

Project SafeCom News and Updates

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1. The European Union's migrant 'emergency' is entirely of its own making

We could treat asylum and labour mobility as questions of justice or opportunity, as some European states did in the postwar era

The Guardian

Ruben Andersson

Sunday 23 August 2015 09.15 AEST

Amid all the panic over the EU's mounting "migrant crisis", let's remember that we have been here before: in fact, a near-perpetual emergency has gathered force ever since the EU started closing its common external borders in the 1990s. Since that time, migration has come to be colonised by interior ministries and security forces as their field of action – with predictable results.

Patrol boats, military planes and drones now track people's movements at sea; coastguards in biohazard suits lead them ashore; then internment awaits in vast camps guarded by men with guns. Overland migration has come to be framed as an emergency in need of a security response; witness this summer's launch of an EU military mission targeting smugglers' boats or the razor wire, tear-gas rounds and patrols keeping people back from Calais to the Balkan borderlands.

Europe's security response has been disastrous and urgently needs a rethink. Instead of "controlling" migration, our policing efforts over the past two decades have simply helped make "emergency" the default setting.

Consider Calais. Millions have been spent on more border security, yet the result has been only more desperation and riskier entry attempts among the Afghans, Syrians or Eritreans there. Or consider the Spanish-Moroccan and Greek-Turkish borders, where tough cross-border policing and tall fences have shifted routes towards riskier maritime crossings. Or look at Libya, where the \$200m-a-year "Friendship Treaty" with Italy, signed in 2009, smoothed the way for pushbacks, detentions and expulsions, resulting in rerouted flows towards Greece.

All the while, Europe-sponsored crackdowns have made life increasingly impossible for sub-Saharan foreigners in north Africa, giving smugglers a stronger hold on their client base.

In short, our "emergency" response has become a self-fulfilling prophecy as arrivals grow, fatalities rise and the smuggling business gets stronger. If border controls were scrutinised in the same way as other publicly funded areas, this abysmal failure would be triggering serious political debate. But instead, governments are going further, with fences, patrols and even military vessels, supposedly deployed to destroy the smugglers' boats pre-emptively, while refusing any sharing of responsibility over refugees or any common approach to migration. Einstein's definition of madness comes to mind: Europe is doing the same thing over and over, each time hoping for a different result.

Yet denouncing the emergency response as counterproductive and quite mad is rather easy. In fact, we also need to see what function it serves if we want to stand any chance of breaking the vicious cycle at the borders.

The "emergency" label mobilises resources and political support, as Silvio Berlusconi knew when he kept Tunisians indefinitely stranded on Lampedusa in 2011 to force Brussels to act, and as Macedonia surely knows today. It allows defence contractors, outsourcing companies and security forces to find willing buyers for their security-based "solutions", bringing new surveillance systems, patrol vessels, co-ordination centres and detention facilities to the market with little scrutiny or due diligence.

As the next "emergency" hits, no one will ask if enough is enough; instead, more money will be earmarked for securing the borders, defying austerity while opening up wormholes for the misappropriation of funds, as investigations into the mafia's involvement in Italy's mass reception regime indicate. To politicians and those with a stake in the system, the emergency response is useful, even as it reproduces the problem it is supposedly meant to combat.

The emergency is not inevitable: we could treat asylum and labour mobility as questions of justice or opportunity, as some European states did in the postwar era. The choice is political. We can keep militarising the borders or bank on mobility. We can opt for ferries, visas and aeroplane tickets instead of sinking rubber boats, squalid detention centres and makeshift camps.

Yet we first need to recognise that powerful interests are stacked against such a move. Indeed, confronting these interests must be at the top of the agenda to have a chance of ending Europe's self-perpetuating migration emergency.

Ruben Andersson is an anthropologist at the LSE, whose book *Illegality.Inc* won the 2015 BBC Ethnography award

<http://www.theguardian.com/commentisfree/2015/aug/23/politics-migrants-europe-asylum>

2. German pro-immigrant protest welcomes asylum seekers to Dresden

Anti-Nazi Alliance organisers estimate 5,000 people took part in march through Pegida stronghold in response to rightwing protests against migrants

The Guardian
AFP in Dresden
Sunday 30 August 2015 10.05 AEST

Thousands of people took to the streets of the German city of Dresden on Saturday to send a message of welcome to refugees after a string of violent anti-migrant protests in the region.

Led by protesters holding a huge banner that read "Prevent the pogroms of tomorrow today", the crowds marched peacefully through the eastern city under the watch of police in riot gear.

"Say it loud, say it clear, refugees are welcome here," they chanted.

Police said 1,000 people took part in the protest, which was called by the Anti-Nazi Alliance, while organisers put the numbers at 5,000.

Dresden is the stronghold of the anti-Islam Pegida movement, whose demonstrations drew up to 25,000 people at the start of the year.

The eastern state of Saxony, of which Dresden is the capital, has suffered a series of ugly anti-migrant protests, with the government saying on Friday it was sending police reinforcements to the state.

"We're here because what is happening in Germany, particularly in Saxony, is unbearable," said Eva Mendl, a teacher who was among the demonstrators.

"Hating refugees, who live here because they can no longer live at home, because they have been through a war ... that shouldn't happen in a rich country," she added.

Afterwards, several hundred participants in the rally gathered in the nearby town of Heidenau, which has been the theatre of protests over the opening of a new refugee centre.

Local authorities had initially banned all outdoor public gatherings in the town of 16,000 this weekend, fearing a repeat of last weekend's clashes between police and far-right protesters in which several dozen people were injured.

But the federal constitutional court on Saturday struck down the ban, paving the way for the pro-refugee rally, which passed off peacefully, with refugees and their supporters dancing together in the street.

Germany is struggling to absorb a vast wave of asylum seekers that is expected to reach a record 800,000 this year.

Chancellor Angela Merkel was booed by far-right activists during a visit to Heidenau's new refugee centre this week, with about 200 people shouting "traitor, traitor" at her.

Merkel has vowed a zero-tolerance approach to anti-migrant violence.

Public opinion is largely behind her, with 60% of Germans polled by public broadcaster ZDF saying that Europe's biggest economy is capable of hosting the asylum seekers.

<http://www.theguardian.com/world/2015/aug/30/german-pro-immigrant-protest-welcomes-asylum-seekers-to-dresden>

3. Foreign correspondent reflects on unequal reporting of Virginia shooting, mass migrant deaths

ABC News Online
By Europe correspondent Philip Williams
First posted Sun 30 Aug 2015, 10:09am
Updated Sun 30 Aug 2015, 10:27am

As I write this, there are two stories dominating the TV screens around me. Well, actually, one. This is the tragic murder of the journalist and cameraman in Virginia in the US. It is a shocking story, made all the more dramatic because their deaths were broadcast live on local breakfast television.

We have two large TV monitors that are tuned to BBC and Sky, so that we do not miss a big story on our patch.

And yes, though this murder is thousands of miles away, both those screens are dominated by the story: the manhunt, the apparent suicide of the perpetrator.

I must admit I have been following it for the past couple of hours.

I suppose part of it is that it is close to home.

All of us in broadcasting can imagine the same thing happening to us. And secondly, it was the drama of how it happened — right in front of a TV audience.

But the story I have been working on is far worse: the discovery of the bodies of around 50 migrants, in the hold of a boat carrying hundreds from Libya, all hoping for a new life in Europe.

Of the two stories, which got the airplay? Well, of course it was the murders in the US.

And I understand why. Here was a very unusual way to die: from within the TV industry.

Naturally TV workers would be interested and so, I suspect, would many millions more.

And of course, other TV companies could easily follow the unfolding tragedy minute to minute, live.

The technology was there to make it happen and then all that footage was available to be relayed across the world.

Public accustomed to anonymous tragedies

When the Swedish boat rescued the hundreds of survivors and recovered the bodies off the north African coast, there were no live crosses or regular updates.

We have grown used to these sorts of stories. This was 50 dead. We have seen 10 times those numbers die in one boat alone.

We have grown used to it, accustomed to ghastly reports of largely anonymous tragedies.

We do not know their names, where they came from, who their loved ones back at home may be.

I remember back in 2002, I was reporting a story for Foreign Correspondent in southern Spain on the flow of migrants across the sea from Morocco to the small Spanish town of Terife.

We were there on a beach as a rubber dingy, overloaded with Moroccans and sub-Saharan Africans, splashed out of the sea and into Europe.

As we chased the police chasing the migrants, we had missed something.

When we returned to the beach, the Red Cross officials were lifting the dead man's body from the sand to the recovery vehicle.

We had initially overlooked the fact this man had died during the crossing.

No-one seemed to know who he was — or appeared to care that much.

After all, his demise was not on live TV and his story all too common to be of interest.

I wondered if his loved ones ever found out what happened to him.

Or are there parents, brothers, sisters in Sierra Leone or Liberia or some other African country, still holding out hope that one day he will return, having lived the dream in the continent of plenty?

Modern news cycle focuses on the 'dramatic', 'attainable'

Giving a name, a background, a past life to someone who has perished humanises and makes it so much easier to capture people's attention and, hopefully, sympathy.

But being able to bring that into everyone's home on live television really ramps up the interest — for better or worse.

The main 6:00pm BBC news did mention the deaths of the migrants, but only as part of a wider migrant story which was broadcast around 20 minutes into the bulletin.

The American TV killings was lead story, although the death toll was 25 times less.

It is the way you die and the accessibility of reporting your demise that dictates where that event sits in the TV and radio bulletins.

And the more publicity, the more people are interested and care.

So if you are nameless and there are no pictures, no grieving relatives, no distraught fiancée/s to be seen, then the emotional connection is not made.

And the circumstances of your death — this time attempting to get to Europe in a boat — well, that just merges into all the other anonymous victims of that odious trade in human desperation.

Is it fair? Is it a reasonable ordering of human values? Not really. Is it understandable? In a way, yes.

Technology and 24-hour news have enabled instant reporting for a few years now and those arts demand instant gratification.

And the easiest way to do that is turn to the dramatic and the attainable.

A boat in the Mediterranean, with its cargo of despair and shame, does not fit that mould, and so we can end up caring less about the deaths of 50 than three.

I do not see this changing. But it never rests easily with me.

That old-fashioned sense of the equality of life just does not sit with the inequality of death.

And that matters, because if we are led to feel more about two American reporters than 50 Somali or Syrian or Afghan asylum seekers, surely we have lost something of our basic humanity.

<http://www.abc.net.au/news/2015-08-30/foreign-correspondent-reflects-on-unequal-reporting-of-deaths/6735030>

4. Savitri Taylor: How civil society can improve refugee protection in the Asia-Pacific

The Conversation

Savitri Taylor

August 25, 2015 1.47pm AEST

At the end of 2014, the Asia-Pacific region hosted around 117,000 asylum seekers and 3.8 million refugees. This is 18.6% of the worldwide total. Pakistan, with 38% of the Asia-Pacific population of asylum seekers and refugees, and Iran, with 25%, were the top two host countries in the region.

Australia, however, hosted just 1% of the Asia-Pacific total.

Less than half of the countries in the Asia-Pacific are parties to the UN Refugee Convention and Protocol. Fewer still have a domestic legal framework for determining asylum seekers' protection claims or protecting refugees.

The problem of protection

Humanitarian considerations result in most countries in the Asia-Pacific tolerating the unauthorised presence of asylum seekers and refugees within their borders most of the time.

But such individuals lead a precarious existence. Without legal status in their host country, they live in fear of being detained and/or returned to the dangers of their home country. Most do not have adequate access to the necessities of life. Some suffer mistreatment at the hands of local people.

Worst of all, they see no end in sight to their predicament. Repatriation is impossible; integration into the community of their host country is not an available option; and the prospects of third country resettlement are remote.

Unsurprisingly, some refugees and asylum seekers move on from their initial country of asylum in the hope that adequate protection can be found elsewhere. Some keep moving as their hopes are dashed in one country after another.

Most governments in the region, including Australia's, are more focused on preventing irregular movement of asylum seekers and refugees into their territory than on addressing the underlying causes of such movement. The Office of the United Nations High Commissioner for Refugees (UNHCR) does its best to provide protection to those falling within its mandate, but the total funds it has available fall far short of its needs-based budget for the region.

In any event, the UNHCR cannot protect asylum seekers and refugees from host-country governments or provide them with durable solutions. All it can do is advocate on behalf of asylum seekers and refugees with governments, though it has not much chance of prevailing in the face of domestic political considerations.

Civil society provides a way forward

But there is hope, even if governments won't protect and the UNHCR can't protect. In many regional countries civil society organisations are attempting to fill the protection gap through service provision, advocacy, or both.

Unlike the UNHCR, which may be perceived as trying to impose a foreign agenda on a country against its national interest, these civil society organisations have local legitimacy because they act and speak for local constituencies. Their pro-refugee views may not currently be held by a majority in their society but they are better placed than outsiders to achieve better protection – perhaps even local integration – for refugees over time.

What they could do with, however, is support.

In 2008, 70 of these organisations came together to create the Asia-Pacific Refugee Rights Network (APRRN). APRRN now has 244 individual and organisational members across 26 countries, including Australia.

With the assistance of a small secretariat based in Bangkok, APRRN members work to advance the rights of refugees in the Asia-Pacific through networking and information-sharing, mutual capacity-building and joint advocacy. By working together, APRRN members have achieved more than they could have separately. But there is still a long way to go.

Australia's deterrence-based approach to stopping irregular movement has an enormous human as well as monetary cost. The monetary cost of deterrence is many times greater than it would cost to protect refugees in the places in which they presently live.

If the Australian government redirected the money it is prepared to spend on deterrence to the UNHCR and the civil society organisations promoting refugee rights in the region, it might be able not only to save refugee lives – its stated objective – but also ensure that refugees had lives worth living.

La Trobe University is hosting a public forum on September 1 on refugee protection in the Asia-Pacific featuring lawyers from Indonesia, Malaysia, Pakistan and Sri Lanka.

<https://theconversation.com/how-civil-society-can-improve-refugee-protection-in-the-asia-pacific-45708>

5. Suvendrini Perera & Joseph Pugliese: Offshore detention 'black sites' open door to torture

The Conversation

August 26, 2015 2.02pm AEST

Suvendrini Perera & Joseph Pugliese

Conditions in Australia's detention camps on Nauru and PNG's Manus Island have reached intolerable levels of violence and abuse committed with apparent impunity. The Australian government disclaims responsibility for such events, which have attracted criticism from the UN Special Rapporteur on Torture.

As academics who have studied the "war on terror" in detail over more than a decade, we feel that the parallels between the US extra-legal prisons at Guantanamo and elsewhere and our Pacific equivalents have become acute and must be exposed.

Offshoring, outsourcing, indefinite detention and extreme and arbitrary violence, including sexual violence, by the officials in charge are among the key characteristics of these detention sites. These centres operate outside of effective state jurisdiction.

Avoiding accountability for sexual violence

We begin by juxtaposing two recent incidents of sexual violence at the shadowy border between Australia and its Pacific gulags.

The first relates to an incident in mid-July. Local PNG police apprehended three male Australian citizens and a PNG woman who were employed by Wilson Security at the Manus Island detention centre.

According to an ABC report, all were naked and appeared intoxicated and disoriented. In ensuing days, the woman reportedly told police she was given pills and sexually assaulted. Police initiated an investigation of "attempted rape, indecent exposure and sexual assault".

Full story at <http://theconversation.com/offshore-detention-black-sites-open-door-to-torture-46400>

6. The Saturday Paper: Nauru's systemic dysfunction

With a new tender imminent for Nauru's detention centre operations, and a senate inquiry report still due, stories continue to emerge of mismanagement, dysfunction and extra-judicial governance.

The Saturday Paper
Aug 29, 2015
Martin McKenzie-Murray

Alanna Maycock was a nurse, employed briefly last year in the Nauruan detention camps. One day, her senior nursing colleague stood at the threshold of the waiting room and called for the next patient. She did so by referring to his boat number – each asylum seeker is assigned one.

Maycock was shocked. "But what's the patient's name?" she asked, but the senior nurse repeated the number.

Maycock was consulting this man also, and wanted to know his name before she met him. That much was standard. "No, can you tell me his name, please?"

"We call them by a boat number," the senior nurse replied.

"Why do you do that?"

"Because there are too many Muhammads."

"Well, in Australia we get around that," Maycock said. "There are quite a lot of Bens, but we try to find out a date of birth and a surname."

A few days later, another of Maycock's colleagues – Professor David Isaacs, a paediatrician – gave a lecture to medical staff contracted by the Australian government. Its subject was compassion.

Halfway through the speech, a nurse stood to register her disgust at Isaacs. She then implored all nurses in the audience to walk out with her. The next day, Isaacs asked the nurse what her objection was. She told him his lecture was offensive.

It was the same nurse who had insisted to Maycock on the use of boat numbers for patients.

Isaacs' and Maycock's contracts weren't renewed after they filed their reports. They had also spoken to the media about the inadequate medical services they discovered. Giving evidence in the June hearings of the senate inquiry into the Nauru camps, Isaacs said that his employers, International Health and Medical Services (IHMS), would have "invited us back if we had not gone and blown the whistle".

To which the Liberal senator Linda Reynolds responded: "Maybe another way to put it is 'breached a contract'."

Politically, our praise of nurses and doctors is malleable; their deference to the Hippocratic oath is not.

Full story at <https://www.thesaturdaypaper.com.au/news/immigration/2015/08/29/naurus-systemic-dysfunction/14407704002306>

7. \$10 million splurge to rename Australian Border Force

Sydney Morning Herald
August 26, 2015 - 1:48PM
Nicole Hasham

What's in a name? If you're the newly created Australian Border Force, the answer is about \$10 million – splashed on military-style uniforms and thousands of signs at airports and detention centres to create a fresh, hardline image.

The uniform splurge follows recent reports by former detention centre workers that detainees at the Australian-run camp on Nauru have not been provided proper clothing, with parents having to cut holes in their children's ill-fitting shoes.

Australia's newly named paramilitary border force began operating in July, triggering the 10th rebranding of the immigration bureaucracy since World War II.

The new name drew ridicule when flagged last year, described variously by critics as "hairy chested", deliberately threatening and a "marketing disaster".

Costings supplied to Fairfax Media shows the government spent \$6.3 million kitting out 4500 ABF officials with new uniforms, insignia, name badges, buttons and safety helmets.

Veteran public servants were reportedly unhappy at being forced to wear the military-style uniform to work after a lifetime of civilian service.

However a department spokeswoman said the new agency and its law enforcement officers must be "properly attired and well equipped".

"It is custom and practice that uniforms and equipment for law enforcement operatives be provided by their employer," she said.

At a Senate hearing last month detention centre workers described as "horrendous" the clothing situation for detainees at the Nauru detention camp.

"Parents actually had to cut holes in their [children's] sneakers because their feet were growing too much and their shoes were too small," said former worker Samantha Betts.

"Children would often ask us to help fix their thongs, which we tried to do on several occasions ... with bread ties and bits of string."

Another case worker said a pair of pink hotpants had been provided to an elderly Burmese woman to wear as shorts.

The government spent a further \$3.5 million on other rebranding activities such as new livery for 300 vehicles, including boats, helicopters and other aircraft.

New signs were erected at 11 international airports and more than 700 signs were required for seaports, depots, offices and immigration detention facilities.

About 8000 "Border Watch" signs replaced the previous "Customs Watch" signs. Thousands of vessel port and date stamps were also replaced.

A spokeswoman said the money was sourced from the department's budget allocations and came at "no extra expense to taxpayers".

The government has said the creation of the ABF, which consolidated customs and immigration border operations, would save hundreds of millions of dollars to be reinvested into the super-charged agency.

Some department insiders were said to be unhappy at the "militarisation" of the new regime. The department reportedly faces the public service's greatest executive brain drain since the 1980s after a quarter of its upper ranks were either shown the door or left after the merger.

Despite the millions of dollars being spent on the ABF, its employees are facing cuts to pay and entitlements, triggering an internal revolt.

Since 1945 the immigration bureaucracy has been known by various names including the Department of Labour and Immigration, Department of Immigration and Ethnic Affairs, the Department of Immigration and Multicultural Affairs and the Department of Immigration and Citizenship.

Customs functions have also been rebranded, including in 2009 when the former Labor government dispensed with the Australian Customs Service, renaming it the Australian Customs and Border Protection Service.

At the time, the Coalition questioned the cost of rebranding, and asked why the name change was needed when the government could have simply absorbed border control functions into the Customs Service.

<http://www.smh.com.au/federal-politics/political-news/10-million-splurge-to-rename-australian-border-force-20150825-gj7rz2.html>

8. Border force to check visas on the streets of Melbourne

ABC News Online

By political reporter Eliza Borrello

First posted Fri 28 Aug 2015, 9:05am

Updated Fri 28 Aug 2015, 9:11 am

The Federal Government has revealed border force officers will check people's visas on the streets of Melbourne this weekend.

In a statement, the Australian Border Force's regional commander for Victoria and Tasmania, Don Smith, said his officers would be positioned at various locations around the city and would speak "with any individual we cross paths with".

"You need to be aware of the conditions of your visa; if you commit visa fraud you should know it's only a matter of time before you're caught out," he said.

The statement said border force officers would work with, "a diverse team of transport and enforcement agencies to target crime in the Melbourne Central Business District (CBD) as part of Operation Fortitude".

"Tonight and tomorrow evening [Friday and Saturday] Metro Trains, Yarra Trams, the Sheriff's Office, Taxi Services Commission and the ABF will join Victoria Police as part of the inter-agency operation."

"With a particular focus on people travelling to, from and around the CBD, the group of agencies will work together to support the best interests of Melburnians, targeting everything from anti-social behaviour to outstanding warrants."

<http://www.abc.net.au/news/2015-08-28/border-force-to-check-visas-on-the-streets-of-melbourne/6732086>

9. Border force join police in huge visa fraud crackdown in Melbourne CBD

'If you commit visa fraud you will be caught,' warns border chief, as human rights advocates warn of possible 'racial profiling' by officers on city streets

The Guardian
Melissa Davey
Friday 28 August 2015 10.57 AEST

The centre of Melbourne will be swamped with police on Friday and Saturday night in a huge multi-agency operation to target everything from visa fraud to antisocial behaviour.

Australian Border Force, police, and transport officers will take up positions at various locations around the CBD and will be "speaking with any individual we cross paths with", said ABF regional commander, Don Smith.

"You need to be aware of the conditions of your visa; if you commit visa fraud you should know it's only a matter of time before you're caught out," he said in a statement.

Human rights advocates said the operation – codenamed "operation Fortitude" – raised fears of police using racial profiling to justify stopping people and that it risked a "militarisation" of the immigration system.

More details of the operation were expected at a press conference on Friday afternoon.

In July, the Australian customs and border protection merged with the department of immigration and border protection and launched the Australian Border Force, whose officers have substantially greater powers than either customs or immigration officials. They are permitted to carry guns and have powers to detain.

Under the Migration Act, an authorised officer can ask for information from someone the officer "knows or reasonably suspects is a non-citizen".

The information can include evidence of being a lawful non-citizen and personal identity papers. The person must comply with the request within a time period "specified by the officer".

If the officer "knows or reasonably suspects" the person is an unlawful non-citizen the officer must detain that person.

But the human rights barrister, Julian Burnside, said he was not aware of anything in the Border Force Act which allowed officers to ask people to produce their visa papers on the spot.

A spokesperson from the department confirmed there was no requirement for those with a visa to carry papers on them, but that the department could check those details on the spot electronically.

Burnside said he was concerned how the officers would be targeting those suspected of overstaying their visa.

"The alternative is then using racial profiling, which is just extraordinary," Burnside said.

"And for what? To try to find the less than one tenth of a percent of the population who they suspect have overstayed? They will be heavily into racial profiling and that means looking for people who appear foreign and who don't speak English well. Frankly, I think that is alarming."

He described the Australian border force as a quasi-military operation who would likely use heavy-handed measures to get commuters to comply with their requests for information if necessary.

“The benefit to society of these sorts of approaches seems to me to be much much less than the damage to which it does to a society by instilling fear,” he said. “I don’t want to live in a community where you walk around with the fear that people will stop you with a threat you’ll be jailed or mishandled if you don’t comply.”

Victoria’s police minister, Wade Noonan, has been asked for comment on whether the state government supported the operation or if any consultation took place.

Meanwhile Victoria police will be out with detection dogs, booze buses and automated number plate recognition vehicles as part of the Friday and Saturday night operation.

Metro Trains, Yarra Trams, the sheriff’s office and the Taxi Services Commission will also be involved.

“For those of you who choose to break the rules expect to be caught by the Operation Fortitude team,” transit and public safety command acting superintendent, Campbell Mill, said in a statement.

“There is a lot of truth to the saying that there is strength in numbers,” he said.

“From a policing perspective we will have protective services officers, passive alert detection dogs, police, booze buses and automated number plate recognition vehicles deployed this Friday and Saturday night.”

It marks the first time border force staff have joined with transport and enforcement agencies to target crime in the CBD.

Katie Robertson, an associate in the social justice practice of Maurice Blackburn, agreed with Burnside that the operation reflected a “clear militarisation of the department of immigration”.

“Why are they using resources for this, instead of getting on with processing the 30,000 people in the Australian community awaiting processing for a visa? They should be using their resources and time more productively.”

<http://www.theguardian.com/australia-news/2015/aug/28/border-force-police-join-stop-and-search-crackdown-in-melbourne-cbd>

10. 'We shut them up': Melbourne celebrates border force backdown

Public condemnation, including protests in central Melbourne, forces a visa operation to be shut down as ‘lower levels of the organisation’ are blamed

The Guardian
Melissa Davey
Friday 28 August 2015 18.24 AEST

The federal government’s Australian Border Force was forced to abandon a controversial visa crackdown in Melbourne on Friday, following sustained criticism of the operation from politicians, unions, the city council, human rights lawyers, and the people of Victoria.

Melbourne city centre was brought to a standstill on Friday afternoon after protesters flooded Flinders Street train station, which they had deliberately planned to coincide with the 2pm joint border force and Victoria police press conference officially launching the operation.

Holding up placards and chanting “border force off our streets” and “fuck off border force,” more than 200 protesters walked from the steps of the station where they had gathered and spilled out to the intersection in front, banking up trams and causing chaos amongst the traffic.

The press conference was cancelled at 2.30pm; half an hour after that, the entire controversial operation, dubbed “Operation Fortitude”, was shelved by Victoria police in response to what they described as a high level of community concern.

“We shut them up,” protest leader, Ezekiel Ox declared at the station shortly after 3.30pm. “They’re not having their press conference. We’re claiming victory. People who speak a second language are now not going to be harassed on trains tomorrow.”

Operation Fortitude was first announced by the border force on Friday morning and was to also involve police and transport officers, who over Friday evening and Saturday would target people travelling to, from and around the CBD.

Police sniffer dogs, electronic car license plate readers and booze buses were all to be used, while the border force’s commander in Victoria, Don Smith, warned border force officers would be “speaking with any individual we cross paths with”.

“You need to be aware of the conditions of your visa; if you commit visa fraud you should know it’s only a matter of time before you’re caught out,” he said, immediately triggering concerns that on-the-spot visa checks would be carried out and that officers would rely on racial profiling to target people suspected to have overstayed.

Unrest about the operation gained momentum in the ensuing hours, culminating in the protest on Friday afternoon. The border force's own union, the Community and Public Sector Union, welcomed news that the operation had been cancelled, accusing the federal government of politicising their work.

"While border force staff have been involved in these types of operations before, they have never been publicised in this way," the union's national secretary, Nadine Flood, said.

"They were deeply concerned at the suggestion they would be stopping all people on the street, which is not how their work has been done in the past. We are calling on the federal government to stop cynically exploiting the work of the Australian Border Force for its own political ends, potentially putting these officers at risk."

In a further embarrassment for the federal government, Victoria's police minister, Wade Noonan, issued a statement saying he had been led to believe Operation Fortitude would be a standard police operation targeting antisocial behaviour and commuters to ensure people got home safely.

"We fully support the decision by Victoria police to cancel the operation after the unfortunate and inappropriate characterisation by the Australian Border Force today," Noonan said.

The lord mayor of Melbourne city council, Robert Doyle, also weighed in on Twitter, praising Victoria police for cancelling the operation. Human rights barrister, Julian Burnside, the federal Greens member for Melbourne, Adam Bandt, and federal Labor frontbencher, Anthony Albanese, were among those to question the operation over the course of the day and after its eventual scrapping.

"Operation Border Farce came to our city and was just as quickly shown the door," Bandt said. "Within hours, Melbournians came together and stood up to Tony Abbott and his politics of division."

Labor leader Bill Shorten did not condemn the operation but queried why it had been telegraphed to the media. Richard Marles, Labor's federal immigration spokesman, said immigration minister Peter Dutton "needs to come out of hiding and provide an explanation for the shambles that has seen a cross-agency operation compromised and a key government agency left red-faced".

Christopher Pyne, the leader of the federal House of Representatives, said Victoria's decision to cancel the operation was "bizarre ... these sort of visa checking arrangements go on all the time – it's hardly a new thing".

The executive director of the Human Rights Law Centre, Hugh de Kretser, said while the backdown was welcome, the incident reinforced concerns around the militarisation of immigration officials.

In July, the Australian customs and border protection merged with the Department of Immigration and Border Protection and launched the Australian Border Force, whose officers have substantially greater powers than either customs or immigration officials. Authorised officers can ask for information from someone they knows or reasonably suspects are a non-citizen.

"The whole incident reinforces concerns around the militarisation of our immigration officials," de Kretser said.

"The comments this morning reflect a disturbing attitude around how the border force will conduct itself. While common sense has prevailed today, the events raise many questions. The legal basis for the entire operation and the sharing of information between police and the border force is murky."

Barrister and senior vice president of Liberty Victoria Jessie Taylor described the outcome as "a fantastic demonstration of people power".

"The public response was so powerful and so swift," she said. "This was going to be a preposterous waste of resources and money.

"Victoria police of course have stop and search powers when they have reasonable suspicions such actions are warranted. But when you start to bringing reasonable suspicion into the realm of immigration and border protection, you run a real risk that there will be racial profiling occurring, and that anyone without blue eyes and fair skin [will be] targeted.

"Not to mention the hubris with which this operation was talked about, and the language which was chosen to describe the operation."

Anyone who was up to no good would surely have known to have just stayed indoors through the operation, she added.

"It was a farce," Taylor said. "It was an insult to those trying to enjoy Australia's most liveable city."

In a strong sign that the border force knew the backlash to the operation had been severe, its commissioner, Roman Quaedvlieg, held a press conference in the hours following the protest, saying; "There was never any intent for the border force to proactively go out and seek immigration breaches in Melbourne city."

However, he acknowledged that the language used in the press release issued by the border force on Friday morning, and which triggered the unrest, was “clumsily worded”.

“It was released in the lower levels of the organisation,” he said.

<http://www.theguardian.com/australia-news/2015/aug/28/we-shut-them-up-melbourne-celebrates-border-force-backdown>

11. Jeff Sparrow: If Border Force acts like this in Melbourne, what do they do offshore?

We've warned that Australia's cruel immigration regime would have a carcinogenic effect on the body politic. It's happening, despite today's stuff up

The Guardian
Jeff Sparrow
Friday 28 August 2015 17.04 AEST

Did the Australian Border Force seriously intend to address reporters in between Flinders Street's bagpipe players and spotty-faced emo kids? Apparently so – but with social media in meltdown at the prospect of Peter Dutton's black-garbed men accosting strangers and demanding their papers, the under-the-clocks press conference quickly descended into predictable chaos.

By 2pm, the steps were already occupied by chanting protesters, whose numbers steadily grew. A harried-looking press officer promised journalists the presser would still take place – but even she didn't sound like she believed it.

Meanwhile, the department issued a hurried clarification.

“The ABF does not and will not stop people at random in the streets,” it said, “and does not target on the basis of race, religion, or ethnicity.”

All well and good – except that border force's Victorian commander, Don Smith, had earlier promised that the force would be “speaking with any individual we cross paths with”. Unless the commander intended to cross paths with people he already knew, the two statements were flatly contradictory.

If the ABF didn't stop people at random, why did Smith say that was what he planned to do? And if the Border Force wasn't checking papers, why the warnings about visa conditions?

As Operation Fortitude fell apart, a remarkable media statement by Victorian police minister Wade Noonan made clearer what had happened.

“We fully support the decision by Victoria Police to cancel the operation,” he said, “after the unfortunate and inappropriate characterisation by the Australian Border Force today.”

In other words, Smith and the ABF seemed to have involved themselves in a standard police operation and thereby ruined it – all, one presumes, in search of more publicity. The incompetence would be comical if the implications weren't so serious.

Remember, the Abbott government recently allotted the Border Force more than \$6m to kit themselves out like Emperor Palpatine's bodyguards. Meanwhile, as Fairfax's Nicole Hasham pointed out, detainees in Nauru don't even have sufficient clothes to cover themselves, with parents resorting to cutting holes to make their kids' shoes fit.

The ABF is, in other words, an outfit exerting extraordinary power over some of the most vulnerable people imaginable and usually it operates in complete secrecy. If this is how it behaves in the middle of one of Australia's biggest cities, how does it conduct itself when shrouded behind the secrecy of “on water operations”?

“We consider the border not to be a purely physical barrier separating nation states, but a complex continuum stretching offshore and onshore, including the overseas, maritime, physical border and domestic dimensions of the border.”

That sounds like something one stoner might mutter to the other (The borders are in our heads, man!) while blazing up a joint. But it's actually part of the Australian Border Force's mission statement – and you can see how its vagueness could easily offers scope for the kind of mission creep that seems to have led Smith to crash Victoria Police's party.

Certainly, the commander's press release, with its promise of addressing any individuals they encounter, seems to have been calculated to inject a note of implicit chauvinism into run-of-the-mill policing. For how could the involvement of the Australian Border Force in an operation targeting anti-social behavior not encourage a distinction between those who grew here and those who flew here?

For a long time, there have been warnings that the cruelty of Australia's immigration would have a carcinogenic effect on the body politic, as the brutality of the camps spread – and it's becoming increasingly obvious what that looks like.

<http://www.theguardian.com/commentisfree/2015/aug/28/if-border-force-acts-like-this-in-melbourne-what-do-they-do-offshore>

12. Lenore Taylor: F is for farce: how Australian Border Force united the nation against it

Not since Tony Abbott gave Prince Philip a knighthood has the nation appeared so immediately galvanised into calling out a truly stupid and offensive notion

The Guardian
Lenore Taylor
Friday 28 August 2015 15.58 AEST

Operation Fortitude seems to have been named using the wrong f-word. Many would work, but let's go with Operation Farce.

Not since Tony Abbott gave Prince Philip a knighthood has the nation appeared so immediately united in calling out a truly stupid and offensive notion.

It began with a morning press release, announcing proudly that our new "border force" – a revamped and armed version of the frontline activities of immigration and the customs service that began operations in July – would be part of a big "crime crackdown" in Melbourne on the weekend.

"ABF officers will be positioned at various locations around the CBD speaking with any individual we cross paths with," said the border's force regional commander in Victoria and Tasmania, Don Smith.

"You need to be aware of the conditions of your visa; if you commit visa fraud you should know it's only a matter of time before you're caught out."

Immediately apparent to pretty much everyone except Smith, or whoever writes his press releases, was that this would require border force to "profile" who they questioned, or else uselessly question an awful lot of people out having fun on a Saturday night, that it would mean they were asking for documentation without any real reason to think the person had committed an offence and that – given all the pre-warning – anyone who really had a problem with their visa would probably be elsewhere.

It was also pretty obvious this was border force establishing its paramilitary credentials as a law enforcer (it can now carry arms, detain people and gather intelligence) with a remit far beyond our borders.

Turns out there is a good reason to follow proper process when it comes to paramilitary and law enforcement type things – the kind of processes the actual military and police force often have.

As public fury grew, border force issued another statement claiming the "media" had got the first statement wrong, and they had no intention of stopping people on the street to check their papers. Pity about those quotes.

By mid-afternoon protesters were blocking the streets of central Melbourne and Operation Fortitude had been cancelled.

Australian Border Force was left looking like Dad's Army. The most obvious conclusion is that if customs is to become a "core national security agency" it has to act like one. The bigger message is that militarising customs and immigration was a bad idea in the first place.

Postscript: Border Force commissioner Roman Quaadvlieg later emerged to say the original press release had been issued at "low level" (later clarifying it was seen by the bloke quoted, who is the head of Victorian and Tasmanian operations in his organisation, so not exactly "low"), that border force had never intended to "pro-actively engage with people" and that it was all very "embarrassing" but not "fatal". None of which changes these conclusions.

<http://www.theguardian.com/australia-news/2015/aug/28/f-is-for-farce-how-australian-border-force-united-the-nation-against-it>

13. Border force announcement went to Peter Dutton's office first, spokesman says

Press release announcing random visa checks in Melbourne sent to immigration minister's office and allegedly cleared at high level within border force

The Guardian
Lenore Taylor
Sunday 30 August 2015 13.01 AEST

The “very, very badly worded” Australian Border Force press release that appeared to threaten random visa checks on the streets of Melbourne was sent to the office of the immigration minister, Peter Dutton, and was allegedly cleared at a high level in the border force’s Canberra headquarters.

After the release sparked a snap protest on Friday and forced the Victorian police operation to be abandoned, the border force commissioner, Roman Quaedvlieg, said it had been “cleared at a low level in the organisation”.

But a spokesman for Dutton confirmed on Sunday it had been sent to his office on Wednesday as an attachment to a briefing note about the weekend operation. “It was not opened or read because it looked like a routine operation,” the spokesman said.

Quaedvlieg conceded on Friday the media release had been cleared by the Victorian and Tasmanian commander of the border force, Don Smith, who was quoted in the original release saying, “ABF officers will be positioned at various locations around the CBD speaking with any individual we cross paths with,” and, “You need to be aware of the conditions of your visa; if you commit visa fraud you should know it’s only a matter of time before you’re caught out.”

But according to former immigration department officials, including the former communications head Sandi Logan, who say they are informed by current officials close to the issue, the border force assistant secretary for communications and media, Mark Jeffries, also cleared it.

The border force has been contacted for comment.

The force and Victoria police continue to face questions about exactly what role was envisaged for the six ABF officers who were to be deployed in Operation Fortitude.

The opposition leader, Bill Shorten, described the saga as one of the government’s most “catastrophically silly” ideas on Saturday.

“It’s like a uniformed version of the Prince Philip decision,” he told reporters in Perth. “As more facts came to light yesterday, I don’t think there’s a single Victorian and indeed a single Australian whose jaw just didn’t hit the ground.”

The Greens called for the powers of border force officers to be clarified. “It needs to be cleaned up; they’re not an arm of the military and they’re not a police force,” Senator Sarah Hanson-Young told the ABC, adding: “It’s not clear at all what they think their role is, what indeed the powers are.”

The prime minister, Tony Abbott, said his department had no prior knowledge of the operation.

He said nothing untoward had happened except the agency had issued a poorly worded press release, describing it as a mistake and “over the top”.

“We would never stop people randomly on the street and demand their visa details,” he told reporters in Sydney on Saturday.

Such operational news releases were often issued under the authority of agency officials and not the government, Abbott said. “That all happens at arm’s length from ministers, at arm’s length from the executive government.”

The original release said the operation was to involve Metro Trains, Yarra Trams, the sheriff’s office, the Taxi Services Commission, the ABF and Victoria police. As it would have “a particular focus on people travelling to, from and around the CBD, the group of agencies will work together to support the best interests of Melburnians, targeting everything from antisocial behaviour to outstanding warrants”.

Australian Associated Press contributed to this report

<http://www.theguardian.com/australia-news/2015/aug/30/border-force-announcement-went-to-peter-duttons-office-first-official-says>

14. Greens, union demand answers over controversial cancelled Operation Fortitude

ABC News Online

First posted Sat 29 Aug 2015, 5:31am

Updated Sat 29 Aug 2015, 5:37am

The union representing Australian Border Force (ABF) officers will raise its members' concerns about the handling of Friday's controversial cancelled operation in Melbourne with the Immigration Department and Federal Government.

Labor and the Greens are also demanding answers from Immigration Minister Peter Dutton over the operation.

The officers were meant to take to the streets of the CBD last night as part of Operation Fortitude — a joint operation with Victoria Police — to help crack down on visa fraud.

But Victoria Police called it off after hundreds of protesters stopped traffic in Melbourne's CBD, concerned about a possible attack on civil liberties.

ABF commissioner Roman Quaedvlieg said a media statement suggesting officers would be checking the visas of people whose paths they crossed was misconstrued.

The Community and Public Sector Union's Nadine Flood said its members felt they had been put in an unsafe position by the mishandling of the situation.

"Border Force officers have raised very strong concerns with the CPSU," she said.

"We will be taking those up with the Department and the Government and saying that there is no way operations that compromise the community and staff can go ahead."

Ms Flood said union members were already under pressure.

"Border Force workers are already under enormous pressure. They've never seen their work politicised in this way," she said.

"The government is also having a go at their wages and conditions and they've been taking industrial action, so these staff are in a really tough position and we'll be talking to them about what we do next."

Greens call for ABF powers to be clarified

The original announcement quoted ABF regional commander for Victoria and Tasmania Don Smith as saying officers would be positioned at various locations around the city and would speak "with any individual we cross paths with".

The ABF then issued another statement saying: "To be clear, the ABF does not and will not stop people at random in the streets ... the ABF does not target of the basis of race, religion, or ethnicity".

More details were expected to be released in a press conference at 2:00pm on Friday, but the event was cancelled after demonstrators began assembling outside Flinders Street Station.

The Greens have demanded the Immigration Minister explain the handling of the situation.

A spokesman for Mr Dutton said it was an operational matter and referred queries to Victoria Police as the lead agency.

Greens Senator Sarah Hanson-Young said that was not good enough.

"It's important that we get to the bottom of whose idea this was, who authorised it and why on earth anyone in the department or in the minister's office thought this was an appropriate thing to do," she said.

The Greens said the powers of Border Force officers needed to be clarified.

The Border Force Commissioner said the officers' role had been misunderstood and they never intended to proactively seek out immigration breaches but Ms Hanson-Young said she wanted a more detailed explanation.

"It's not clear at all what they think their role is, what indeed the powers are," she said.

"It needs to be cleaned up, they're not an arm of the military and they're not a police force."

Concerns over militarisation of immigration officials

A peak human rights group said the ABF operation also raised concerns about the militarisation of immigration officials.

The Human Rights Law Centre's Hugh de Kretser said any operation in future would need legal justification.

"I think the broader concern is that it shows a pretty disturbing attitude," he said.

<http://www.abc.net.au/news/2015-08-29/border-force-operation-fortitude-answers-demanded/6734302>

15. PRESS: High Court sets date for case challenging offshore detention

Human Rights Law Centre
21 August 2015

The High Court will sit in Canberra on 7-8 October to consider the lawfulness of the Australian Government's role in offshore detention on Nauru, in a case brought by a group of people seeking asylum.

The case, filed by the Human Rights Law Centre, raises important and untested questions about the Australian Government's power to facilitate, fund and otherwise be involved in detention arrangements outside Australia. HRLC Director of Legal Advocacy, Daniel Webb, said the case was being run on behalf of over 150 men, women and children who have been detained on Nauru previously and brought to Australia for medical treatment or to give birth.

"These families came to Australia seeking safety but their time locked up offshore has exposed them to danger and has clearly taken a toll on them and on their children," said Mr Webb. A case raising similar legal issues in respect of the Manus detention arrangements is also underway and has been adjourned pending the outcome of the Nauru challenge. Ruth Hudson, Practice Group Leader at Stacks Goudkamp lawyers, is representing several of the men involved in the Manus case.

"Many of the men experienced torture and trauma in their countries of origin. They tell us that the conditions and their experiences in detention, particularly the violence and unrest they witnessed in February 2014 and the deaths of fellow asylum seekers, has caused significant deterioration in their already fragile mental states. Many of them are suffering potentially permanent physical and psychological injuries," said Ms Hudson.

The case so far

When the HRLC commenced the case on 14 May this year it contended that there was no Australian law which gave the government the necessary power to fund and otherwise facilitate the current offshore detention arrangements.

The government responded by hastily introducing one. With the support of the Opposition, the government enacted legislation which seeks to retrospectively authorise three years of offshore detention and the expenditure of several billion dollars for that purpose. The law passed through the Parliament in June within two days of it being announced.

"The Government repeatedly assures the Australian people that it is acting legally. But a Government confident its actions are lawful doesn't suddenly and retrospectively change the law when its actions are challenged in court," said the HRLC's Director of Legal Advocacy, Daniel Webb. Despite the legal changes, Mr Webb said that serious questions remain about the extent of the Commonwealth's involvement in offshore detention and whether its actions are lawful.

"While the government and the opposition have tried to retrospectively authorise three years' of offshore detention and spending, there are serious and untested questions about whether the Australian Constitution permits them to do so," said Mr Webb.

"We know the Government has powers to detain people in Australia and powers to remove people from Australia. But it is another thing altogether to then be involved in the indefinite detention of innocent men, women and children in the territories of other sovereign nations," said Mr Webb.

The people at risk of removal

The men, women and children involved in the case are covered by legal undertakings from the Australian Government that they will not be returned to Nauru or Manus Island without notice. In the months since the case was filed the HRLC has worked closely with the Refugee Advice and Casework Service in Sydney, the Darwin Asylum Seeker Support and Advocacy Network in Darwin and support agencies and pro bono lawyers around the country to ensure people at risk of deportation offshore have received legal advice about the case.

Katie Wrigley, Principal Solicitor at RACS, said many of the people involved in the case had been terrified that they would be sent back to Nauru without notice. "It shouldn't take a case in the highest court in this country for the government to promise not to deport vulnerable people – including newborn babies – without any notice and without any opportunity for those families to speak with their lawyers," said Ms Wrigley.

"The case has provided important temporary shelter to some incredibly vulnerable individuals who, at least for now, can now go to sleep at night without fearing being suddenly woken up and secretly whisked away to offshore detention," said Ms Wrigley.

The legal team running the case includes barristers Ron Merkel QC, Craig Lenehan, David Hume, Rachel Mansted and Stacks Goudkamp Lawyers. Assistance has also been provided by the Refugee Advice and Casework Service and Darwin Asylum Seeker Support and Advocacy Network.

<http://hrlc.org.au/high-court-sets-date-for-case-challenging-offshore-detention/>

16. More than 150 asylum seekers challenge offshore processing policy in High Court

ABC Radio CAF - PM

By Angela Lavoipierre

First posted Tue 25 Aug 2015, 5:25pm

Updated Tue 25 Aug 2015, 5:38pm

More than 150 asylum seekers are challenging the Federal Government in the High Court over its offshore processing policy.

Their lawyers will argue Australia does not have the legal power to fund or facilitate detention centres on foreign soil.

The High Court has agreed to hear the matter in October, making it the latest in a long line of legal challenges to asylum seeker policy in recent years.

The Human Rights Law Centre (HRLC) will argue offshore processing is unconstitutional.

The case centres around more than 150 men, women and children who have been moved to Australia from Nauru or Manus Island — some to give birth, some for mental health treatment, and some after reporting they were sexually assaulted.

"We're representing a very vulnerable group of people who have been detained offshore in detention in Nauru and in Manus Island have been brought to Australia for medical reasons, some to give birth," HRLC executive director Hugh De Kretser said.

"So they've got very young children, very young babies who are at risk of removal back to detention on Nauru.

"So we've been approached for assistance and we're representing a range of people to challenge the lawfulness of their detention on Nauru."

Australia on thin ice, De Kretser says

A 23-year-old Iranian woman who recently transferred to Brisbane in a serious condition is not a party to the challenge at this stage, but is an example of the kind of case the centre is taking on.

She has alleged she was raped on Nauru in May, and has since tried twice to kill herself.

The woman is receiving treatment in Australia for now, but is facing eventual transfer back to Nauru once her condition has improved.

Earlier this year, Parliament passed changes to the Migration Act aimed at closing a loophole that left the Government vulnerable to exactly this kind of challenge.

"That legislation went through the Parliament a couple of days back in June," Mr De Kretser said.

"What this case will now focus on is the constitutional power of the Australian Government to do what it says in the legislation as it [has] been amended, which is procure or detain people, remove their liberty in a detention centre in a foreign country."

Mr De Kretser said he believed Australia was on thin ice.

"It's an extraordinary thing, when you look at it, to say: 'The contracts for the running of that detention centre with Transfield are between the Australian Government and Transfield, they're not between the Papua New Guinean government and Transfield; they're not between the Nauruan government and Transfield'," he said.

"And our case argues that the Australian Government effectively controls the operation of the detention centres, controls the running of the detention centres.

"We say that there is no constitutional authority, no legal authority for the Australian Government to do that."

The case is being brought on behalf of a group that is trying to avoid a return to offshore detention, but Mr De Kretser said the ramifications could be much broader, if they are successful.

"What you've seen on Manus Island is still over 900 people detained more than two years after the first transfers under the Regional Resettlement Agreement [Arrangement] and not a single person resettles," he said.

"You're still seeing over 500 people — families, including young children and babies — detained in Nauru in conditions that the UN Refugee Agency has described as unsafe, inhumane and unfit for children.

"While the individuals who are bringing this case are currently in mainland Australia, the impact of the case could be far broader depending on the outcome of the High Court's decision and whether or not the case is successful."

<http://www.abc.net.au/news/2015-08-25/federal-government-faces-new-legal-challenge-to-offshore-process/6724440>

17. Transfield profits drop as shareholders sell over asylum abuse on Nauru, Manus

Company that manages Australia's offshore detention centres on Nauru and Manus Island defends itself as 'committed to highest standards of probity'

The Guardian

Paul Farrell

Thursday 27 August 2015 11.02 AEST

The company that manages Australia's offshore detention centres on Nauru and Manus Island, Transfield Services, has seen an 8% drop in yearly profit.

On Thursday Transfield announced a year net profit of \$48.6m. The announcement follows a series of divestments by shareholders in the company, which cite the abuses occurring at the Nauru and Manus Island detention centres as the reason for their departures.

In its announcement Transfield said that an "enhanced focus has been placed on the management and mitigation of environmental, social and governance risks".

"This reflects the company's commitment to ensuring that the processes, policies and activities across the group reflect high standards of internal control," it said.

On Tuesday the Australian Financial Review reported that NGS Super, which provides superannuation for private school teachers, had agreed to sell its shares in Transfield on "moral grounds".

The industry super Fund HESTA also sold its 3% stake in the company. It said there was a "significant quantum of evidence" of physical and sexual assaults in detention centres operated by Transfield.

Transfield defended its handling of abuse at the Nauru detention centre, and said it was "committed to the highest standards of probity and transparency in its operations globally."

A Senate inquiry is under way into serious allegations of sexual assault and abuse at the Nauru detention centre.

The inquiry has heard evidence from a numbers of witnesses, some who have provided extensive documentation, that outlines serious concerns about abuses at the centres.

A number of serious allegations have been made about Wilson Security guards at the detention centre, which is contracted by Transfield.

<http://www.theguardian.com/world/2015/aug/27/transfield-profits-drop-as-shareholders-sell-over-asylum-abuse-on-nauru-manus>

18. Asylum seekers' convictions for Nauru detention centre riots overturned by Nauru court

ABC Online News

By the national reporting team's Dan Oakes and Sam Clark

First posted Mon 24 Aug 2015, 10:58am

Updated Mon 24 Aug 2015, 11:25am

The convictions of two asylum seekers jailed over riots at the Nauru immigration detention centre have been overturned after the Nauruan Court of Appeal identified serious flaws in the investigation and original trial.

In a scathing judgement, the court said the magistrate in the original trial failed to take into account serious flaws in the identification of the two men and also made "very prejudicial" comments that appeared to suggest there was an onus on the two men to disprove their guilt.

The court also said it was concerned Wilson Security appeared to have carried out the investigation that led to the men being charged, rather than the correct authority - the Nauruan Police Force (NPF).

The actions of Wilson personnel on Nauru are currently under strong scrutiny as a result of evidence given before Senate committee hearings.

The first man was convicted of unlawful assembly and rioting, and the second of rioting, over the July 2013 protests at the detention centre, which caused \$60 million worth of damage. A third man was acquitted.

In convicting them last year, Magistrate Ropate Cabealawa described their conduct as "abhorrent" and said he needed to send a strong message that it would not be tolerated.

The first man was sentenced to two-and-a-half years in prison, and the second to a year.

Magistrate's interpretation of evidence unsubstantiated: appeal judgement

However, the Court of Appeal — comprising an Australian judge, a Fijian and a Pakistani — said the evidence given by Wilson Security guards identifying the two men should be treated with caution and that the magistrate should have taken this into account.

The Wilson guard who gave evidence that led to the first man — named as A1 — being convicted of rioting did not mention the man in two statements he made to police after the riots.

"No reason was given to the court as to why the statement given to police omitted any reference to A1," the judgement said.

The second man — described as A2 — was also convicted on the evidence of a Wilson guard, who claimed to have seen him grabbing another officer by the arm and trying to assault him.

However, in court, the Wilson guard gave a name for the asylum seeker he saw grabbing his colleague, which did not correspond to A2's name. The transcript of the original hearing also said the guard "identifies the 4th accused", despite there only being three men on trial.

"So the question that we have to ask is 'who was identified in Court?'" the appeal judgement said.

In the original judgement, the magistrate also claimed that the Wilson guard had seen A2 holding a large rock.

"Having considered the transcript of the trial, sentence, judgment and counsel submissions, with respect to the learned magistrate, his interpretation of the evidence are [sic] unsubstantiated," the appeal judgement said.

"With respect, the witness did not identify A2 as the one holding a stone, nor was A2 identified by having a torch shone in his face. Before the learned magistrate came to consider the evidence of identification he had already made a finding against A2 that he had acted in a tumultuous manner."

Onus of proof on defendants: judges

In addition to the questions about identification, the appeals court said the magistrate made comments that appeared to suggest it was up to the two men to disprove the charges accusations against them.

"In making these comments, it is our view that the learned magistrate was inferring that there was some onus on the appellants to disprove their guilt," the judgement said.

"These comments are very prejudicial and amount to an impermissible breach."

The appeals court judges also expressed concern at the way the investigation appeared to have been carried out by Wilson, with minimum input from the Nauruan police.

"The court wishes it to be noted that the information placed before it in relation to the investigative processes in this case display, in all the circumstances, a concerning paucity of observance of recognised due process and lack procedural fairness," the judgement said.

"The investigative authority in this country is the NPF which, if lacking in resources in certain circumstances, may be bolstered by outside assistance without having its statutory-based role compromised."

A1 served 130 days in prison on Nauru before being bailed, while A2 was imprisoned for 226 days before the appeals court ordered him be freed.

Dozens of other detainees were charged over their roles in the riots, but their cases were heard by a different magistrate.

It is believed that many of them pleaded guilty to offences, and were given substantially more lenient sentences than A1 and A2.

Both men arrived on Nauru before July 2013, when the Federal Government declared any asylum seekers who arrived by boat would no longer be permitted to come to Australia.

As such, it is possible they might have been eligible for resettlement in Australia, but it is unknown what effect their original convictions might have had on that process. Their current whereabouts is unknown.

<http://www.abc.net.au/news/2015-08-24/asylum-seeker-convictions-overtured/6719556>

19. Papua New Guinea's supreme court halts asylum seeker deportations

Exclusive: immigration department will defy highest court in the land if it continues forcing men held on Manus to return to their countries of origin

The Guardian
Ben Doherty
Tuesday 25 August 2015 19.26 AEST

Papua New Guinea's supreme court has stepped in to halt all deportations of asylum seekers back to their home countries, ordering an interim injunction late on Tuesday to stop forcible removals.

Two Iranian asylum seekers have been sent back from the Australian-run detention centre in Manus province to Tehran in the past week even though a case was before PNG's supreme court to stop their deportations.

The court's latest intervention means the PNG immigration department would be in direct defiance of the highest court in the land if it were to continue to send men back unwillingly to their countries of origin.

Justice Nicholas Kirriwom ordered the interim injunction against all deportations before the case resumes in the supreme court on Thursday.

The two men returned to Iran, both of whom still had their Iranian passports, were forced to surrender their documents in Tehran. They have been told they must report to police. Other conditions or possible sanctions are unknown.

It's unclear how the men were taken back to, and accepted by, Tehran.

Iran has historically refused to accept forced repatriations but an arrangement has seemingly been struck – neither country is commenting on the returns – or the men have made last-minute concessions to return.

One of the removed men wrote a letter in his final hours in PNG that read: "Not leaving the compound that I am living in and/or not wish to be returned to my country of origin against my will."

He signed his name and boat number to the letter.

The PNG government runs the refugee status determination and resettlement processes. The detention centre is run by private contractors, headed by Transfield, who are hired by the Australian government.

All of the asylum seekers in PNG's remote Manus detention centre originally applied for refugee status in Australia but were forced to go to PNG.

One asylum seeker in the Manus centre facing deportation to his home country told Guardian Australia: "Everybody here is completely depressed. Everyone feels helplessness. They are worried about what will happen if they are sent back to their place.

"It used to be that you would see people doing activities, doing exercise, looking after themselves. Now, everybody just sits quietly, and talking about what will happen if they are forced back.

"We don't know what has happened to those two guys, everyone is going crazy, two guys, they try to hurt themselves, to self-harm."

Another asylum seeker in a different compound said the threat of deportation had spurred some asylum seekers into cooperating with PNG's refugee status determination process which they had previously refused.

"The situation is much scary. I am scared. I came to Australia for freedom, but if they deport me I will be in big danger. Some people who refused to give their case want to give their case now because they scared for deport."

Guardian Australia has sought comment from the PNG immigration department.

Ben Lomai, a lawyer who brought the application before the court on Tuesday, told Guardian Australia in Port Moresby the injunction was a "positive first step".

"It is good to get some indication from the court and it is important the rights of these asylum seekers are being recognised and protected."

Lomai, who is acting for more than 300 asylum seekers held in the Australian-run centre on Manus, is challenging their detention on the grounds that it is unconstitutional.

The PNG constitution guarantees "liberty of the person", "right to freedom of movement" and "freedom from inhuman treatment", as well as the right to access PNG courts and have access to a lawyer.

Lomai argues asylum seekers have been denied these fundamental rights and that the state is required to release the men back to their first port of entry, Australia. He will argue PNG is also liable to pay compensation to them.

<http://www.theguardian.com/world/2015/aug/25/papua-new-guineas-supreme-court-halts-asylum-seeker-deportations>

20. MEDIA RELEASE: PNG ignores injunction in attempt to deport third Iranian

Thursday, 27 August 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

A third Iranian asylum seeker has been taken from his compound on Manus Island and is threatened with forced removal to Iran as early as this (Thursday, 27 August) morning.

Two other Iranian asylum seekers were removed in the week of the 13 August. All the removals have been carried out in defiance of legal action in PNG's Supreme Court.

The 34 year-old man threatened with removal today, is one of the applicants named in a Supreme Court interim injunction issued on 25 August that prevents the removal of 26 specific individuals, until the court reconvenes today, 27 August.

"The attempt to remove the Iranian may well put the PNG immigration authorities in contempt of court. It is clearly an attempt to pre-empt the constitutional challenge in the Supreme Court," said Ian Rintoul, spokesperson for the Refugee Action Coalition, "PNG and Australian immigration authorities are stepping up effort to intimidate people into signing to return to their home countries."

The going rate for Iranians agreeing to return to their country is \$10,000 but offers of \$15,000 are routine.

The Supreme Court will consider the injunction and the PNG government's action at a hearing this morning in Port Moresby. PNG immigration officials have already been referred to police for their action in 'perverting the course of justice' by removing on 13 August, the first of the Iranians, who was an applicant in the Supreme Court constitutional challenge.

The attempted removal comes at the same time as the visit of senior Transfield and Border Protection officers to the Manus detention centre. A team of five -- two Transfield management and three Border Force officials -- have met with community and compound leaders yesterday.

Complaints about staff behaviour, food, accommodation and communications have already been put to the officials by the detainees. "We are treated like criminals, not asylum seekers," one Manus asylum seeker told the Refugee Action Coalition, "We have complained so often that the food is out of its use-by date and food often has flies and insects in it."

The high-level Border Force visit also comes following a bizarre display of traditional Manus dancers taken into the detention compounds on 25 August. On that afternoon, without any announcement, traditional armed dancers performed inside each compound.

"We believe they were warning us," said one of the asylum seekers, "They want to pressure us to go back."

International Organisation for Migration officers who have the contract for arranging 'voluntary' removals came into the compounds following the dancers - but found no-one willing to sign to back.

Video of the dancers in the compound is available on request.

For more information contact Ian Rintoul 0417 275 713

21. Manus Island residents concerned alleged rape victim will not get justice

Community angry that Papua New Guinea police have taken over investigation from provincial police into claims three Australian men gang-raped woman

The Guardian
Australian Associated Press
Monday 24 August 2015 16.57 AEST

Manus Island residents are furious Port Moresby has taken over the police investigation into claims three Australian men gang-raped a woman, the local MP has said.

Manus provincial police had threatened to storm the immigration detention centre, where the men worked as guards, to arrest managers for perverting the course of justice unless the three men were returned to the island for questioning.

The men, who were stood down and sent home after a mid-July incident, could have faced the death sentence if convicted.

MP Ron Knight said the provincial police commander, Alex N'Drasal, had been sidelined and the Papua New Guinea police commissioner, Garry Baki, was now responsible for the case. He said people on Manus were concerned the victim would not get justice.

"I'm not happy about it," he said on Monday. "It has dragged on too long and should have been handled right away.

"What are the chances of the men being apprehended and sent back?"

Knight said the woman and her father were "quite upset and angry" about the delays.

"If it was a local who did the same thing you'd expect the girl's relatives to give him a good hiding and he would be in jail," Knight said.

Rape convictions in Papua New Guinea carry the death penalty.

Knight believes Australian authorities are trying to prevent potential executions after the deaths of the two Australian drug smugglers, Andrew Chan and Myuran Sukumaran, in Indonesia.

The immigration department has denied there was any cover-up of the incident.

Comment has been sought from Baki.

<http://www.theguardian.com/australia-news/2015/aug/24/manus-island-residents-concerned-alleged-victim-will-not-get-justice>

22. Woman allegedly raped in Manus detention centre accuses Transfield of cover-up

Papua New Guinean woman found naked and disoriented in Australian-run facility after apparently being drugged tells her story publicly for the first time

The Guardian
Ben Doherty in Manus province, Papua New Guinea
Thursday 27 August 2015 14.36 AEST

A woman police allege may have been gang-raped inside the Australian-run detention centre on Manus Island has demanded her alleged attackers be returned to Papua New Guinea to face questioning.

Speaking out for the first time since she was found, naked and disoriented, in a shower block at the centre last month, Sarah* tells Guardian Australia that the three men accused must be called back and held to account.

"I told Transfield management ... if the guys were here, this could have been solved a long time ago," she says. "They have the answers I want to know. This would have already been fixed.

"But once you start hiding people and sending them away, what are you covering up for?"

Sarah, a Papua New Guinean local, tells the Guardian she was an employee of Transfield, the Australian company contracted by the Australian government to run the detention centre on Manus, at the time of the attack. She worked as a feedback and complaints assistant in the welfare department.

On 15 July, as Sarah recounts her story, she spent the evening drinking with work colleagues at the officers' mess in the Lombrum army base, which houses Australia's asylum seeker detention centre.

Drinks there on a Wednesday are a regular feature of life at the centre. Thursday is "fly-out day": workers at the end of their fortnight-long "lag" leave and their replacements arrive, so Wednesday night is a chance to unwind over a few South Pacific lagers.

Coming from a military family – her father is in the PNG navy, and her uncle and her cousin are soldiers based at Lombrum – the mess was familiar territory for Sarah. She was comfortable there, relaxed among family, friends and her workmates.

She had an early start the next day – 6am – so she'd arranged to stay with her cousin at his apartment on the base, and the night progressed unremarkably enough.

Sarah saw friends of her father's for a drink, before sitting with work colleagues, along with some workers whom she recognised but whose names she didn't know, for a couple more.

The get-together was quiet and was winding down about 1am when her uncle called last drinks. From the mess Sarah walked with friends back to the Wilson Security accommodation block, a brutal three-storey edifice clad in aluminium, set at a remove from the detention compound and ringed by a 12-foot wire fence topped with CCTV cameras. Wilson Security is the Australian company subcontracted by Transfield to run security at the detention centre.

At the outside smoking area a group of Wilson staff were still up, including some known to Sarah.

"I walked over to them, and ... asked, 'You're still up, what are you doing?'" Sarah says. "They said they were just sitting down with ... one of the guys – 'He's flying out tomorrow and he's not going to come back.'"

Three Wilson guards were seated at a table. "We all sat down, there were some mashed-up tablets on the table," Sarah says. "One of the Wilson [guards], he was shaking the little container with the pills. I said, 'What are you doing, what's that?' He said, 'It's like alcohol, there's no alcohol here, that's why we're taking this.'"

"After he said that, he handed over a pill to one of the guys sitting next to me and he placed two in front of me. In my mind, I thought at the time, it was like alcohol, just as I was told. It's just like alcohol. So I had it."

Sitting by the water on Los Negros Island – the small island next to Manus and where the detention centre is actually based – it is clear that it still pains Sarah to talk about this. "That's the only memory I have for the night," she says. "After that I passed out. I don't know, I don't know what happened. Even today, I don't know what happened."

"The thing that I can remember next is one of the Wilson Security ladies called my name. I woke up."

"She found me in a bathroom at the Wilson accommodation. I had nothing on. She called my name and she said, 'What happened, what are you doing here?' and I said, 'Where am I? Where am I?'"

"She said, 'You're at the Wilson's accommodation,' and I like, 'My God, how did I end up here?'"

The woman covered Sarah with a blanket and the pair sat together in the room, while other staff went for help.

Through the fug of her disorientation, Sarah saw a man who looked familiar walk past: she had seen him the night before.

"I told a security local guard lady ... 'Ask him if he knows where my things are.' And they did ask, and he said, 'They're in my room.' My clothes, everything was there. All my inner clothes, everything."

"He was like in a rush, maybe they already got this travelling or going away thing happening, so they were acting really quick. But I wasn't switched on that they might escape or something like that."

Sarah was taken to see an International Health and Medical Services medical officer, whom she says did not conduct any physical examination of her, only asking questions. (IHMS, the company contracted by Australia to provide medical care for asylum seekers in detention, has declined to comment, citing patient confidentiality.)

Sarah was then taken to speak with a psychiatrist and Transfield's operations manager before another staff member drove her home, where she was told to rest and to come back to work on Monday.

But as Sarah was being interviewed, driven home and put to bed by her aunt, the men who were with her at the end of the night gathered their possessions and were driven the short distance to Momote airfield.

Full story at <http://www.theguardian.com/australia-news/2015/aug/27/exclusive-woman-allegedly-raped-in-manus-detention-centre-accuses-transfield-of-cover-up>

23. Hamid Khazaei: Iranian asylum seeker going into brain death before Australian arrival, coroner told

ABC News Online

By John Taylor

First posted Tue 25 Aug 2015, 11:27am

Updated Tue 25 Aug 2015, 11:28am

An Iranian asylum seeker who died in Brisbane last year was believed to be going into brain death before arriving in Australia, a pre-inquest conference of the Queensland Coroners Court has been told.

Hamid Khazaei, 24, was being held on Manus Island when he fell sick with a leg infection.

His condition steadily worsened, requiring him to be flown to Brisbane's Mater Hospital for treatment.

But he was declared brain dead on September 2 before life support was withdrawn three days later.

A pre-inquest conference was held today in the Brisbane Magistrates Court involving legal representatives for the Queensland coroner, Mr Khazaei's family, the Commonwealth, the Mater Hospital, the group Doctors For Refugees and the company International Health and Medical Services (IHMS).

Counsel assisting the coroner Emma Cooper told the conference that on the current evidence Mr Khazaei started receiving medical care weeks before his death.

"It seems that on August 23, 2014 Mr Khazaei started to receive intravenous antibiotic therapy for left leg ulcer," Ms Cooper said.

But his condition worsened and two days later doctors working for IHMS recommended he be taken to a Port Moresby hospital for treatment.

Ms Cooper told the court Mr Khazaei was flown out around lunchtime on August 26.

"Intubation and mechanical ventilation were instituted soon after arrival in Port Moresby," she said.

"He suffered multiple cardiac arrests, all of which it seems he was able to be resuscitated from.

"Mr Khazaei was reported to be deeply comatose with fixed dilated pupils. It was suspected he was going into early stages of brain death."

Coroner still waiting for relevant medical information

The coroner is yet to receive all the relevant medical information and statements from IHMS and its staff and from the private Pacific International Hospital in Port Moresby.

Mr Khazaei was first detained on Christmas Island in August 2013 before being moved to Manus Island the following month.

Ms Cooper told the coroner that broadly the overarching issue for the inquest would be "whether the authorities charged with providing for Mr Khazaei's physical health care needs whilst at Manus Island adequately discharged those responsibilities with respect to the condition of his leg".

"Indeed, it is a possibility that the issue will extend to his transfer from Manus Island to the Pacific International Hospital, but it is not entirely clear at this time," she said.

"There's no expert opinion as to his prognosis at the time or whether there was anything the aero-medical team could realistically have done better.

"Similarly, whether or not the issue extends to the care provided at Pacific International Hospital is also not entirely clear."

Ms Cooper said on current information there did not seem to be any issues with the care given to the asylum seeker during his transfer to Australia or treatment in Brisbane.

<http://www.abc.net.au/news/2015-08-25/iranian-asylum-seeker-hamid-khazaei-pre-inquest-conference/6723300>

24. Manus Island detainee Hamid Kehazaei 'delirious' by time of transfer to hospital

The Guardian
Joshua Robertson
Tuesday 25 August 2015 14.51 AEST

Hearing into Kehazaei's death told Iranian asylum seeker was treated for leg ulcer infection for two days before detention medical staff recommended transfer

Manus Island detainee Hamid Kehazaei was "delirious" and losing lung function by the time immigration officials approved his transfer to a Port Moresby hospital where he entered the first stages of brain death, a Brisbane coroner's court has heard.

A pre-inquest hearing into the circumstances around Kehazaei's death heard the Iranian, 24, had been treated with intravenous antibiotics for a presumed infection of a leg ulcer for two days before medical staff at the Papua New Guinea detention centre recommended his "urgent" transfer on 25 August last year.

The request was not approved until the following day, when he was flown to a private hospital where he suffered multiple cardiac arrests then entered a deep coma despite receiving antibiotics, adrenaline and mechanical breathing support.

It is believed Kehazaei was brain dead by the time he was flown to Brisbane's Mater hospital, where he was taken off life support on 5 September with the consent of his family.

Kehazaei's family have pushed for answers about his death, requesting an investigation by the Australian health watchdog and engaging a legal team led by barrister Stephen Keim to represent them at the inquest.

Counsel assisting the coroner Emma Cooper said the "overarching issue" of the hearing would be "whether the authorities charged with providing for Mr Kehazaei's physical healthcare needs adequately discharged those responsibilities with respect to the condition of his leg".

Cooper said scrutiny might extend to his transfer to the Pacific International hospital.

The Manus Island medical contractor, International Health and Medical Services (IHMS) had yet to provide full disclosure of Kehazaei's medical records, despite the coroner, Terry Ryan, requesting them days after the Iranian's death, she said.

"The response that your honour received to that was that you were provided with the record but it was filtered to provide records deemed relevant to the death. So presumably it's not a full and complete record," she said.

Cooper said there were "discrepancies" between the information provided by IHMS, the immigration department and the Pacific International hospital.

Numerous medical staff employed by IHMS had yet to provide full and adequate statements in relation to Kehazaei's treatment before his death, she said.

Lawyer Natalie Lazar for IHMS said the company's delay in disclosure was due to it seeking legal advice about whether its staff, by giving witness statements, would be breaching "some secrecy provisions of the Border Force Act" passed by the Abbott government in March.

"We have been reserving any kind of disclosure of such information until that position is a bit more confirmed," Lazar said.

"I guess, subject to any form of notice or orders being made that protect our clients that are witnesses willing to provide such information, there was just that concern since March that such information would obviously be contravention of the act."

Coroner Terry Ryan ordered IHMS to make full disclosure in October. Ryan also ordered the commonwealth to clarify whether Kehazaei was being held under the immigration laws of Australia or Papua New Guinea.

Kehazaei was held in immigration detention by Australia on Christmas Island from August 2013, before being transferred to Manus Island a month later.

<http://www.theguardian.com/australia-news/2015/aug/25/manus-island-detainee-hamid-kehazaei-delirious-by-time-of-transfer-to-hospital>

25. Church leaders arrested after staging Hobart protest over treatment of child asylum seekers

ABC News Online
First posted Tue 25 Aug 2015, 4:55pm
Updated Tue 25 Aug 2015, 5:10pm

Six people protesting against the mandatory detention of asylum seeker children have been arrested for staging a sit-in at a Tasmanian senator's office.

The protesters, from Christian group Love Makes A Way, had been holding prayer vigils at Senator David Bushby's office since just after midday.

They called on the senator to withdraw his support for the mandatory detention of children and refused to leave when his office closed at 5:00pm.

They were then arrested and charged with trespass before being granted bail.

Among the protesters were leaders from Anglican, Baptist and Uniting Churches and the Salvation Army.

In a statement released prior to the protest, the group demanded the release of "127 children and families from immigration detention".

"Despite the promises of the Federal Government in the lead up to Christmas, it is concerning and distressing that children who are refugees are not being released from detention by the Government," spokeswoman Christina Booth said.

"Children need a safe and nurturing environment in which to grow.

"Australians do not want children exposed to serious and unnecessary trauma."

The statement said the protesters included Reverend Richard Humphrey, who is Dean of St David's Anglican Cathedral, David Reeve, who is chairperson of Presbytery of Tasmania, Uniting Church, and Captain Craig Farrell, who is territorial youth secretary of The Salvation Army Southern Territory.

Last year, the group staged similar protests in Launceston and Perth, Western Australia, when they staged sit-ins at the offices of Andrew Nikolic and Julie Bishop respectively.

The eight ministers involved in the Perth sit-in were charged with trespass and given spent sentences.

<http://www.abc.net.au/news/2015-08-25/christian-protesters-arrested-after-sit-in-in-hobart/6724426>

26. Wilson Security guards handcuffed asylum seeker boy on Nauru as a 'joke'

Report about four guards' treatment of eight-year-old boy in detention contradicts Wilson's bosses who told the Senate the use of restraints is 'very rare'

The Guardian
Ben Doherty and Helen Davidson
Saturday 29 August 2015 06.00 AEST

Four Wilson Security guards used a "cable tie" to handcuff an eight-year-old asylum seeker boy on Nauru as "a joke", an apparent contradiction of Wilson's bosses who told the Senate the use of restraints is a "very rare" response used only after a situation has escalated.

A Wilson Security incident report from December 2013, seen by Guardian Australia, states that the boy, then aged eight, was in the recreation tent area of the family camp on Nauru.

The report states: "4 Wilson CSOs [Client Services Officers] tied [the boy's] hands together using a black cable tie."

"STC [Save the Children] worker noticed and walked over to the group. Worker was informed 'It's just a joke, maybe now he'll stop fighting'. All 4 CSOs were smiling. [The boy] did not appear to be immediately distressed."

The Save the Children worker asked that the child be freed. The ties binding his hands were cut with a "pocket knife type tool" and he was allowed to leave.

The boy who was tied up had been identified as a "vulnerable minor" by Save the Children.

He has a history of serious trauma in his home country and significant developmental issues that manifest as behavioural problems at school. He was often in fights with other children.

The boy was also later the victim of a reported sexual assault while in detention on Nauru. The incident is at odds with evidence given by top Wilson employees.

Brett McDonald, security contracts manager for the company, last week told a Senate inquiry into the Nauru centre that it was "unusual" for a detainee to be restrained by security, and the use of flexicuffs in doing so was only "on a very rare occasion".

"To get to a point where you restrain somebody you would go through a level of escalation first," said McDonald, adding a person would normally restrain the detainee for a short period.

Wilson Security bosses have sought to differentiate between cable ties and the similar-looking plastic handcuffs called flexicuffs, after recent allegations that detainees had been cable-tied to bed frames which were then lifted and dropped to the ground.

McDonald, who was appearing with John Rogers, Wilson Security's executive general manager, told the Senate inquiry there were no cable ties issued to Wilson Security employees, and that the only ones at the centre were used on fencing. When asked about restraints, McDonald conceded flexicuffs were used but "they are not cable ties".

Inquiry chair Senator Alex Gallacher later presented an internet search result for flexicuffs to McDonald and Rogers.

"In the description it says, 'a traditional form of plastic handcuffs are cable ties'. Then it gives you a photo. They are basically cable ties," he said.

Wilson Security has been contacted for comment.

The Senate committee inquiry into allegations of abuse on Nauru is set to report next week.

The inquiry has received 100 submissions, mostly from former Nauru staff, who allege widespread abuses, including sexual assaults, spying, physical abuse, and medical neglect.

<http://www.theguardian.com/australia-news/2015/aug/28/wilson-security-guards-handcuffed-asylum-seeker-boy-on-nauru-as-a-joke>

27. Nauru assaults and illness covered up by government, lawyers group says

Sydney Morning Herald
August 28, 2015 - 7:29AM
Nicole Hasham

Alleged sex crimes against asylum seekers, worker misconduct and cases of typhoid and tuberculosis were not reported to the nation's workplace safety watchdog, showing the federal government is aiding a "cover-up" of alarming conditions at the Nauru detention camp, a lawyers group says.

Data released under freedom of information laws to the Australian Lawyers Alliance shows serious incidents uncovered by the damning Moss review, and others detailed to a Senate inquiry, were not reported to Comcare, the nation's work safety regulator.

By law, the Department of Immigration and Border Protection must report a death, serious injury, illness or dangerous incident arising from the conduct of a detention centre's operations.

However, the department rejects claims of wrongdoing and says incidents cited by the alliance did not necessarily need to be reported.

The department says it reported 81 Nauru incidents over the past two financial years, but Comcare put the number at 79.

A Senate inquiry into conditions at Nauru heard reports that a nurse treated a baby with typhoid and a child was found to have tuberculosis after initially being misdiagnosed.

These cases were apparently not reported despite the risk of such illnesses spreading to workers and detainees.

Fairfax Media has learnt two people who have worked at the Nauru camp have been diagnosed with tuberculosis, but it is not known if this was a result of their employment.

An independent review of sexual abuse in Australia's detention centre on Nauru by former integrity commissioner Philip Moss found evidence of rape and guards trading marijuana for sexual favours from female detainees.

The alliance says the government failed to report a single sexual assault allegation against detainees, a claim the department did not dispute.

Alleged unreported incidents include a cleaner who touched the genitals of an asylum seeker boy and a child detainee raped by another minor in the shower.

Transfield Services, the company that operates the centre, conceded last month it had received 33 sexual assault and rape claims.

A Comcare spokesman said incidents of sexual assault often did not need to be reported to the agency unless the victim required "immediate treatment" as a hospital in-patient.

A spokeswoman for the department said it had complied with its reporting requirements.

"For an incident to be notifiable there must be a direct causal connection with business operations and must fall within the definition of the act [Work Health and Safety Act 2011]," she said.

Australian Lawyers Alliance spokesman Greg Barns said the unreported incidents made detention centres less safe work environments and on many occasions were "initiated by staff or contractors of the department".

"The position taken by the department is untenable ... it's disturbing that a government department that is meant to be committed to model employment conditions ought to take such a narrow and black-letter view of its legal obligations," he said.

"This department has a long track record of cover-up when it comes to physical and mental abuse in detention centres and this is a clear case of that".

The Comcare spokesman said inspectors had visited detention centres, including those offshore, and "made a number of recommendations to [the department] to improve their work health and safety practices", and inspections of the department's workplaces had not uncovered breaches.

<http://www.smh.com.au/federal-politics/political-news/nauru-assaults-and-illness-covered-up-by-government-lawyers-group-says-20150826-gj8q56.html>

28. Immigration Minister reportedly reviewing case of Brisbane school student in immigration detention

ABC Radio CAF - The World Today

By Eric Tlozek

First posted Thu 27 Aug 2015, 12:02pm

Updated Thu 27 Aug 2015, 12:24pm

The Immigration Minister is reportedly reviewing the case of a Brisbane school student who was put back into immigration detention and separated from her husband.

Peter Dutton reportedly agreed to consider the case after Anglican archdeacon of the New South Wales central coast Rod Bower spoke to him about Mojgan Shamsalipoor's case last week.

Father Bower said he asked the Minister to review the 21-year-old's detention and her transfer from Brisbane to Darwin three weeks ago.

"Mojgan's case also, I think, carries a deep symbolism with it as well because she symbolises a lot of other people who are being torn away from their support networks and being put back in detention, often for reasons that can be seen as nothing but unjust," he said.

Father Bower said the Minister was non-committal, but reportedly told journalists after the meeting he would look into the case.

The Minister's office is yet to confirm Mr Dutton is taking any action.

Another student — removed from Brisbane's Milpera State High School and transferred to Darwin at the same time as Ms Shamsalipoor — also asked for the Minister's personal intervention.

Faeze Albohamdan wrote to Mr Dutton, saying she had attempted suicide because of the separation from her wider family in Brisbane.

Father Bower said the Government needed to act on such cases, because they highlighted the impacts of its approach to rejected asylum seekers.

"The Government's sort of playing this one-upmanship on deprivation, that we will deprive you of so much that you're willing to go back into a place where your life is at risk and any process that is based on deterrence through deprivation must be open to all kinds of abuses, abuses of human rights," he said.

Husband begs Immigration Minister to 'consider our love'

Ms Shamsalipoor's husband, Australian resident Milad Jafari, said he hoped the Immigration Minister would consider his wife's situation.

"I really, really wanted to ask him to please consider our marriage, please consider our love, how much we love each other and how much do we care about each other because he already knows that many people, they get married in this country to get a visa but it's not us, it's not for us," he said.

Ms Shamsalipoor's teachers at Yeronga State High School protested against her removal from school just two months before she finished her Year 12 studies.

Teacher Jessica Walker is travelling to Darwin this weekend to deliver study materials to the detention centre.

"Mojgan has been denied an opportunity to complete formal education," Ms Walker said.

"She is a young woman who has been victimised, she's been traumatised, she's been assaulted.

"And education is ultimately an empowering tool and as a young woman, she's going to need all the tools she can get."

Ms Walker said the school community is still affected by Ms Shamsalipoor's removal.

"The students really miss Mojgan," she said.

"They really feel her absence and it's something that is in school and in the school's thinking every day.

"The students are asking questions about her, they're writing postcards for her, they're really wanting her to be returned to us and they really feel that it's very wrong that she was taken in the first place."

<http://www.abc.net.au/news/2015-08-27/immigration-minister-reportedly-reviews-case-of-brisbane-student/6729120>

29. Refugee admits attempting identity fraud to 'avoid persecution while visiting family'

ABC News Online

Posted Wed 26 Aug 2015, 5:51pm

A former Iraqi refugee has walked out of court after pleading guilty to using false documents to attempt to obtain a passport in a false name.

The Darwin Magistrates Court heard Zaid Hashim, 56, fled from his home town in Melbourne to the Top End and presented a false ANZ bank statement and false rent receipts at the NT Registry of Births Deaths and Marriages on August 11.

He was arrested on August 24 when he returned to the registry and has been in custody since.

Hashim's lawyer Ambrith Abayasekara told the court his client planned to apply for a passport in a different name so he could return to Iraq to visit family while avoiding persecution as a refugee.

He arrived in Australia in 1999.

The court heard Hashim had also considered meeting his family in Jordan, to help avoid further persecution.

Magistrate Alan Woodcock described the forgeries as "sophisticated," despite Mr Abayasekara arguing the documents were noticed due to a crooked bank logo.

"It's a bank statement where someone has cut and paste his name on top," Mr Abayasekara said.

The court was told the forged documents were obtained through a cafe owner in Melbourne.

Mr Woodcock said such people "do not use their nefarious skills for free".

"There's something sinister lurking in the background here," he said.

He sentenced Hashim to four months and two weeks imprisonment but suspended the sentence after three days, due to time spent in custody.

<http://www.abc.net.au/news/2015-08-26/refugee-admits-attempting-identity-fraud-suspended-sentence/6727536>

30. Refugee legal centres overwhelmed, leaving hundreds of asylum seekers struggling with complex TPV applications

ABC Radio CAF - PM

By Bridget Brennan

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A growing number of asylum seekers cannot get help with complex applications for temporary protection visas (TPVs) because two of the biggest refugee legal centres in Australia are stretched to the limit.

The Federal Government re-introduced TPVs in April, and has received 4,000 applications for the visas.

Lawyers are worried that many applications will not be processed fairly because thousands of asylum seekers cannot speak fluent English and legal services are too busy to help them.

Sydney's Refugee Advice and Case Service is stretched to the limit and has a big waiting list.

The centre's executive director, Tanya Jackson-Vaughn, said she estimated there were 9,000 asylum seekers in New South Wales who needed protection.

"We have 1,000 people on our waiting lists and we've seen 300 people so far and we've helped them with statements," she said.

"There is an 80-page form in English that is not provided in their own language that needs to be filled in ... all in English."

David Manne from Melbourne's Refugee and Immigration Legal Centre estimates that thousands of people could be eligible for temporary protection visas.

He said a big proportion of those people would be unable to get the help they needed because refugee legal centres had too many cases to look at, and had lost federal funding.

"The paperwork required by the Government here under these stringent requirements in many cases will be the difference between someone being able to present their claims and facing dangers under deportation," Mr Manne said.

Government says Labor to blame for backlog of cases

Ms Jackson-Vaughn said in addition to concerns about TPV applications, many of the centre's clients were distressed that they did not have the right to work under bridging visa restrictions.

But a spokeswoman for Immigration Minister Peter Dutton said 26,000 bridging visa holders had been approved for work rights.

The minister's office blamed Labor for a huge backlog of asylum seeker cases, and said 25,000 cases were still to be assessed when the Abbott Government came to power in 2013.

Twenty-one-year-old asylum seeker Ali (not his real name) fled Afghanistan three years ago, and is now living in Sydney.

He said he was not allowed to work on a bridging visa, but was uncertain about potentially being transferred to a TPV.

"I don't see any difference between bridging visa and TPV, the only difference would be I'd be able to work... there's no promise that I can stay here," he said.

If the Government invites him to apply for a Temporary Protection Visa, he would be able to work, but would have to re-apply for the visa in three years.

He said he could not go home because he fears he will be killed by the Taliban.

"I'd love to go back when it's safe for me," he said.

"If I go now, I'll be killed by the Taliban - not just me, they will kill all my family."

<http://www.abc.net.au/news/2015-08-26/asylum-seekers-struggling-to-complete-complex-tpv-applications/6727092>