Never," he said.

"She was tortured, she was sexually abused. How can [her refugee claim] not be approved by the Government?"

Ms Shamsalipoor was re-detained in December 2014 after having her refugee claim rejected and put back in detention at the Brisbane Immigration Transit Accommodation centre, where she had been allowed to continue her education at Yeronga High School.

But on Friday, the 21-year-old was moved from Brisbane with just three months left of her Year 12 education and sent to detention in Darwin after speaking to the ABC.

She is one of a number of Iranians who have been put back in detention in recent months as the Federal Government negotiates with Iran to accept the return of its citizens who have not been found to be refugees.

About 100 people gathered in Brisbane's Reddacliff Place on Saturday to protest the Border Force Act - which makes it a crime, punishable by two years' imprisonment, for anyone who does work for the Department of Immigration and discloses any information obtained by them while doing that work.

Many of the protesters came dressed in purple and aqua - Ms Shamsalipoor's favourite colours.

Mr Jafari, who was at the rally, said he spoke to his wife last night, who urged him to be calm.

"I would do anything to keep her with me," he said.

"I'll support her as much as I can, because she is my wife and I've promised to take care of her for the rest of my life."

The Immigration Department said Ms Shamsalipoor was moved to Darwin for operational reasons, not because she spoke to the ABC.

Many of the supporters at the rally were from Yeronga High School, where Ms Shamsalipoor was being educated.

Teacher Jessica Walker said Ms Shamsalipoor had only three months left before finishing Year 12.

"I say shame. It's not fair, it's not right," she told the crowd.

"They couldn't wait three months for her to finish her education? It's revolting.

"We're standing up and we're going to continue to campaign for Mojgan. Because it's not fair, we believe in a better Australia than this.

"We can't believe as Australian citizens this is happening in our country and in our name. It's not fair and it's not right."

<http://www.abc.net.au/news/2015-08-08/mojgan-shamsalipoor-rally-against-removal-brisbane-student/6682842>

10. Myanmar refugees plan own church after building new life in WA's Great Southern

ABC News Online

By Mark Bennett

First posted Mon 3 Aug 2015, 9:21pm

Updated Mon 3 Aug 2015, 10:19pm

Seven years ago, a small group of refugees arrived in the Western Australian town of Katanning to start what has become a story of success for the displaced Karen people of Myanmar.

The seven men and one woman had managed to migrate to Australia from refugee camps in Thailand, after fleeing persecution in eastern Myanmar from military rulers.

The group initially settled in Perth before travelling to the southern Wheatbelt town to work in the local abattoir, which employed non-English speaking migrants.

From those beginnings, the number of Christian Karen in Katanning has grown to 150, with 40 families settled in the district. And they are now hoping to build their own church.

The group has bought a 16-acre block of land two kilometres out of town, with plans to build a church hall where they can conduct services in their own language.

Rezoning the rural block to allow them to build a place of worship has just been approved.

The only objection raised during the public consultation was whether the noise of the traditional Karen drummers would disturb the neighbours' peace, but that has been resolved.

Building a modest hall for Burmese Baptist services will have to wait until more funds can be saved by the group, but in the meantime, community leader Soe Pwell Mookwa is hoping they can use the block to grow and sell food to help pay for the church.

"This is like our dream, we cannot build straight away, so we'll we just keep the block and pay off the mortgage over 20 years," he said.

Help from Aunty Jean

Each member will contribute between \$5 and \$10 a week to help pay the mortgage, which has been brokered by the Baptist Church in Perth.

Jean Phillips from the Katanning Baptist Church said the purchase underscored the industrious, and essentially Christian, values the Karen live by.

"They are people who want to work. They don't want to be on Centrelink, they don't want to be on government handouts," she said.

"Working is part of their ethic."

Aunty Jean, as the Karen have taken to calling Mrs Phillips, helped the fledgling community learn English as well as the customs and ways of their new country.

"They work hard, they are very honest people, and bringing up their children to have good manners, be respectful of older people and to be good neighbours," she said.

"Slowly, over time, 27 of them have bought their own houses in that seven years."

Home to almost 50 ethnic groups

Taken under the wing of the Baptist community in Perth, and now the Katanning Baptist congregation, the Burmese men, women and children have become a growing part of a town which has proudly declared itself a "Refugee Welcome Zone".

Katanning has now become home to almost 50 ethnic groups, mostly refugees and displaced people from oppressive regimes and escapees from war-torn countries.

The Harmony Day Parade in Katanning demonstrates the extraordinary range of nationalities, faiths and creeds that have settled in the traditional wheat and sheep farming hub.

Cocos Island Malays, Burundians, Afghanis, Somalians and the Karen are just some of those to form a haven in the town.

Reflecting the diversity, 15 churches of differing denominations already provide places of worship for a population of just over 4,000 residents.

Federal Member for O'Connor Rick Wilson said he admired the way the Karen had adapted to life in regional WA, given the language difficulties.

"The Karen children have settled well into the local schools, [are] fluently bilingual and achieving good results," he said.

"Graduates are now filtering into local employment, apprenticeships and further education, with young men training as plumbers, painters and mechanics and young women in nursing, teaching and child care.

"I see [the church land purchase] as a very welcome development.

"It shows that they have a long-term commitment to the region and the Katanning community, but it also shows real initiative on behalf of their leadership to look for opportunities and to grab those opportunities when they come."

<http://www.abc.net.au/news/2015-08-03/refugees-make-wa-town-home-build-new-life-in-great-southern/6669424>

11. Australia and Indonesia formally resume full diplomatic relations - with no mention of Bali 9

Sydney Morning Herald
August 6, 2015 - 8:11AM
Lindsay Murdoch

Kuala Lumpur: Australia and Indonesia have formally resumed full diplomatic relations after Julie Bishop and her Indonesian counterpart Retno Marsudi kissed each on the cheek at the start of a 30-minute a meeting in Malaysia.

Neither woman mentioned the executions by firing squad of rehabilitated Australian drug smugglers Andrew Chan and Myuran Sukumaran on an Indonesian prison island just over three months ago.

And neither mentioned the thorny issue of boat turn-backs.

The Abbott government withdrew its ambassador in Jakarta and called a halt to ministers meeting with their Indonesian counterparts in the wake of a huge public backlash in Australia over the executions.

But in front of television cameras at an annual meeting of the 10-member Association of South-East Asian Nations and their key trading partners on Wednesday night, both Ms Marsudi and Ms Bishop called each other friends and talked about a productive relationship between their two contrasting nations, while looking ahead to further strengthening ties.

Ms Bishop came to the meeting armed with action plans:

--- By the end of the year Trade Minister Andrew Robb would lead an Australian business delegation to Indonesia.

--- By the end of the year foreign and defence ministers from both countries would meet to discuss defence and foreign policy issues.

--- Australia plans to open a new consulate in Indonesia.

Ms Bishop ended the meeting by thanking Ms Marsudi for her personal friendship and her willingness to take calls from her at any time of day or night, even during three months of a diplomatic freeze.

Both women then hurried off to further meetings and a gala dinner hosted by Malaysia.

<http://www.smh.com.au/world/australia-and-indonesia-formally-resume-full-diplomatic-relations--with-no-mention-of-bali-9-20150805-gjsjnz.html>

12. Vietnamese asylum seekers returned to Vietnam, Immigration Minister Peter Dutton confirms

ABC News Online

By political reporter Matthew Doran

Posted Thu 6 Aug 2015, 9:18am

Immigration Minister Peter Dutton has confirmed 46 asylum seekers were returned to Vietnam after their boat was intercepted off Western Australia last month.

The boat, carrying what was believed to be Vietnamese asylum seekers, was spotted by crew members on an oil tanker about 150 kilometres off WA's north-west coast.

At the time, a spokesperson for oil and gas company Modec said those on board appeared to be in good health.

Water police were called in to help locate the boat and the ABC understands an Australian Navy vessel followed later.

During the operation the Federal Government would not comment on the matter, but Mr Dutton now says the asylum seekers were sent back to where they came from.

"There were 46 people on a recent venture that did come from Vietnam, we have negotiated their return to Vietnam," Mr Dutton said.

"We have worked on a bilateral basis with the Vietnamese Government.

"The boat that they came on has been scuttled and we have been able to stare down that venture."

Mr Dutton said it was indicative the Federal Government's boat turn-back policy was working.

"We have a very clear policy in place and that is that people who seek to come to our country by boat illegally will not settle in our country," Mr Dutton said.

"We have a very good working relationship with the Vietnamese government, but we have these discussions, these negotiations on a case-by-case basis but we are working very well with the Vietnamese government.

"I want to thank them for the effort and for their support in relation to returning these 46 Vietnamese — to whom Australia owed no protection.

"Those people have arrived back safely ... a good outcome for Operation Sovereign Borders and a good outcome for the sovereignty of our nation."

Mr Dutton said Operation Sovereign Borders had stopped 20 boats, carrying 633 people from reaching Australia over the past 18 months.

<http://www.abc.net.au/news/2015-08-06/dutton-confirms-asylum-seekers-sent-back-to-vietnam/6676780>

13. In a rare disclosure, Abbott government admits turning back 633 asylum seekers

Sydney Morning Herald

August 6, 2015 - 12:21PM

Nicole Hasham

Boats carrying more than 630 asylum seekers have been turned back under the Abbott government including a vessel that was returned to Vietnam last month, Immigration Minister Peter Dutton says, in a rare release of usually secret details of "on-water operations".

The disclosure marks one year since an asylum seeker boat has arrived in Australia. It came as Foreign Minister Julie Bishop claimed neighbourly relations with Indonesia were back on track after a diplomatic freeze partly brought about by boat turn-backs.

It also follows official advice that Australian authorities saved lives in May when they turned back a distressed boat whose crew was allegedly paid \$5000 each to return to Indonesia.

Mr Dutton on Thursday said it has been a year since a successful operation by "evil people smugglers" seeking to bring asylum seekers to Australia.

The last boat containing 157 Tamil asylum seekers who had fled Sri Lanka arrived in June last year. It was intercepted near Christmas Island and the passengers were detained on a Customs boat for a month, before being transferred to the Curtin detention centre, then Nauru.

Since December 2013 when the turn-back policy began, 633 people on 20 boats have been turned away and thousands more dissuaded from making the perilous journey to Australia, Mr Dutton said.

"If people smugglers see ventures getting to Australia successfully, that is a green light for the people smugglers to be back in business," he said.

"We are not going to allow the deaths at sea to recommence."

The government has previously revealed that 12 boats arrived in the six months to May last year. It means eight boats have been turned back in the past 14 months, indicating the rate is slowing.

It is widely accepted that the turn-back policy, described as cruel by critics, has dramatically stemmed the flow of asylum seeker boats headed to Australia.

At Labor's national conference last month, Opposition Leader Bill Shorten headed off an attempt by the Left faction to amend the party's platform to prohibit a future Labor government turning boats back to Indonesia.

Labor frontbenchers Anthony Albanese, Tanya Plibersek and Penny Wong opposed the move – division the government has seized on to claim the party lacks conviction on the issue.

On Thursday, Mr Dutton said Labor was "split down the middle ... you need to have the resolve to stare these people smugglers down and the Abbott government has had that resolve".

Mr Dutton confirmed 46 people on a boat from Vietnam were returned last month – the government's first admission of the boat's existence.

Late last month, Prime Minister Tony Abbott would not say if the government was in talks with Vietnam about the return.

Mr Dutton said on Thursday Australia had "negotiated their return".

"We have been able to stare down that venture and it's a significant outcome," Mr Dutton said, adding the operation was a "good outcome for the sovereignty of our nation."

Refugee advocates believe the boat contained Vietnamese Catholics escaping persecution, including women and children. They expressed fears for the passengers' safety upon their return.

<http://www.smh.com.au/federal-politics/political-news/in-a-rare-disclosure-abbott-government-admits-turning-back-633-asylum-seekers-20150806-gist50.html>

14. Border officials saved lives of asylum seekers on boat they allegedly paid to turn back: OSB commander

Sydney Morning Herald
August 6, 2015 - 7:41AM
Nicole Hasham

Border officials saved the lives of asylum seekers on a boat whose crew was allegedly paid to return to Indonesia, the head of Australia's border security operations has revealed, saying the vessel was struggling in bad weather and called for help.

The statement by Major General Andrew Bottrell indirectly refutes claims by Indonesian police that Australian authorities sent the distressed boat back on a "suicide mission".

But he stopped short of confirming or denying the alleged payments. Indonesian police said they amounted to bribery and the Australian government should provide answers.

It comes as Foreign Minister Julie Bishop signalled Australia's relationship with Indonesia is back on track after a diplomatic freeze partly triggered by boat turn-backs.

Ms Bishop and her Indonesian counterpart Retno Marsudi met in Kuala Lumpur on Wednesday, however neither mentioned the thorny issue.

Fairfax Media revealed in June that passengers and an Indonesian police chief claimed Australian border protection officials paid people smugglers to return asylum seekers intercepted north of Australia en route to New Zealand.

Indonesian officials have been investigating claims that crew members were paid \$5000 each to turn the boat around.

The Australian government has never confirmed the payments. Ms Bishop and Immigration Minister Peter Dutton denied the reports, but Prime Minister Tony Abbott refused to do so.

Major General Bottrell, the commander of the military-led Operation Sovereign Borders, wrote to a parliamentary committee investigating if cash or other inducements have been paid in exchange for boat turn-backs.

He offered "additional information in relation to a recent assisted return" in late May.

Major General Bottrell said the boat was observed by border protection officials north of Australia "operating in poor weather conditions, which were rapidly deteriorating".

"The Master of the vessel indicated they were experiencing difficulty and requested assistance," he said, adding Australian authorities offered immediate help and "assisted the safe return of the people to Indonesia".

"I believe our actions to assist this vessel were necessary to preserve the safety of life of those on board," he said.

"The officers on board the Border Protection Command vessels operated in dangerous sea conditions to render assistance to the distressed vessel".

Mr Dutton claimed "public interest immunity" and refused to hand over any documents about the alleged payments to the inquiry.

Major General Bottrell said his disclosures fell outside that claim after being determined, in consultation with Mr Dutton, as "no longer operationally sensitive".

His version of events correlates somewhat with that of Indonesian officials who spoke to the boat's passengers and crew upon their return.

According to those reports, the boat hit a reef and was stranded off Landu island. It was purportedly intercepted by the navy warship HMAS Wollongong and an Australian customs boat in international waters.

Indonesian authorities said the payments allegedly took place near Greenhill Island in the Northern Territory.

One official said sending 65 asylum seekers back to Indonesia on two boats with just a drum of fuel each was akin to "a suicide mission", and asked "where is the humanity?"

Major General Bottrell said the joint agency taskforce running Operation Sovereign Borders "will continue to work cooperatively with our neighbours in the region to thwart criminal people smugglers, stem illegal maritime flows, and to save lives at sea".

Explaining the reluctance to release further information, he said people smugglers may use it to limit the effectiveness of border protection procedures, such as by disrupting lawful boardings.

"In some cases this has led people to sabotage their own vessel, putting their lives and the lives of Australian officials who attempt to save them at risk," he said.

"Public knowledge regarding our maritime operations may lead people to make dangerous assumptions about our maritime assets, and ill-informed judgements about voyage planning, including the selection of the route, crew and vessel.

"Passengers may be told by people smugglers not to be concerned by the poor state of their vessel, inexperience of their crew, or lack of provisions based on incorrect assumptions about how Australian assets will respond."

Major General Bottrell said the primary concern of Operation Sovereign Borders has always been "safety of life at sea".

"There have been no deaths at sea by those attempting to reach Australia since December 2013, in comparison to over 1200 men, women and children who perished in the five years prior," he said.

<http://www.smh.com.au/federal-politics/political-news/border-officials-saved-lives-of-asylum-seekers-on-boat-they-allegedly-paid-to-turn-back-says-operation-sovereign-borders-commander-20150805-gisjeo.html>

15. Australia turned back 20 asylum seeker boats with 633 people in past 18 months

Immigration minister Peter Dutton says the government's hardline immigration policy has been able to 'stare down these evil people smugglers'

The Guardian
Bridie Jabour
Thursday 6 August 2015 12.48 AEST

The Australian government has turned back 20 boats carrying 633 asylum seekers in the past 18 months, the immigration minister announced on Thursday.

Peter Dutton confirmed there had been 20 turnbacks since December 2013 but would not go into detail about when they occurred.

He framed the announcement as the successful prevention of asylum seeker deaths at sea and said that if those 20 boats had been allowed to reach Australia "200 or 2,000" could have followed.

"We have [more than] a year since we have had a successful people-smuggling operation and that is good news because we have had no reported deaths under Operation Sovereign Borders at sea and we have been able to stare down these evil people smugglers," he told reporters in Sydney.

Dutton said the phrase "turnbacks" included scenarios such as assisted returns.

Dutton also used the announcement to attack the opposition, saying 50,000 people arrived on 800 boats under the previous Labor governments and the deputy leader, Tanya Plibersek, opposed the principle of turnbacks.

"You need to have the resolve to stare these people smugglers down and the Abbott government has had that resolve," he said.

"If people smugglers see ventures getting to Australia successfully, that is a green light for the people smugglers to be back in business. That is why the government has the absolute resolve we have had from day one under Operation Sovereign Borders. It's why it will remain because we are not going to allow the deaths at sea to recommence."

The most recent known turnback was a boat travelling from Vietnam carrying 46 asylum seekers. The turnback was confirmed in May. At that time the figure for the total number of turnbacks since September 2013 was put at 18 by Major General Andrew Bottrell, the commander of the government's hardline asylum seeker policy.

Dutton said Australia worked on a bilateral basis with the Vietnamese government to return the asylum seekers.

"We have been able to stare down that venture and it's a significant outcome and I want to praise the work of the Australian border force officers as well as those from defence because this was a very significant outcome," he said.

Asked if there was an agreement in place with the Vietnamese government to send back boats, Dutton said there were negotiations on a case-by-case basis.

"We are working well with the Vietnamese government and I want to thank them for the effort and for their support in relation to returning these 46 Vietnamese to whom Australia had no protection," he said. "Those people have arrived back safely."

Asked how many boats have been turned back this year, Dutton said he was not going to break down the figure of 20.

Tony Abbott campaigned heavily on a slogan of "stop the boats" in the leadup to the 2013 election and the Liberal government has claimed success for the policy on numerous occasions.

The government has been secretive about its asylum seeker policy, rarely confirming turnbacks when they have happened.

There were allegations in May that navy officers had paid an asylum seeker boat bound for New Zealand to turn back to Indonesia. Many people have made the claims, including Indonesian police and asylum seekers on board, but the government has avoided directly responding to them. Questioned about it in May, Abbott said the government had "stopped the boats".

"There's really only one thing to say here, and that is that we've stopped the boats. That's good for Australia, it's good for Indonesia and it's particularly good for all those who want to see a better world," the prime minister said.

<http://www.theguardian.com/australia-news/2015/aug/06/australia-turned-back-20-asylum-seeker-boats-with-633-people-in-past-18-months>

16. Papua New Guinea court rules human rights inquiry null and void over perceived bias

ABC News Online

By Papua New Guinea correspondent Liam Cochrane

First posted Thu 6 Aug 2015, 9:10am

Updated Thu 6 Aug 2015, 9:48am

Papua New Guinea's Supreme Court has declared a human rights inquiry into the Australian-run detention centre on Manus Island to be null and void, because of perceived bias.

A three-person bench of the court unanimously decided the judge who started the inquiry was wrong to preside over proceedings and failed to disclose that an expert witness was a friend, according to local media reports.

In February last year, justice David Cannings took the initiative to start the inquiry to see if human rights guaranteed under PNG's Constitution were being breached by the detention of asylum seekers.

He appointed Dr Paul Crouch-Chivers, who is a public health specialist, as a key expert witness.

Dr Crouch-Chivers has previously worked at the University of Papua New Guinea, as well as the Australian High Commission

"During the time of appointment of witness Dr Crouch-Chivers by the court, His Honour [Mr Cannings] failed to draw attention to his connection being a personal friend of long connection to the witness," said justice Sir Bernard Sakora, according to the Post-Courier newspaper.

The lawyer for the State of PNG and the chief migration officer argued that the Constitution allowed a judge to "initiate" a human rights inquiry but not to "conduct" that inquiry.

The Supreme Court ruled that Mr Cannings' move to initiate the inquiry would have created a reasonable suspicion that he had an interest in the case and was therefore not impartial

"This was a case that ought not to have been embarked upon in the manner the learned primary judge did," Mr Sakora was quoted as saying.

When the PNG Government was granted a stay order on the human rights inquiry in March 2014, Mr Cannings immediately started a second inquiry into possible human rights breaches against asylum seekers.

Several other challenges to the Australian-run immigration centre are ongoing, including a case in which a third of the asylum seekers detained say they have been denied access to a lawyer and have been unfairly denied their right to liberty.

The Manus Island detention centre is part of Australia's policy to process offshore any asylum seekers who arrived in Australian waters by boat after 9 July, 2014 as a disincentive to making the dangerous journey.

Two years after the policy was announced, more than 40 refugees have been moved out of detention and into a transit facility on Manus Island, but none have been permanently resettled in PNG.

Almost 1,000 men remain in immigration detention.

<http://www.abc.net.au/news/2015-08-06/png-court-says-human-rights-inquiry-into-manus-island-void/6676822>

17. PNG Prime Minister Peter O'Neill cracks down on Manus detention centre's Australian staff

Sydney Morning Herald

August 5, 2015 - 5:36PM

Nicole Hasham

A company paid about \$440 million a year to run the Manus Island detention centre is allowing drunken staff to misbehave, the Papua New Guinea government says, ordering its own officials to intervene after Australian workers allegedly sexually assaulted a local female employee.

Prime Minister Peter O'Neill has announced he will impose a "zero tolerance" approach to alcohol and drugs at the centre, including regular substance testing, to ensure an alcohol ban there is properly enforced.

He said the company in charge of contract workers had not "maintained discipline" and PNG's chief migration officer would impose stricter controls.

The Australian government pays Transfield Services about \$440 million a year to operate the Manus Island centre, and has a separate contract for an asylum seeker facility at Nauru.

Transfield Services subcontracts Wilson Security to maintain safety and order at both centres.

In mid-July, three Australian Wilson Security guards were allegedly found naked with a woman who claimed she had been drugged and sexually assaulted. The guards are now back in Australia – a move that angered PNG police who were investigating the incident.

Mr O'Neill said he was awaiting a report on the allegations but "alcohol played a part in what did transpire".

"This is not the first time we have heard of inappropriate expatriate behaviour as a result of alcohol consumption, and this has to stop," he said.

"The [centre] is a dry facility and staff are not permitted to consume alcohol."

He said staff found to have consumed alcohol or taken drugs would be dismissed.

"The foreign workers at the [centre] have signed agreements as part of their employment that come with strict conditions," Mr O'Neill said, adding they were paid generously for their work.

Many were former military personnel who "should have the discipline not to need to drink while they are away on a posting".

Mr O'Neill's strong comments come amid anger among Manus Island residents about the alleged sexual assault of the local woman.

Manus police had threatened to arrest all Australian managers at the centre if Australian authorities did not return the accused men. However, the deadline passed last Thursday and it appeared no arrests were made.

The Department of Immigration and Border Protection and Transfield Services have been contacted for comment.

<http://www.smh.com.au/federal-politics/political-news/png-prime-minister-peter-oneill-cracks-down-on-manus-detention-centres-australian-staff-20150805-gis2nc.html>

18. Immigration department defends Transfield after Manus Island rape allegations

PNG prime minister has criticised Transfield for not enforcing drug and alcohol rules, but the immigration department has defended the company's actions

The Guardian
Australian Associated Press
Thursday 6 August 2015 09.50 AEST

The immigration department insists the Australian operator of the Manus Island detention centre has always maintained a strict drug and alcohol policy.

Papua New Guinea prime minister Peter O'Neill has ordered a crackdown on staff drinking and drug taking, in the wake of allegations three Australian guards who worked for Wilson Security raped a local woman who also worked at the centre.

O'Neill said the centre was supposed to operate a dry policy and criticised centre operator Transfield Services and Wilson Security for not enforcing the rules.

He has ordered PNG's chief migration officer to impose stricter controls and conduct regular drug and alcohol tests.

The immigration department has defended the action of Transfield.

"Service provider staff are subject to testing for alcohol consumption to ensure compliance with the drug and alcohol policy," a department spokeswoman said on Thursday.

"The department expects service provider staff to act appropriately and with integrity in all their dealings."

The department knew disciplinary action had been taken against staff but declined to provide figures on the number of breaches.

The spokeswoman said the department took any concerns raised by the PNG government seriously.

PNG police are still investigating the rape claims and officers are upset the guards were suspended and returned to Australia before they could be questioned.

<http://www.theguardian.com/australia-news/2015/aug/06/immigration-department-defends-transfield-after-manus-island-allegations>

19. Another detainee dead in asylum camp run by Government

ABC Radio CAF - PM
Peter Lloyd
Monday, August 3, 2015

MARK COLVIN: Another young asylum seeker has died in an immigration detention centre.

The Federal Government insists there are no indications of suicide or suspicious circumstances.

But fellow detainees contacted by PM say the young man may have died by his own hand while under suicide watch.

Peter Lloyd reports.

PETER LLOYD: Nasim Najafi was in his mid-twenties. He'd arrived in Christmas Island four years ago after escaping from the Taliban in Afghanistan. His entire ethnic Hazara family had been killed by the militants and he felt he had no option but to run.

Last Friday night, Nasim Najafi's body was discovered in a room at the Yongah Hill detention centre near Perth. There are disputed accounts about his death, two detainees in Yongah spoke to PM on condition that their names be withheld.

DETAINEE 1: Nasim, he was well and fit, he used to do gym every day, eat well and all of a sudden, like for three weeks he stopped doing gym, I believe he was very depressed.

PETER LLOYD: This man told PM Mr Najafi had been moved to a new room set aside to keep people under 24 hour surveillance.

DETAINEE 1: That way they can be, pay attention more to him.

PETER LLOYD: So you're saying they had some idea that he was in psychological trauma and trouble?

DETAINEE 1: Yes.

PETER LLOYD: Nasim Najafi's lawyer is immigration law specialist Michaela Byers in Sydney, she casts doubt on the statement from the Department of Immigration and Border Protection that the death is not suspicious.

MICHAELA BYERS: It seems very hard to believe, especially if he was in a special room where they were watching him, that he was on suicide watch, then it would seem that it would be more likely that he'd die of his own hand, as opposed to natural causes.

PETER LLOYD: Do you have any ideas why he would want to kill himself?

MICHAELA BYERS: Well it's been reported to me that he was in detention for three years or more, being detained for that length of time does cause psychological trauma which could lead to self harm, there's plenty of psychiatric evidence of that.

PETER LLOYD: West Australian police have begun an investigation into how Mr Najafi died.

One detainee who spoke to PM says the centres operators, Serco, refused to allow friends to conduct any death rituals. He says authorities banned anyone from seeing Mr Najafi's face specifically.

DETAINEE 1: What they said is he committed suicide, like his neck was slashed, he cut himself up. But as the story unfolds then we continue, well, nobody saw what happened exactly, so it's not really accurate, it's only 50/50. Maybe he did, maybe it was like a natural death. But some of them are saying that he may had a heart attack.

PETER LLOYD: The second detainee says that in the past two weeks Mr Najafi had complained of chest pain and had been given a panadol.

DETAINEE 2: Before he died he's gone to a medical place, he said I'm in pain, I'm sick, I need medicine. After that they didn't give it to him, they just sent him back from where he come from.

PETER LLOYD: He doesn't believe suggestions that his friend died from a heart attack.

DETAINEE 2: I can't believe it, heart attack, it's not, it's just forever he was a fit guy you know.

PETER LLOYD: Today the immigration and border protection agency defended the provision of medical services at the detention centre.

STATEMENT FROM IMMIGRATION AND BORDER PROTECTION AGENCY: Detainees have access to appropriate health care and medical treatment at a standard at least comparable to the health care available to the Australian community. The department extends our deepest sympathy to the individual's family and friends.

Appropriate support is being provided to detainees and staff at the centre. As the matter is currently under investigation no further details can be provided.

PETER LLOYD: But what Mr Najafi's lawyer and friends inside Yongah Hill want explained is why a death said not to be suspicious would be treated like a crime scene.

DETAINEE 1: I just speak to Serco manager, I told him before you take his body, I want some privacy with him, I want a goodbye with him, police officer as well said to me, you can't see his face or you can't touch him.

MARK COLVIN: That's one of the Yongah Hill detainees, speaking about the death of his friend, Nasim Najafi. Peter Lloyd was the reporter.

<http://www.abc.net.au/pm/content/2015/s4286215.htm>

15. Detainee threatened with acid attack after refugee drug trade shut down on Manus Island

ABC News Online

By PNG correspondent Liam Cochrane

First posted Wed 5 Aug 2015, 9:06am

Updated Wed 5 Aug 2015, 9:23am

A marijuana trading business has been shut down inside the Australian-funded refugee transit centre on Manus Island, prompting a threat of a revenge attack with acid.

A refugee living at the facility said for the last two months refugees living at the East Lorengau transit centre have been trading locally-grown marijuana, phone credit and clothes with other refugees visiting for classes.

There are 43 refugees at East Lorengau awaiting resettlement and moving freely around Manus Island's capital but other refugees refuse to take that step and remain in detention at the Lombrum navy base, where supplies are limited.

A week ago, the facility's operators stopped the Lombrum refugees visiting East Lorengau, effectively shutting down the trade of contraband.

Iranian Reza Mollagholipour said he expressed happiness the illegal activities had ended and one of the Iranian drug dealers accused him of tipping off guards.

"He directly told me, 'Reza, I'm very annoyed about that'," Mr Mollagholipiur quoted the man as saying.

"[He said] I will give some cigarette or some money to local people [and] when you get out from accommodation [they will] drop some acid on your face."

Mr Mollagholipour denied informing security about the drug trade but made a complaint about the acid threat to Transfield Services.

Transfield Services have a \$1.2-billion contract to run Australia's detention centres on Manus Island and Nauru.

PNG's immigration department did not respond to the ABC's request for comment.

A spokeswoman for Australia's Department of Immigration and Border Protection (DIBP) said PNG is responsible for the management of the East Lorengau Refugee Transit Centre (ICSA).

"Any illegal activity or threats of assault are matters for the Royal PNG Constabulary (RPNGC)," the DIBP spokeswoman said.

There was, however, acknowledgment of the garrison role the private operator has on Manus Island, including initial investigations.

"Transfield provides support to PNG ICSA in maintaining the safety and security of the ELRTC [East Lorengau Refugee Transit Centre] and the refugees residing there," the spokeswoman said.

"In the case of allegations such as these being made, Transfield investigates and provides relevant information to ICSA for consideration.

"ICSA provides information and referrals to the RPNGC as appropriate."

Locals furious about lack of investigation

This chain of reporting appears not to have been followed in another incident in mid-July, where a young PNG woman was found naked in the Australian-funded staff accommodation next to the Lombrum detention centre.

Two weeks later, she filed a police complaint alleging attempted rape and sexual assault.

Three expatriate staff from Wilson's Security were sent home for breaching their company's code of conduct but local police and politicians are furious they left before authorities could investigate.

In a separate incident, an Afghan doctor was restrained and carried out of the transit centre last night by PNG police after a fight between refugees at the East Lorengau facility.

He was reportedly hospitalised before being transferred to police cells. It is not clear if any charges have been laid.

A refugee at the transit centre said some men were becoming distressed after spending months confined to Manus Island despite having refugee visas legally entitling them to travel to other parts of PNG.

The PNG Government has banned refugees leaving Manus Island until it has formulated a resettlement policy, which was due to be completed more than a year ago.

Two years after male asylum seekers began arriving on Manus Island as part of Australia's "stop the boats" campaign, no refugees have been permanently resettled in PNG.

<http://www.abc.net.au/news/2015-08-05/acid-threat-after-refugee-drug-trade-shut-down-on-manus-island/6673760>

17. Foreign journalists are bullying Nauru in asylum abuse reports, president claims

Baron Waqa, in an opinion piece for News Corp, dismisses reports of sexual and physical violence on the island and claims reporters are trying to 'mock us'

The Guardian
Michael Safi
Monday 3 August 2015 12:31 AEST

Foreign journalists are bullying Nauru, the Pacific nation that houses one of Australia's offshore detention facilities, "based on their belief that our differences make us inferior", its president has claimed.

Reports about the conditions faced by asylum seekers on the island – including of women sleeping in jeans for fear of being raped, threats of arrest for protests and beatings by locals – were based on a sense of superiority among foreign journalists, president Baron Waqa wrote on Monday in Sydney's Daily Telegraph.

"To [journalists], our differences are something to be scorned, and our simpler lifestyle provides them with an opportunity to mock us without care or consequence," he said. "By another name it is pure bullying."

Waqa also defended Nauru's legal system following a crisis last year that led to the resignation of the country's Australian chief justice and sole magistrate, amid claims of political interference in the judicial system.

Australia's department of foreign affairs has said the treatment of the two Australians gave "rise to concerns about the rule of law in Nauru and Nauru's reputation internationally".

But Waqa said his government had increased the number of chief justices in the country and reformed a system which "for many years ... allowed a few people to make considerable wealth and wield too much power".

He dismissed reports of endemic sexual and physical violence against asylum seekers, including children, arguing the standards in detention were "world class and far exceeds the standard of many refugee camps across the world".

"Asylum seekers enjoy an 'open centre' policy and are regularly seen swimming, dining out and enjoying a lifestyle that is safe, far safer than the lands they left," he said.

Few foreign journalists have been able to access Nauru since the government raised the price of a visa for journalists from \$200 to \$8,000 in January last year.

Recently, restrictions on access to Facebook and other social media on the island – limiting the ability of asylum seekers to communicate with the outside world – have earned a rebuke from the US state department.

Since 2012 the Australian government has sent asylum seekers headed for Australia by boat to Nauru to have their claims processed. About 400 have been found to be refugees, with some 600 awaiting determination.

<http://www.theguardian.com/world/2015/aug/03/foreign-journalists-are-bullying-nauru-in-asylum-abuse-reports-president-claims>