

# Project SafeCom News and Updates

Sunday, 18 October 2015

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# 1. Husband of pregnant asylum seeker pleads for her transfer to Australia; Peter Dutton rules it out

ABC News Online

By political reporter Stephanie Anderson

First posted Thu 15 Oct 2015, 9:24am

Updated Thu 15 Oct 2015, 2:57pm

The husband of a heavily pregnant asylum seeker is pleading with Immigration Minister Peter Dutton to transfer his diabetic wife from Nauru to Australia for medical care.

Rashid Dandanmozd told the ABC that his wife, Golestan, was 36 weeks pregnant and had been suffering serious health issues since being detained.

Mr Dandanmozd said the mother-of-one was in so much pain that she could barely walk, and did not want to be treated in the "dirty" Nauruan hospital.

Additional health services are available on Papua New Guinea, but Mr Dandanmozd said his wife was the cousin of murdered asylum seeker Reza Berati and was unwilling to travel there.

"She don't like going to Papua New Guinea," he said.

"When someone speak about Papua New Guinea, my wife feel stressed and very bad stroke.

"She said 'I remember my cousin killing there and I can't go there'."

Mr Dutton has ruled out transferring the woman and an additional group of pregnant asylum seekers from Nauru to Australia, despite the women reportedly refusing medical treatment.

It is understood that seven pregnant asylum seekers are refusing medical treatment on the island as they urge the Turnbull Government to bring them to Australia.

Mr Dutton said Australia helped pay for refurbishments at the Nauru hospital but he would not agree to transfer the women, telling 2GB the Government would not "be taken for mugs".

"The racket that's been going here is that people at the margins come to Australia from Nauru," he said.

"We can't send them back to Nauru and there are over 200 people in that category."

Mr Dutton said the Government had provided \$11 million for a hospital within the regional processing centre as well as \$26 million to help refurbish the Nauruan hospital.

"If people believe that they're going to somehow try to blackmail us into an outcome to come to Australia by saying we're not going to have medical assistance," he said.

"We're not going to bend to that pressure. I believe very strongly that we need to take a firm stance."

## ***Hanson-Young says public don't want babies born on 'prison island'***

Greens senator Sarah Hanson-Young described the situation as "hideous".

Senator Hanson-Young said a number of the women had health complications which could affect them during childbirth.

"We've got very vulnerable refugee women, soon to be mothers, crying out that they don't want their children born on a prison island," she told the ABC.

"We know that the horrors of treatment and conditions on Nauru, the stories continue to come out every day."

Senator Hanson-Young said the public did not want to see babies born on a "prison island", referring to the staff at Melbourne's Royal Children's Hospital who refused to discharge children back into immigration detention.

"We've seen doctors and nurses here in Australia this week cry out and say the detention of children is child abuse," she said.

"If the detention of children is child abuse, then children being born into those conditions is just horrific."

Refugee and Immigration Legal Centre executive director David Manne retained the "ultimate responsibility" for the expectant mothers.

"It's clear that Nauru is not able to provide this care and it's unsafe for mothers, for babies," he said.

"It really beggars belief that our Government is apparently prepared to risk the health and wellbeing of these babies and their mothers."

Mr Manne said transferring the women to Papua New Guinea should not be an option.

"Any proposal to send mothers and babies to Papua New Guinea raises the real question of whether again they will be safe," he said.

### ***Nauru 'not equipped' for complicated births***

The Refugee Action Coalition's Ian Rintoul voiced concerns for the women, stating that Nauru was not equipped to deal with complicated births.

"One of the asylum seeker women due to give birth has a diabetic pregnancy that Nauru cannot safely manage," he said in a statement.

"Every birth is a potentially a life-threatening situation for mother and baby. When there are complications the risk is even higher.

"The onus is on the Government to provide proper medical care for a safe birth."

Mr Dutton's comments come a day after he introduced legislation to tighten requirements for asylum seekers applying for protection.

If passed, he said the existence of a consistent pattern of mass violation of human rights would not meet the threshold.

People will also be denied protection if they could "take reasonable steps" to modify their behaviour, unless that behaviour was "fundamental" to their identity.

Comment has been sought from Opposition immigration spokesman Richard Marles.

<http://www.abc.net.au/news/2015-10-15/peter-dutton-rules-out-transferring-pregnant-asylum-seekers/6856708>

## **2. MEDIA RELEASE: Nauru pregnant women need urgent help**

Thursday October 15, 2015  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

The report carried by some News corp papers that pregnant women on "are refusing medical attention" is incorrect.

"The truth is simply that there is no medical attention available for them on Nauru," said Ian Rintoul, from the Refugee Action Coalition.

The Australian Immigration Department has made a political decision, over-riding medical advice to order that asylum seekers will only be offered to go to PNG or to have their babies on Nauru.

The Immigration decision, taken in August, reversed previous best-practice for asylum seekers and their families to be taken to Australia to have their babies.

"But it is clear that Nauru is not equipped to deal with complicated births. Infant mortality on Nauru is 30 per 1000 live births compared to 4.4 in Australia. The risk is obvious.

"One of the asylum seeker women due to give birth has a diabetic pregnancy that Nauru cannot safely manage. In that case a letter, asking for help, was sent to IHMS four months ago -- but there was no answer. There will be further risks to mother and baby if a caesarean section is necessary.

"Increasingly, it has been Immigration policy to only act when a life-threatening situation arises. But every birth is a potentially a life-threatening situation, for mother and baby. When there are complications, the risk is even higher. The onus is on the government to provide proper medical care for a safe birth.

"If the government acts quickly, the pregnant women can be transferred to Australia on a normal commercial flight. The longer they leave it, the greater the risk becomes.

"Comparing Nauru to regional areas of Australia are vacuous, when emergency care is only available by medivac."

For more information, contact Ian Rintoul mob 0417 275 713.

### **3. URGENT MEDIA ALERT: Immigration attempts to return raped Somali refugee to Nauru**

Friday, 16 September 2015  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

The Immigration Department has grabbed Abyan from her room at Villawood this morning (Friday, 16 September) to return her to Nauru.

She is presently being processed at Villawood detention centre.

Abyan has not seen any counsellors, nor been advised of any medical arrangements for her planned termination.

"This removal to Nauru must be stopped. Abyan has requested to see counsellors and to get advice from doctors to discuss the planned termination of her pregnancy. There has been no counselling and no arrangements to see counsellors or doctors," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"I sat with Abyan on Tuesday at Villawood where she made it clear that she wanted to see counsellors regarding the termination of her pregnancy. She has been denied the right to seek advice from doctors.

"Immigration is claiming that Abyan has declined to proceed with the termination, but this has not been confirmed with Abyan herself.

"This attempt to remove her is the most shocking violation of her rights imaginable. It is a vindictive move by the government against someone who has already suffered months of unnecessary trauma on Nauru.

"We are urging everyone who has been moved by Abyan's plight and the situation of refugee women on Nauru to urgently contact the Prime Minister and the Immigration Minister to put a halt to Abyan's removal."

For more information contact Ian Rintoul mob 0417 275 713.

### **4. Somali refugee is being deported after claims she denied the abortion she requested**

Sydney Morning Herald  
October 16, 2015 - 2:04PM  
Latika Bourke

The Somali refugee who says she was raped on Nauru and asked for an urgent abortion in Australia is being returned to the island, with claims she denied treatment when it was offered.

The government is attempting to deport the woman, known as Abyan, back to Nauru. Her lawyers on Friday were working to prevent her return to the tiny Pacific nation.

Abyan was flown to Brisbane last Sunday and then to the Villawood detention centre this week so she could have an abortion in Sydney. Earlier this week she thanked the Australian government for responding to her request but a source told Fairfax Media that when Abyan was taken to her appointment for pre-assessment on Thursday, she refused medical care.

But her lawyer George Newhouse from Shine Lawyers denied this and said she was simply insisting on seeing counsellors.

"She was waiting on our instructions to give her our assessment before she went ahead," he said.

"We have asked for her to see counsellors and doctors we recommend so she can give her informed consent."

Mr Newhouse had instructed his client to refer all her medical matters to her lawyers.

The legal tactics may backfire if the government succeeds in deporting her back to Nauru where abortions are illegal, without Abyan having had the termination she was pleading for.

The 23-year-old is thought to be between 14 to 15 weeks pregnant. Mr Newhouse first raised Abyan's plight after receiving no response from the government to his urgent requests for his client to be allowed to come to Australia to have an abortion.

An online petition amassed more than 60,000 signatures and her case was even taken up by Opposition Leader Bill Shorten – despite the Labor Party's bipartisan support for harsh border protection policies aimed at stopping the boats.

Abyan is one of two Somali refugees who say they were raped on Nauru. Nauruan police have closed the second case and say there is no evidence a rape occurred. In a breach of the alleged victim's privacy, the Australian based PR firm acting for the Nauruan government published her name and intimate details of her case.

Immigration Minister Peter Dutton said one week ago that asylum seekers and refugees requiring care not available on Nauru would be brought to the mainland but warned they should not attempt to seek permanent resettlement in Australia.

<http://www.smh.com.au/federal-politics/political-news/somali-refugee-is-being-deported-after-claims-she-denied-the-abortion-she-requested-20151016-gkax08.html>

## **5. Pregnant Somali asylum seeker to return to detention, advocates say**

ABC News Online

By political reporter Stephanie Anderson

Posted Fri 16 Oct 2015, 11:56am

A pregnant asylum seeker who was transferred to Australia for an abortion after being allegedly raped is in the process of returning to immigration detention, refugee advocates have said.

The 23-year-old Somali woman was brought to Australia this week for treatment after being allegedly raped on Nauru, but is yet to be treated by a doctor regarding her pregnancy.

Pamela Curr from the Asylum Seeker Resource Centre said the woman, known as Abyan, was taken to processing overnight and officials are preparing for her return to the detention centre.

"Her lawyers received notification that they intend to send her back to Nauru," Ms Curr said.

The woman, she said, had been seen by a nurse, but had not yet ruled out having an abortion.

Ms Curr said the woman had been admitted to hospital for dehydration, but was yet to see a counsellor.

"She just needs to talk to somebody," she said.

"I believe the minister is bullying her.

"He's given her four days with access to no medical or no counselling advice ... this is a woman who has been to hell and back."

Comment has been sought from Immigration Minister Peter Dutton.

### ***Woman may face charges after rape claims rejected***

The claims follow news that a 26-year-old Somali woman, who said she was raped in August, may be charged with making a false complaint to police.

Earlier this week, the Nauru police force released a statement that rejected the claims of the refugee, whose case was raised last month on 7.30.

The woman, known as Najma, reported that two Nauruan men had dragged her into the bushes and raped her.

Police have rejected the claims, and said that the woman could have committed a crime.

Nauruan justice minister David Adeang said the woman may face charges of making a false complaint.

In a statement, Mr Adeang said he stood by the country's police force "100 per cent".

"The police investigation has shown there was no rape," he said.

"Therefore, as far as we are concerned, the person in question is not a rape victim or a victim of any crime.

"The person did not cooperate with police and refused to accompany police to what she alleged was the crime scene."

Mr Dutton commented on the case earlier today.

"People who are living in Nauru abide by the laws of Nauru," he said.

Greens senator Sarah Hanson-Young said the woman had been "ridiculed" by the Nauruan police force and Nauruan government.

Senator Hanson-Young described it as "sickening".

"It just proves once more than Nauru is not a safe place for Australia to be sending women, children and families," she said.

"I heard [Malcolm Turnbull] only a couple of weeks ago talk about the fact that it was un-Australian to beat and commit crimes against women for being women.

"Well, it's happening on Nauru for people that his Government sent there."

<http://www.abc.net.au/news/2015-10-16/pregnant-somali-asylum-seeker-to-return-to-detention/6860786>

## **6. Somali refugee may be sent back to Nauru without abortion**

The woman, who is pregnant as a result of rape and had spent weeks pleading for an abortion, is reportedly at risk of being sent back without seeing a doctor

The Guardian  
Ben Doherty  
Friday 16 October 2015 17.29 AEDT

The Somali refugee who is pregnant as a result of being raped on Nauru and who was brought to Australia last week for a termination is reportedly being forcibly sent back without having had the operation.

But Guardian Australia understands a legal injunction is being urgently sought to prevent her removal.

The 23-year-old woman, who was raped in July by an unknown assailant, had spent weeks pleading to be transferred to Australia so she could terminate the unwanted pregnancy.

She was brought to Australia on Sunday, and moved to Sydney's Villawood detention centre.

But after less than a week in Australia, the Department of Immigration and Border Protection was preparing to send her back to Nauru on Friday, refugee advocates say.

The department reportedly said she had declined to proceed with the termination, but advocates and lawyers assisting the woman said she had not had the chance to speak with a counsellor or a doctor.

The woman, known as Abyan (not her real name), reportedly refused medical care at a preliminary appointment on Thursday.

Abyan has also been suffering further serious health complaints. Traumatized by the rape, and distressed by initial inaction around her situation, she was not eating or drinking, and had reportedly lost more than 10kg.

The department declined to answer questions from Guardian Australia about the woman's situation, directing queries to the minister's office, which did not respond.

Ian Rintoul from the Refugee Action Coalition has been in regular contact with the woman.

"I sat with Abyan on Tuesday at Villawood where she made it clear that she wanted to see counsellors regarding the termination of her pregnancy. She has been denied the right to seek advice from doctors."

The woman is reportedly being processed at Villawood detention centre. It appears unlikely she could be moved back to Nauru before Saturday.

"This removal to Nauru must be stopped," Rintoul said. "Abyan has requested to see counsellors and to get advice from doctors to discuss the planned termination of her pregnancy. There has been no counselling and no arrangements to see counsellors or doctors."

In July, a leaked document from International Health and Medical Services – the health services contractor on Nauru – revealed that asylum seekers and refugees held on Nauru and Manus Island would no longer be flown to Australia for advanced medical care.

On Thursday, immigration minister Peter Dutton said there was a “racket” among refugees and asylum seekers on Nauru seeking to come to Australia for medical care, so they could then demand their asylum claims be processed in Australia.

“The racket that’s been going on here is that people, at the margins, come to Australia from Nauru, the government’s then injunctioned, we can’t send them back to Nauru and there are over 200 people in that category.

“Now, as I say, we want to provide support to the Nauruans. We want to provide a safe environment, a humane environment for people, but we aren’t going to be taken for mugs.”

Dutton cited Australian financial support for healthcare in Nauru – including \$11m million for a medical centre inside the detention centre, and \$26m towards the refurbishment of Nauru’s hospital.

<http://www.theguardian.com/australia-news/2015/oct/16/somali-refugee-may-be-sent-back-to-nauru-without-abortion>

## **7. MEDIA RELEASE: Nauru pregnancy is no racket, Mr Dutton: Pregnant Nauru asylum seekers need help**

Friday, 16 September 2015  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

Peter Dutton's has again exposed the hypocrisy of the Turnbull government's commitment to respect for women, describing the plight of pregnant asylum seekers on Nauru as "a racket."

The pregnant women on Nauru need medical expertise for difficult pregnancies. The difficulties for a diabetic pregnancy are well established; the baby being large for gestational age is just one factor that increases the risk of birth trauma, induction of labour and likelihood of need for a caesarean section. There is a greater likelihood of the baby being stillborn or developing heart and breathing problems and dying shortly after birth. (Photos of Golestan, the 35 year-old, pregnant Iranian asylum seeker are attached.)

"Does that sound like pregnant women are blackmailing the Australian government, as Peter Dutton claims?" asked Ian Rintoul, of the Refugee Action Coalition.

"If Malcolm Turnbull had any respect for women, he would sack Peter Dutton for his shameful comments belittling the serious concerns for the health of pregnant asylum seekers and their babies.

"The Immigration department has made a political decision to over-ride medical advice with a decree that asylum seeker women will no longer be sent to Australia."

The hundreds of people who have been brought to Australia for medical treatment have been brought from Nauru because of the medical advice of the government's own doctors. They are proof positive that proper medical treatment is not available on Nauru.

The figures for infant and maternal mortality on Nauru are staggering. There are seven soon-to-be mothers in the detention centre, three Iranians, three Rohingyans and one Sri Lankan who are facing serious risks to themselves and their babies.

"The Minister and the government is not being 'taken for mugs'; Peter Dutton has made a mug of himself.

"His attempt to remove Abyan, the raped Somali refugee, to Nauru without care or counselling reveals a Minister driven by base political revenge upon the most vulnerable of people."

The Refugee Action Coalition has initiated a petition calling for the Prime Minister to bring Golestan and other pregnant asylum seekers to Australia:

<https://www.change.org/p/prime-minister-malcolm-turnbull-bring-pregnant-nauru-refugees-to-australia>

For more information, contact Ian Rintoul mob 0417 275 713.

## **8. MEDIA ALERT: Immigration flies Abyan to Honiara, Solomon Islands**

### **IMMIGRATION FLIES ABYAN TO HONIARA, SOLOMON ISLANDS**

#### **SHE MUST BE RETURNED TO AUSTRALIA**

Friday, 16 September 2015  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

After seizing Abyan from Villawood this morning (Friday 16 October), the Immigration Department has flown her to Honiara, in an extraordinary and desperate effort to avoid court action that might have prevented her from being removed to Nauru.

A Federal Court hearing in Melbourne convened late this afternoon was told that Abyan was already out the country and that it was intended that she be flown from Honiara to Nauru later tonight.

Abyan was brought from Nauru to Brisbane on Sunday night (11 October) in a distressed state. She was then flown from Brisbane to Sydney on Monday 12 October.

Despite being told that she would see in-house counsellors has not seen any counsellors or received any medical advice. At the time of her removal from Villawood, steps were underway for her to be able to consult with independent counsellors.

"At no time, has Abyan indicated to any advisers that she longer intended to proceed with the termination. Abyan has not been properly medically treated since she was sexually assaulted," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"The department has wilfully ignored the medical advice that Abyan not be returned to the place of her assault. They were in such a rush to get her out of the country , they could not even wait for a flight to Nauru.

"I sat with Abyan on Tuesday at Villawood where she made it clear that she wanted to see counsellors regarding the termination of her pregnancy. She has been denied the right to seek advice from doctors. She said she wanted to thank all those who had helped her get to Australia, 'from the bottom of my heart,' and hope to be able to 'regain my health, wellbeing and energy.'

"That hope has been ripped from her, by the Minister for Immigration and Border Protection."

Abyan said at the time, "I cannot go back to where this happened to me; I cannot go to where I was raped. What happened to me there (on Nauru) is what caused me to run away from Somalia. What happened to me in Somalia is what happened to me there (ie in Nauru)."

"The department's efforts to remove Abyan has solved nothing. She was brought to Australia, last Sunday because she needed urgent medical care. She has lost 10kgs in a month. She must be brought back to Australia, where she can get the treatment and care she needs."

For more information contact Ian Rintoul mob 0417 275 713.

## **9. Australia secretly flies pregnant refugee out of country before hearing**

Government uses chartered flight to get Somalian woman, who asked for an abortion after being raped, out of Australia as an injunction application is made

The Guardian  
Ben Doherty  
Friday 16 October 2015 19.57 AEDT

The federal government has secretly flown a pregnant refugee out of Australia to escape a court injunction, chartering a jet to fly her back to Nauru and the detention centre where she was raped.

In an extraordinary effort that appears to be an attempt escape the reach of Australian courts, the government on Friday swiftly moved the 23-year-old Somalian, who is pregnant as a result of being raped on Nauru, from Villawood detention centre in Sydney.

The woman, known under the pseudonym Abyan, was raped by an unknown assailant in July.



Since her pregnancy has become known, she had been pleading with Australian authorities for weeks to be brought to Australia to terminate the pregnancy.

Because of restrictive abortion laws in Nauru and Papua New Guinea, there was nowhere in Australia's offshore detention network where she could have the termination.

Abyan was brought to Australia on Sunday evening, and held at Villawood detention centre. She told friends and advocates she feared being sent back to Nauru.

"I cannot go back to where this happened to me; I cannot go to where I was raped. What happened to me there [in Nauru] is what caused me to run away from Somalia. What happened to me in Somalia is what happened to me there [in Nauru]," Abyan said.

Abyan had a medical appointment scheduled on Thursday, which she declined to attend, sources have told the Guardian.

The Department of Immigration and Border Protection is understood to have taken her non-attendance as refusing to have the termination.

However, advocates assisting Abyan say this is not true. They say she was only asking for more time to decide, and had asked repeatedly to see a counsellor, a request the Guardian understands, was not granted.

On Friday, department officials began making preparations to forcibly remove her from Australia.

Special counsel for Shine Lawyers George Newhouse, who is acting for Abyan, wrote to senior officials at the Department of Immigration and Border Protection on Friday before Abyan was removed from the country.

"Our client has not decided to refuse a termination and you have completely misunderstood or misconstrued her position which is as set out in my letter ... of 14 October 2015," he wrote.

"Our client has the right to counselling before a termination and to understand the procedure, that is all we have been seeking and to represent her position as a refusal is disingenuous and cruel."

In the letter, Newhouse requested he be allowed to speak to his client – as afforded by Australian law and the 1951 Refugees Convention – before she was removed. He was not allowed to speak with her.

Hearing that Abyan was being moved, her lawyers sought an injunction against her removal in the federal court before Justice Jacqueline Gleeson.

But in court, they were told that Abyan was already out of the country, and had been flown by chartered jet to the Solomon Islands capital, Honiara. The government was planning to return her to Nauru on Friday night.

It appears the government chartered a RAAF 737 to make the flight to Nauru.

Newhouse said the government's strategy in forcibly removing Abyan was aimed "at avoiding due process and any scrutiny".

"The conduct of the Commonwealth in effectively abducting our client before we could speak to her or bring the matter to the court is astounding. I don't think there's been a case like it since the Petrov Affair."

In acting for Abyan, Shine Lawyers took advice from leading women's psychiatrists and obstetricians, Newhouse said.

"And our correspondence with the Commonwealth has been based on that. All we ask the Commonwealth to do, all we have been asking for is what any woman in this country would expect, and that is to be fit for the operation, to be counselled about the sexual assault and the pregnancy and to understand the operation so that she could give fully informed consent."

Ian Rintoul from the Refugee Action Coalition with with Abyan in Villawood this week. He says he was shocked to discover she had been spirited out of the country.

"This is staggering beyond belief that they would act so deliberately to remove her from the court's jurisdiction: they have flown her to Honiara to ensure they could be no court decision. Having recognised their mistake in the first place, and brought her to Australia, the government has gone to extraordinary lengths to deny her fundamental rights that would be afforded to any woman in Australia."

Rintoul said he feared for Abyan's physical safety on Nauru, and for her mental health.

"At a personal level, Abyan has already suffered enormous mental anguish, over the rape, and over her situation. I have at a personal level, serious fears for her health and her mental health. They have placed her back in the most extreme desperate personal circumstances, with no concern for her wellbeing on Nauru."

Repeated requests for information on Abyan's case from the Department of Immigration and Border Protection, and from the minister's office, received no response.

On Thursday, the immigration minister, Peter Dutton, said there was a "racket" among refugees and asylum seekers on Nauru seeking to come to Australia for medical care, so they could then demand their asylum claims be processed in Australia.

"The racket that's been going on here is that people, at the margins, come to Australia from Nauru, the government's then injunctioned, we can't send them back to Nauru and there are over 200 people in that category.

"Now, as I say, we want to provide support to the Nauruans. We want to provide a safe environment, a humane environment for people, but we aren't going to be taken for mugs."

Dutton cited Australian financial support for healthcare in Nauru – including \$11m for a medical centre inside the detention centre, and \$26m towards the refurbishment of Nauru's hospital.

Pamela Curr from the Asylum Seeker Resource Centre said Abyan was being returned to danger.

"This is extraordinary and it is appalling that she's going back to a place where she was raped. She is being forced back into the Community, at the same risk she was at before.

"She is now being forced to have a baby that she may not want. In a country where it is not safe, where there is a rapist that knows it is his child. She is not safe."

Curr said the government, and the immigration department in particular, was "waging war on women"

"They have used force to put this person beyond the reach of Australian courts."

No one has been charged with Abyan's assault. She declined to go to police, telling caseworkers she feared her attacker finding out she had lodged a complaint.

<http://www.theguardian.com/australia-news/2015/oct/16/australia-secretly-flies-pregnant-asylum-seeker-back-to-nauru-before-hearing>

## **10. Pregnant asylum seeker returned to Nauru 'changed her mind about having an abortion', PM says**

ABC Radio CAF - AM

By Jessica Longbottom and staff

Posted Sat 17 Oct 2015, 11:01am

A pregnant asylum seeker who was transferred to Australia for an abortion was returned to Nauru because she changed her mind about having the procedure, the Prime Minister says.

The 23-year-old Somali woman was brought to Australia for treatment this week, after allegedly being raped at the detention centre on Nauru.

The ABC understands that at 9:00am on Friday, immigration officials took the woman, known as Abyan, from her room at Sydney's Villawood detention centre with the intention of sending her to Nauru.

Her legal team lodged an urgent injunction with the Federal Court to prevent her removal, which was heard late yesterday.

But her lawyers said Government lawyers told the court that Abyan was already out of Australia, in Honiara on her way to Nauru.

The Federal Court said it did not have jurisdiction to act.

"What we now know is that she was at some time put on a jet to Honiara to get her out of the country, to avoid court action that might have prevented her being removed from Australia," the Refugee Action Coalition's Ian Rintoul told ABC's AM.

Prime Minister Malcolm Turnbull was today asked whether the woman had been sent back to Nauru to avoid a legal injunction.

"The information I have is that [the] woman in question changed her mind about seeking a termination and that's all I know," he said.

"She changed her mind ... and was deemed as fit to fly, so is returning."

But Abyan's lawyer George Newhouse said his client wanted to see a counsellor before she committed to go through with the abortion.

"We asked for counselling, support and for her to understand the procedure that she was about to undertake," he said.

"On the basis of those requests apparently the Government decided to take her back to Nauru.

"We are gobsmacked."

When asked whether Abyan received medical help while she was in Australia, Mr Rintoul said: "No, no. Emphatically, emphatically no."

Abyan's lawyers say they have no way to contact the woman, who is now 14 weeks pregnant.

"I need to talk to her. She's currently in the hands of the Australian Government and I have no ability to communicate with her," Mr Newhouse said.

Greens senator Sarah Hanson-Young said the case left her speechless.

"This is just horrific. Playing with the life with this young woman to send a message to others," she said.

"[Immigration Minister] Peter Dutton [is] clearly wanting to send a message to other women — there's a number of pregnant women on the island — that they won't be brought to Australia under any circumstances."

The Government did not respond to AM's request for a comment.

<http://www.abc.net.au/news/2015-10-17/pregnant-asylum-seeker-sent-to-nauru-changed-mind-about-abortion/6862922>

## **11. Turnbull is wrong to claim refugee changed her mind about abortion, advocates say**

Refugee Action Coalition says the woman was flown out of the country to avoid a possible court injunction, not because she had refused procedure

The Guardian  
Staff and wires  
Saturday 17 October 2015 13.34 AEDT

Malcolm Turnbull is wrong in claiming a pregnant refugee changed her mind about an abortion after being raped in Nauru, a refugee advocate says.

The prime minister said the 23-year-old Somali woman known under the pseudonym Abyan, who was brought to Australia and moved to Sydney's Villawood detention centre this week for the procedure, was returned to the island because she decided against it.

"The information I have is that woman in question changed her mind about seeking a termination and was deemed fit to fly," he told reporters in Auckland on Saturday.

But Refugee Action Coalition spokesman Ian Rintoul insisted Abyan was flown out of Australia because lawyers were preparing for an injunction to prevent her return to Nauru.

"The prime minister's statement is just not true," Rintoul said. "At no point did Abyan refuse or decline to have a termination."

Rintoul said he had spoken to Abyan on Friday night and she indicated she wanted to postpone her decision – not change it – because she wanted to discuss the decision with doctors, but had been denied counselling and an interpreter.

"All she did say with that, (was) she would tell them tomorrow or the day after and on that basis it seems they've removed her," he said. "It's very clear that she was urgently removed from Australia quite deliberately and consciously to avoid there being any possible review of the decision to remove her."

Special counsel for Shine Lawyers George Newhouse, who is acting for Abyan, wrote to senior officials at the Department of Immigration and Border Protection on Friday before Abyan was removed from the country.

"Our client has not decided to refuse a termination and you have completely misunderstood or misconstrued her position which is as set out in my letter ... of 14 October 2015," he wrote.

“Our client has the right to counselling before a termination and to understand the procedure, that is all we have been seeking and to represent her position as a refusal is disingenuous and cruel.”

In the letter, Newhouse requested he be allowed to speak to his client – as afforded by Australian law and the 1951 Refugees Convention – before she was removed. He was not allowed to speak with her.

Hearing that Abyan was being moved, her lawyers sought an injunction against her removal in the federal court before Justice Jacqueline Gleeson.

But in court, they were told that Abyan was already out of the country, and had been flown by chartered jet to the Solomon Islands capital, Honiara. She was later transferred to Nauru on board a RAAF jet.

Newhouse said the government’s strategy in forcibly removing Abyan was aimed “at avoiding due process and any scrutiny”.

“The conduct of the Commonwealth in effectively abducting our client before we could speak to her or bring the matter to the court is astounding. I don’t think there’s been a case like it since the Petrov Affair.”

In acting for Abyan, Shine Lawyers took advice from leading women’s psychiatrists and obstetricians, Newhouse said.

“And our correspondence with the Commonwealth has been based on that. All we ask the Commonwealth to do, all we have been asking for is what any woman in this country would expect, and that is to be fit for the operation, to be counselled about the sexual assault and the pregnancy and to understand the operation so that she could give fully informed consent.”

Abyan is one of two Somali asylum seekers to report being raped on Nauru.

Nauru police last week closed their investigation into claims a 26-year-old Somali asylum seeker was sexually assaulted, after the Nauru government said there was “insufficient evidence” to support the woman’s claim.

The Nauru police said the case would be reopened if new evidence came to light.

Greens leader Richard Di Natale told reporters in Melbourne he understood the woman had been denied pre-termination counselling when she asked for it and was sent home.

“If that’s the case, what we’re witnessing here is a government that is just so cruel and callous to deny a woman, who is already experiencing such incredible trauma ... now being denied a basic request that we would offer to anybody in those circumstances.”

Because of restrictive abortion laws in Nauru and Papua New Guinea, there was nowhere in Australia’s offshore detention network where Abyan could have the termination.

Abyan was brought to Australia on Sunday evening, and held at Villawood detention centre. She told friends and advocates she feared being sent back to Nauru.

Comment was sought from the immigration minister, Peter Dutton. Previous requests for information on Abyan’s case from the Department of Immigration and Border Protection, and from the minister’s office, received no response.

On Thursday, the immigration minister, Peter Dutton, said there was a “racket” among refugees and asylum seekers on Nauru seeking to come to Australia for medical care, so they could then demand their asylum claims be processed in Australia.

“The racket that’s been going on here is that people, at the margins, come to Australia from Nauru, the government’s then injuncted, we can’t send them back to Nauru and there are over 200 people in that category.

“Now, as I say, we want to provide support to the Nauruans. We want to provide a safe environment, a humane environment for people, but we aren’t going to be taken for mugs.”

Dutton cited Australian financial support for healthcare in Nauru – including \$11m for a medical centre inside the detention centre, and \$26m towards the refurbishment of Nauru’s hospital.

<http://www.theguardian.com/australia-news/2015/oct/17/turnbull-is-wrong-to-claim-refugee-changed-her-mind-about-abortion-advocates-say>

## **12. MEDIA RELEASE: Peter Dutton's misleading statements**

Saturday October 17, 2015  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

Everyone remembers when Scott Morrison declared that Reza Barati was killed 'outside the wire' at the Manus Island detention centre.

It was a low point of the former Minister's career.

Peter Dutton should have paid more attention to Scott Morrison's mistakes before having a Morrison-moment of his own, about the Somali refugee brought from Nauru, declaring that, "The woman has decided not to proceed with the termination."

That is not the case.

He has become a victim of his own propaganda.

Peter Dutton's took a political decision to remove Abyan without allowing her to consult with her lawyer; and without counselling and without the medical attention she needed.

The Australian government went to the extraordinary lengths to remove Abyan to ensure that the decision to remove her could not be considered by a court.

It is Peter Dutton's shameful political agenda that is being exposed.

Service contractors on Nauru are still warning Abyan not to contact Australian lawyers.

On more than one occasion, Dutton has insisted that people who are on Nauru and Manus 'will not be coming to settle permanently in Australia'.

The people who have been brought from Nauru to Australia have come because they have been brought by the Australian government because there is no proper medical or mental health care on Nauru. For example, some of them have contracted TB at an Australian-run detention centre on Nauru; others have disabilities that render their life on Nauru intolerable.

Peter Dutton and the immigration department have treated Abyan abominably. The government's respect for women has been revealed as a sham.

Abyan is still waiting for the medical attention she needs.

For more information contact Ian Rintoul 0417 275 713

### **13. Jeff Sparrow: Flying a refugee to Nauru in secret: is this any different to extraordinary rendition?**

Australia's militarised border protection policy borrows its methods from the war on terror – not least by moving questionable activities offshore and outside the easy reach of courts

The Guardian  
Jeff Sparrow  
Saturday 17 October 2015 11.56 AEDT

he rebadging of the Australian customs and border protection service as the Australian border force illustrates a phenomenon that's been apparent for some time – the entwining of refugee policy with the war on terror.

Today, the institution tasked with responding to desperate people fleeing persecution has been thoroughly militarised. Its personnel are uniformed; its key leaders comes from the army and navy, and treat the most basic information about refugees and their conditions as a state secrets.

But recent events – particularly the government chartering a RAAF jet to secretly fly a pregnant refugee out of Australia to escape a court injunction on Friday – remind us of another, less obvious, intersection between the treatment of asylum seekers and the treatment of terrorists, one that relates to the American policy known as "extraordinary rendition".

On 16 September 2001, the then US vice president Dick Cheney told NBC that the war on terror required Americans to work on "the dark side". The CIA duly drew up new protocols for interrogations, authorising the use of waterboarding, sleep deprivation, stress positions, slapping and other coercive measures.

But the worst torture was generally performed by others, with detainees secretly transported to US-friendly regimes willing and able to inflict medieval brutality on America's hapless captives. The former CIA agent Robert Baer explained the smorgasbord of violence available to his agency: "If you want a serious interrogation, you send a prisoner to Jordan. If you want them to be tortured, you send them to Syria. If you want someone to disappear – never to see them again – you send them to Egypt."

Full story at <http://www.theguardian.com/commentisfree/2015/oct/17/flying-a-refugee-to-nauru-in-secret-is-this-any-different-to-extraordinary-rendition>

## 14. Lawyer for Somali refugee raped on Nauru says Australia ignored her pleas

Lawyer says his client did not refuse an abortion before being abruptly flown back to Nauru but sought more time, counselling and interpreter services

The Guardian  
Shalailah Medhora  
Sunday 18 October 2015 13.42 AEDT

A Somali refugee raped on Nauru had not changed her mind about wanting an abortion, but had sought counselling and translation services before going ahead with the procedure, her lawyer has told Guardian Australia.

The 23-year old woman, known as Abyan, was flown back to Nauru from Australia on Friday. She had been in the country for an abortion, a procedure difficult to access on Nauru.

The immigration minister, Peter Dutton, said Abyan was flown out of the country because she had changed her mind about having the termination. He denied claims that she was removed before lawyers could seek an injunction prohibiting her return to Nauru.

But the refugee's lawyer, George Newhouse, told Guardian Australia she had not changed her mind about wanting a termination.

The woman had been very sick before arriving in Australia, and had lost 10kg since the rape. No doctor or medical professional had come to see her between September 3 and Friday October 9, when she was found unconscious in her bed, Newhouse said.

Staff at Sydney's Villawood immigration detention centre, where Abyan was brought for the termination, had asked her on a few occasions to schedule in a date for the abortion, he said.

"She wasn't up to it that day and said [to Villawood staff], 'I'll tell you tomorrow or the next day'," Newhouse said.

The young woman had also asked for an interpreter and counselling services before following through with the abortion, Newhouse said. She was more than 14 weeks pregnant and had not received rape or pregnancy counselling at any stage through her pregnancy, he said.

"She didn't get them," Newhouse said of Abyan's request for counselling and translation services. "They [the government] ignored her pleas and whisked her off secretly before she could have due process."

Greens deputy leader Scott Ludlam was scathing of the government's decision to send Abyan back to Nauru, labelling it a "horrific" way to treat someone in its care.

"She didn't change her mind. She wanted, as any woman who is 14,15 weeks pregnant would want, to talk to a counsellor. And we put her on a RAAF jet and sent her back to Nauru," he told Sky News on Sunday. "She's now back on the island on which she was raped and that's been turned into an open prison camp, essentially."

Abyan has been found to be a refugee. She is not detained in Nauru's detention centre, but can move freely around the island.

However, in line with the Coalition's tough stance on asylum seekers who arrive in Australia by boat, she cannot resettle in Australia.

A spokesman for Dutton told Guardian Australia that the claims made by advocates relating to Abyan's return amounted to "gossip" and "hearsay".

"Ask yourself this question – why would the department go to the effort to bring someone to Australia for medical treatment and then that treatment does not proceed?" the spokesman said. "There can be only one conclusion."

Dutton released a statement on Saturday afternoon saying the young woman had decided not to have an abortion.

"Comments from some advocates to the contrary are a fabrication, while others appear to be using this woman's circumstance for their own political agenda," the immigration minister said. "They should be ashamed of their lies."

"The woman was chartered back to Nauru. The woman was brought to Australia for medical attention, not for a migration outcome."

But a letter from Abyan's lawyers to border force officials, obtained by Guardian Australia, strongly refutes the assertion she had changed her mind.

"Our client has not decided to refuse a termination and you have completely misunderstood or misconstrued her position," the letter, dated Friday, read.

"Our client has the right to counselling before a termination and to understand the procedure, that is all we have been seeking and to represent her position as a refusal is disingenuous and cruel," it said.

Labor is urging the government not to be secretive about what happens in offshore detention centres.

"There's got to be a lot more transparency in the management of the facilities themselves to avoid these types of situations and to be able to have the care and support for something as sensitive as this," Labor MP Ed Husic told Sky News on Sunday. "We are accountable for their management and we can't just shrug that off."

<http://www.theguardian.com/australia-news/2015/oct/18/lawyer-for-somali-refugee-raped-on-nauru-says-australia-ignored-her-pleas>

## 15. Nauru threatens to charge Somali refugee over 'false' rape claim

ABC News Online

By political reporter Dan Conifer

First posted Thu 15 Oct 2015, 10:39pm

Updated Fri 16 Oct 2015, 3:48am

A 26-year-old Somali woman who says she was raped in August may be charged with making a false complaint to police, the Nauruan government says.

The refugee's case was raised last month on 7.30 after the program obtained a video recording of the emergency call she made after the alleged incident on August 21.

The woman, known as Najma, reported to police that two Nauruan men had dragged her into the bushes and raped her.

Earlier this week, the island nation's government released a statement rejecting the woman's claims.

"There was no lacerations or bruising around the vaginal region and a spermatozoa test on the victim after a vaginal swab proved negative," the statement said.

It also distributed a police file of the incident, including the alleged rape victim's real name.

Now Nauru's justice minister, David Adeang, says Namja could have committed a crime.

Mr Adeang, who said the women concerned may face charges of making a false complaint, stood by the country's police force "one hundred per cent".

"The police investigation has shown there was no rape. Therefore, as far as we are concerned, the person in question is not a rape victim or a victim of any crime," he explained in a Nauru government statement.

"The person did not cooperate with police and refused to accompany police to what she alleged was the crime scene."

The minister said media outlets should stop referring to the person as a rape victim and should accept the findings of the investigation.

Mr Adeang said media outlets — including the ABC — were not interested "in the truth" and reports were "insulting to genuine victims of assault".

"These media outlets have such an agenda they only accept the truth that suits them. Truth is the real victim here," the minister claimed.

The woman said it took Nauruan police four hours to arrive and told the ABC she feels unsafe on the Pacific nation — one of two countries Australia uses for offshore detention.

"As a Somali girl, I was hoping to come to a safe place, but I have no safety," she said.

"As we walk to work, Nauruan men charge us \$5.00 to use the road, then they follow us and harass us or touch us."

Dozens of sexual assault and other abuse allegations have been made about incidents inside the detention facility and in the community.

<http://www.abc.net.au/news/2015-10-16/woman-could-face-charges-for-making-false-rape-claim-in-nauru/6858944>

## 16. Nauru: alleged rape victim may be charged with false complaint

Justice minister accuses media outlets including the Guardian and the ABC of 'shameful, unethical and dishonest' reporting

The Guardian  
Paul Farrell and Ben Doherty  
Thursday 15 October 2015 16.39 AEDT

The Nauruan justice minister has said police are considering charging a sexual assault complainant with making a false statement after the government faced widespread criticism for releasing the woman's name and graphic details of her allegations.

In a combative statement issued on Thursday, David Adeang claimed the woman had not cooperated with the investigation and "refused to accompany police" to the scene of the complaint.

Adeang also hit back at media coverage of the handling of her case, including reports by Guardian Australia, claiming that "truth is the real victim here".

The sexual assault allegations made by a Somali refugee who was previously held in the Australian-run detention centre were first reported by the ABC's 7.30 program in September.

On Monday the Nauruan government – via its Australian public relations company Mercer PR – said the police investigation had been dropped, citing a lack of evidence. But in a move that has been widely condemned as a breach of privacy, the company also released the woman's name and details of the alleged sexual assault.

Adeang said in the statement: "The police investigation has shown there was no rape therefore as far as we are concerned the person in question is not a rape victim or a victim of any crime.

"It is a lie to say we 'published' the name. We did not even use her name in our statement. We simply sent a police report to a few media outlets who already knew who she was, in the interests of accountability."

The statement went on to say "the woman concerned may face charges of making a false complaint".

Adeang also used his media statement to condemn the reporting of the woman's story by the ABC and Guardian Australia as "shameful, unethical and dishonest". He said some media outlets in Australia "were not interested in truth".

"We will reconsider our cooperation with media outlets like the ABC and the Guardian who refuse to provide any balance and who have replaced real journalism with political activism," he said.

The government of Nauru is hostile to foreign journalists on the island and has a de facto ban on international reporters being allowed in.

The application fee for a media visa was increased to \$8,000 in 2014, a fee that is non-refundable if the government refuses to grant it.

On Saturday the Nauruan police executed a search warrant on an administrative building at the Australian-run detention centre in an attempt to hunt down journalists' sources after the leaking of internal government emails about planned visits by local media to the detention centre.

Al-Jazeera also issued a statement on Wednesday after it too faced criticism from Nauru over its report that the country had banned all media visits.

An Al-Jazeera spokesman said: "Al-Jazeera English strongly deny claims by the Nauru government that they did not go through the 'proper channels' while trying to obtain a media visa to travel the country.

"Al-Jazeera English had gone through all the official procedures and processes outlined by the government of Nauru in relation to obtaining a media visa in order to enter the country."

Mercer PR, which is run by Lyall Mercer, has gone to ground this week. Crikey reported that it had deleted a series of blogs and online publications.

The Public Relations Institute of Australia has also condemned the release of the sexual assault complainant's personal details.



Questions continue to be asked about the adequacy of the Nauruan police force to investigate serious allegations of sexual assault. On Thursday the ABC reported a man convicted of sexual assault had been allowed to become a police reservist.

Despite a series of allegations of assaults on refugees and asylum seekers, no one has ever been charged with an offence committed against an asylum seeker or a refugee. Some police investigations are ongoing.

<http://www.theguardian.com/media/2015/oct/15/nauruan-government-alleged-victim-may-be-charged-with-false-complaint>