

# Project SafeCom News and Updates

Sunday, 25 October 2015

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## 1. The Saturday Paper: The death of Khodayar Amini

In the three years before his suicide, Hazara asylum seeker Khodayar Amini says he was twice assaulted by police and was the victim of continual harassment.

The Saturday Paper  
Abdul Karim Hekmat  
Oct 24, 2015

Thursday night, October 15, Khodayar Amini was preparing to cook for his five roommates in a suburb of Western Sydney. The phone rang, and he listened to his friend on the other end of the line. Australian Border Force had just raided his old address, about 10 kilometres away. Six officers had blocked the doors and windows and searched every room, checking the identity of the four people inside. They said they were looking for Amini's new address.

The news shook him. He had already provided the immigration department with his new address but his encounters with Border Force made him nervous. Fearing that immigration officers would come and take him back to detention, the Hazara asylum seeker walked out into the night, leaving his belongings behind. "I don't have other option. I have to run. I don't want to go back in detention centre. I have suffered a lot there," he told his friend. "They killed my best friend, Nasim Najafi."

Amini fled the state, reaching Dandenong in south-east Melbourne, where he hid out in nearby bushland. Within three days he would be dead. He made a final phone call to two refugee advocates and while talking to them set himself alight. When police found his body, it was in a circle of scorched earth the size of a small room. He was 30.

The day before he died Amini had written in Farsi to one of the refugee advocates, Michelle Bui. Again he mentioned his friend Mohammad Nasim Najafi, who died in the Yongah Hill Immigration Detention Centre outside Perth in July, and two others who had committed suicide. Amini had shared a room with Najafi at Yongah Hill.

Full story at <https://www.thesaturdaypaper.com.au/news/immigration/2015/10/24/the-death-khodayar-amini/14456052002536>

## 2. The Saturday Paper: Life in the Manus Island detention centre

Within the Manus Island detention centre, daily life is a dull routine in the company of guards and increasingly disturbed fellow detainees, endlessly playing out in the oppressive heat and humidity.

The Saturday Paper  
Chris Shearer  
Oct 24, 2015

It's the heat that wakes Mahmud. The midday sun hangs high over the Manus Island Regional Processing Centre and, although air-conditioned, the dorm that he shares with 29 other men in Oscar compound is stifling. From behind the thin sheets hung around his bunk he can hear the sounds of men playing the card game Hokm and the Iranian pop song "Tekoon Bede" drifting from the shared speakers. In the humid air Mahmud – not his real name – can smell their sweat mingled with stale tobacco and marijuana smoke.

Last night he dreamt that the Papuan guards had beaten him up. He used to have nightmares about the Iranian Revolutionary Guard, but the expat and local security officers have become his biggest fear. Even with medication his nights are restless, and if disturbed he awakes so startled that the other men haven't bothered to rouse him for breakfast in months.

He rolls onto his side, not yet ready to leave the security of this small private place. Beyond his sheet curtain the music changes to something in Arabic, but it's interrupted by a siren from beyond the compound. He rolls onto his back and listens. The guards say it's just the fire alarm being tested but the men of Manus Island Regional Processing Centre (MIRPC) suspect it's played to disturb the sleeping and distress the awake. For some it reminds them of air-raid sirens. For Mahmud it's the Revolutionary Guard again.

After two minutes the siren ends. Mahmud pulls back the sheets and dresses in his grey T-shirt and blue shorts, finds his sunglasses, and slips on a pair of blue thongs. The thongs are only a few months old and much more comfortable than his old ones. Of course, they can't protect his feet as well as his runners, but fungal infections are so common that he'd prefer to risk grazed heels and toes.

Full story at <https://www.thesaturdaypaper.com.au/news/immigration/2015/10/24/life-the-manus-island-detention-centre/14456052002538>

### 3. Witness in Reza Barati murder trial says he is dogged by death threats

Asylum seeker Benham Satah says he is under constant threat in the Manus Island detention centre and he has been told he will be killed unless he withdraws his testimony

The Guardian  
Ben Doherty  
Friday 23 October 2015 13.46 AEDT

The asylum seeker who gave evidence in the trial of Reza Barati's alleged killers says he has been told he will be murdered unless he withdraws his testimony.

Benham Satah was twice forcibly taken to Lorengau court last month to testify in the trial of Joshua Kaluvia and Louie Efi, who are alleged to have led a gang of guards who beat Barati to death.

Satah initially refused to testify, citing threats that he would be killed. On the second day, he agreed to give evidence after being promised by the judge and Manus Island detention centre operators he would be given additional protection.

However, since being returned to detention he says his life has been under constant threat, in person and by phone.

"I cannot sleep at night, I have nightmares every night," he told Guardian Australia. "My legs they shake, I cannot leave my room. I think I am going crazy.

"The judge promised 'I will guarantee your safety'. But since then, nothing. They can get to me. They can kill me."

After being returned from court, Satah was returned to the SAA compound within the Manus Island detention centre, used for housing people suffering mental health issues, and where he was quarantined from local guards.

But after two weeks, Satah says, eight local guards came into the compound, "including one man who was involved in killing Reza Barati".

"It was not an accident, they came to intimidate me, to show they can get to me wherever I am."

Satah has since been returned to Foxtrot compound at his request, and says that local guards sit at the back of his accommodation block throughout the day.

"They never used to do that. I can never leave my room. I only leave to go to eat, and I always have to go with other people around me. I am not safe.

"I have seen what they can do. I saw them beat my friend to death. They can kill people. And they will kill me."

Satah receives regular threats by phone. Guardian Australia has seen some of the text messages sent to his phone, and to the phones of friends also in detention.

One reads: "If you don't withdraw your affidavits against us in trial. We kill all of you. Don't forget you live in Manus."

Guardian Australia has approached detention centre operators Transfield and security subcontractor Wilson Security for comment on Satah's security regime.

According to a formal statement to the office of the United Nations high commissioner for human rights in July 2014, Satah has previously been targeted by guards because he was a witness to Barati's death. The statement says that Satah and another witness were forcibly taken to Chauka – the detention centre's secretive "behavioural management" compound made of windowless shipping containers – where they were tied to chairs and "threatened with physical violence, rape, and criminal prosecution for 'becoming aggressive' if they refused to retract the statements that they had made" about Barati's death.

Upon investigation, the UN's special rapporteur on torture, Juan Méndez, found in March this year there "was substance in the allegations". However no action has been taken against guards or detention centre operators.

On Manus Island, the trial of Kaluvia and Efi has been controversial from the outset.

The pair is accused of leading a riotous gang of guards, police and others who invaded the detention centre – under provocation – and attacked asylum seekers in February last year.

More than 60 asylum seekers were injured. One man was shot by police, another lost an eye when he was beaten, and Barati was killed.

At the trial last month, PNG's supreme court heard Kaluvia chased Barati up a staircase, hitting him twice with a large piece of wood studded with nails.

Up to 15 guards then kicked Barati in the head before Efi allegedly dropped a rock on his head.

But only the two PNG nationals have been brought to justice, despite all of the evidence from PNG police and from an Australian government investigation into the incident reporting a much wider involvement.

Two expatriate guards, one Australian and one New Zealander, who have been named in briefs of evidence as kicking Barati in the head while he lay prone and bleeding, have not faced questioning or charge.

Kaluvia and Efi have both staunchly maintained their innocence. They told Guardian Australia from Lorengau prison: "They want to convict us so that nobody else, no Australians or New Zealanders who are responsible, have to face justice. We have to take the blame for them because we are PNG."

Local leaders believe the two PNG nationals have been cast as scapegoats for the crimes of many more.

Ronnie Knight, MP for Manus Island, said there was "one law for the locals, and no laws for the expats. The locals don't matter, and the expats get off, they can do what they like".

The provincial governor, Charlie Benjamin, said all should be equal before the law, and the incident should be fully and fairly investigated.

"It should not just be the two locals who are held responsible. This violence, it was not just these two. These two were not the only people responsible."

The trial will be reopened in November to hear more evidence in defence of Kaluvia and Efi.

<http://www.theguardian.com/australia-news/2015/oct/23/witness-in-reza-barati-trial-says-he-is-dogged-by-death-threats>

#### **4. Reza Barati murder: Australia has questions to answer over failure to protect witness, UN official says**

ABC News Online

By the National Reporting Team's Natasha Robinson and PNG correspondent Eric Tlozek

First posted Tue 20 Oct 2015, 6:32am

Updated Tue 20 Oct 2015, 6:42am

The Australian Government has serious questions to answer over its failure to guarantee the safety of a key witness to the murder of asylum seeker Reza Barati, according to a UN official.

The key witness, Kurdish asylum seeker Benham Satah, has told the ABC's AM program that he remains in fear of his life.

He is one of two men allegedly tortured inside a secret compound in the Manus Island Regional Processing Centre.

Mr Satah was one of two roommates of Mr Barati. He spoke to the ABC from inside the Manus Island detention centre, where he said he faced daily intimidation from PNG guards despite being promised witness protection by local authorities.

"They want me dead," Mr Satah said.

"They have increased their pressure every day since Reza died. How many times can I survive more?"

United Nations special rapporteur Juan Mendez detailed the torture of Mr Satah and another Iranian man in a report tabled at the UN's Human Rights Council earlier this year.

The two men were allegedly tortured by local PNG guards inside the Chauka compound on Manus Island and threatened with rape unless they retracted sworn statements that detailed events on the night of Mr Barati's murder.

Mr Mendez told the ABC that more than six months since the report was tabled, he was not satisfied with the Australian Government's response to the torture allegations.

He also said Australia had not done enough to protect key witnesses to the Barati murder.

"I think it's never too late for Australia to do what it should have done some time ago," Mr Mendez said from Washington.

"Providing witness protection is something that should have been done on a timely basis, but it can still be done and I'm hoping that the Australian Government will decide to do so."

## ***'I have seen how they kill people'***

Until late last month when he was forcibly escorted to a Manus Island court, Mr Satah had been refusing to give evidence against the two men accused of the Barati murder, PNG locals Joshua Kaluvia and Louie Efi.

Two expatriates, an Australian national and a New Zealand national, who were also allegedly responsible for Mr Barati's murder, have so far escaped justice. The Barati trial is currently adjourned.

"I have seen how they kill people," Mr Satah said.

"I can't sleep well. My legs never stop shaking and I feel pain in my chest and my head all the time."

Last month Mr Satah was promised protection by the PNG judge presiding in the Barati murder case and the operators of the Manus Island detention centre, and eventually gave evidence in court.

He said he spent the next 15 days in a special area called SAA compound which was isolated from the local guards. But then he said a group came into the compound to intimidate him.

"Eight locals to come to SAA, including one of the locals who was involved in Reza Barati's murder," Mr Satah said.

"They sent them deliberately to frighten me and force me to go back [to Iran]."

Mr Satah said he asked to be moved to another compound, where he is now subject to ongoing intimidation.

"I'm in Foxtrot compound in M block and there is no camera here. Every day many locals come and sit in the back of my room for three or four hours a day. They want to agitate me and force me to go back to my country," he said.

"I don't feel safe here because security already killed my best friend and they proved they can't provide safety for anyone in here and they are trying to agitate me every day by exposing me to locals."

## ***Witness returned to Iran because of safety fears***

Mr Mendez said Australia had questions to answer over its response to the Barati murder.

"In this particular case there are very serious questions," he said.

"It's been more than two years since the incident and things like witness protection could have been afforded, things like involvement of Australian contract agents should have been investigated, and we don't see enough results on that.

"These people were tortured because they were witnesses to the murder of another asylum seeker.

"Australia in this case has a responsibility because none of this would have happened but for the policy of creating a detention camp in Manus Island and letting it be run by PNG."

The second man allegedly tortured in Chauka compound, Witness B, was so afraid for his safety that he returned voluntarily to Iran.

"The fact that he returned voluntarily says something about how dangerous it is for people to be in Manus Island," Mr Mendez said.

The Australian Border Force did not respond to detailed questions about the Barati trial, the safety of witnesses, the investigation of torture allegations and punishment of perpetrators and what it was doing to apprehend the two expatriates still at large.

"The court process is a matter for Papua New Guinea authorities," a spokesperson said.

"Australia will continue to offer assistance where required to the PNG authorities in this matter.

"As the matter is before the courts, it would be inappropriate to comment further."

<http://www.abc.net.au/news/2015-10-20/questions-raised-over-protection-of-reza-barati-murder-witness/6864276>

## 5. Manus Island refugees to be resettled in PNG, Peter Dutton says

Sydney Morning Herald  
October 23, 2015 - 9:56AM  
Nicole Hasham

Papua New Guinea will begin resettling refugees three years after the controversial Manus Island detention centre opened, as the federal government warns of violent clashes, lawlessness and gang rapes in the Pacific nation.

More asylum seekers have died on Manus Island than have been resettled, as the PNG government dragged its feet on developing a resettlement policy, leaving those found to be genuine refugees in limbo. The refugees have been barred from Australia.

Immigration Minister Peter Dutton on Friday said the PNG government had announced it would soon begin refugee settlement following approval by its National Executive Committee for the National Refugee Policy.

"This is delivering on the intentions of the RRA [regional resettlement arrangement], consistent with the spirit of partnership that exists between our two countries," Mr Dutton said, adding "no-one will be resettled in Australia".

The announcement showed the PNG government was committed to allowing refugees to "get on with their lives and have a fresh start in this dynamic nation with a growing economy", he said.

Fairfax Media has sought details of the resettlement policy from the PNG government.

It is unclear where the refugees, who are all single men, will be resettled. The Australian government's travel advice for PNG urges people to "exercise a high degree of caution" and warns of "high levels of serious crime".

"Ethnic disputes continue to flare up around the country. Disputes can quickly escalate into violent clashes. Such clashes not only create danger within the immediate area but also promote a general atmosphere of lawlessness, with an associated increase in opportunistic crime," it says.

The advice says car-jacking "is an ever-present threat" and "there has been an increase in reported incidents of sexual assault, including gang rape ... these crimes are primarily opportunistic and occur without warning."

A violent attack on a trekking party in September 2013 "demonstrates that serious crimes can occur in any part of the country", it says. The pending resettlement comes as the Turnbull government faces sustained pressure to alleviate the plight of refugees and asylum seekers in offshore detention, which has drawn domestic and international criticism.

The PNG government has previously said negative Australian media coverage of asylum seekers was often broadcast or published in PNG and the public had come to see them as "pretty scary".

Education and awareness programs and advertising campaigns were being run in the PNG community before refugees could be resettled because "we have to turn around negative perceptions from that negative media", a PNG government spokesman said in July this year.

In 2012 the former Labor government announced asylum seekers who arrived by boat without a visa would be denied refugee status in Australia but resettled in PNG, via assessment at Manus Island.

Since then, not one has been resettled. This is despite Australian immigration officials confirming in July this year that 129 detainees have been deemed genuine refugees.

Two asylum seekers have died - one killed during riots that swept through the detention centre and one from septicaemia after cutting his foot. At the time, the PNG government spokesman said it was developing a national resettlement policy which "takes time and should not be rushed. This is in the interests of both the refugees and the communities into which they will resettle".

In the same month, a human rights report found gay detainees were being mistreated and refugees released from detention were not allowed to work or move freely.

Asylum seekers reported having frequent nightmares, being extremely depressed and isolating themselves, often not leaving their rooms

In the 2013-14 financial year the federal government spent \$437.6 million to run detention facilities on Manus. There are 936 transferees, as of August 2015, on the island including the refugees.

<http://www.smh.com.au/federal-politics/political-news/manus-island-refugees-to-be-resettled-in-png-peter-dutton-says-20151022-gkgfbm.html>

## 6. Hundreds of refugees are refusing to settle in PNG's 'land of opportunities'

A leaked video urges refugees to leave the Australian-run detention centre on Manus Island and settle in Papua New Guinea but asylum seekers are refusing

The Guardian  
Ben Doherty and agencies  
Saturday 24 October 2015 08.13 AEDT

Refugees incarcerated in the Manus Island detention centre are “choosing to deny themselves freedom” the Papua New Guinea government has told them, in a video urging them to agree to be resettled in the country.

But many, possibly hundreds, of the 934 men still held in the detention centre – some of whom have been in detention there 27 months – are refusing to be resettled, saying they fear being released into the PNG community.

“I will stay inside the detention centre for the rest of my life rather than go to PNG,” one refugee told Guardian Australia. “I never ever dream I could have a future in this inferno. Hundreds here, they feel same way like me.”

On Friday morning, PNG immigration officials and staff from Australia’s department of immigration and border protection visited all of the compounds in the Manus detention centre.

They arrived with interpreters and played a video detailing proposed resettlement arrangements for PNG and urged those found to be refugees to agree to be resettled.

A written transcript of the video, leaked to Guardian Australia, says: “Papua New Guinea is a land of great opportunities for those who embrace them. We have abundant resources and a growing economy. There are large migrant communities in PNG that live safe and very successful lives here. Those of you who are refugees, will have great futures here.”

The video urged viewers to accept a transfer to the Australian-funded \$137m East Lorengau transit centre on the outskirts of Lorengau township. About 40 refugees have already been moved to the new centre.

“You have spent a long time at the Manus regional processing centre and there is no reason for refugees to stay there. If you choose not to relocate, you are choosing to deny yourself freedom.”

The video explained that refugees who accept resettlement in PNG will be required to complete an acculturation course called Wei Bilong PNG, at East Lorengau, and then offered voluntary work.

Refugees will be helped into housing, a recruitment agency will help them find jobs, and they will have case workers assisting them for six months.

No refugees will be settled on Manus, only in other parts of PNG. It is understood the vast majority are likely to end up in the capital, and economic hub, Port Moresby.

Refugees will be eligible to apply for citizenship after eight years, but they may be able to bring their families to PNG before then, after they have a job and have “established themselves”.

Asylum seekers in detention whose claim to refugee status was rejected by PNG would be deported, the video said. Those who agreed to be returned to their country of origin would receive an unspecified amount of financial assistance, those who did not cooperate would be forcibly deported without any help.

Many of the asylum seekers and refugees in Manus detention centre have told Guardian Australia they do not believe the government’s video and say they will not accede to resettlement elsewhere in PNG. Several dozen have refused to present their refugee claims to officials.

“I was here during the riot [in February 2014 when Reza Barati was killed], I have seen a lot of shitty stuff,” one asylum seeker told Guardian Australia on Friday.

“The PNG guys beaten us like dogs, disrespect us. I was thrown in the biggest jail in Manus, I have seen the way they treated us and the prisoners, it was very harsh. Compared with my country, I felt no difference.”

Asylum seekers and refugees say the video has not allayed their concerns about their futures in PNG.

“After 27 months, they are still playing with our mental health every day,” a man told Guardian Australia. “Everyone here worry about his future, we can’t sleep well or eat well because of the unstable situation here.”

Another said: “Everybody know they don’t have any plan to resettle people in PNG. They came to us and said this big lie, every month they come to us and threaten people. I think this policy is working by lie and I believe it is cruelty, torture.”

Those in detention are fiercely mistrustful of the Australian and PNG governments, and relations between local guards and asylum seekers inside the detention centre have been strained almost since the PNG detention centre was reopened in 2012.

Threats and acts of violence are common, and the undercurrent of hostility erupted into open rioting during three days of unrest in February last year. Sixty asylum seekers were injured, including one who was shot and another who lost an eye and several teeth after being beaten with rifle butts. Reza Barati was beaten to death.

No refugee transferred to PNG by Australia has been resettled in the country.

Friday's video presentation follows an announcement by Papua New Guinea's foreign minister, Rimbink Pato, that the PNG government's national executive council had endorsed a national refugee policy this week.

"Papua New Guinea has a proud tradition of helping people in need," Pato said. "This policy affirms our humanitarian values and our strong regional leadership."

PNG's announcement was welcomed by the Australian immigration minister, Peter Dutton, who said the new policy showed the Pacific nation's "commitment to permit those found to be refugees to get on with their lives and have a fresh start in this dynamic nation with a growing economy".

The opposition's immigration spokesman, Richard Marles, said while the regional resettlement arrangement with PNG had prevented deaths at sea, the fact that not a single refugee had been resettled in the country was evidence the Coalition had mismanaged an important bilateral relationship and failed to actively engage with Port Moresby.

<http://www.theguardian.com/australia-news/2015/oct/24/hundreds-of-refugees-are-refusing-to-settle-in-pngs-land-of-opportunities>

## **7. Asylum seekers could be forced into warzones under laws proposed by Federal Government, human rights lawyer David Manne warns**

ABC News Online

By political reporter Stephanie Anderson

First posted Wed 21 Oct 2015, 3:22am

Updated Wed 21 Oct 2015, 5:31am

Asylum seekers could be forced into warzones such as Syria under new laws tabled by the Turnbull Government, a prominent human rights lawyer has warned.

Immigration Minister Peter Dutton tabled a bill last week to strengthen requirements for people who are not refugees as described in the Migration Act, but cannot be returned to their home country due to risk of harm.

The Migration Amendment (Complementary Protection and Other Measures) Bill 2015 seeks to rule out protection for people who face a "generalised" risk, can change their behaviour and can relocate to a safer part of their home country.

The potential laws have been labelled as dangerous by human rights lawyer David Manne.

Mr Manne, the executive director of the Refugee and Immigration Legal Centre, told the ABC the proposed laws could see asylum seekers deported to warzones such as Syria.

"These provisions run the very real risk, if they pass into law, of seeing people sent back to extremely dangerous war zones," he said.

"These types of provisions are very hard to reconcile with the recent generosity and compassion seen in the humanitarian act of agreeing to take an additional 12,000 Syrian refugees."

Mr Manne said the Government had not made a credible case for the proposed changes, which he said would affect "many people" currently under protection in Australia.

The bill has been referred to the Senate's Legal and Constitutional Affairs Legislation Committee, with a report due early next year.

### ***Syrian asylum seeker injured after repatriation from Manus Island***

The legislation coincides with news that a Syrian man repatriated from Manus Island by the Federal Government has been injured during shelling on his village.

Lateline tracked down the man, known as Eyad, who had arrived on Christmas Island by boat on August 4, 2013.

The 29-year-old was flown home in August this year, having claimed to have signed a waiver provided by the Australian Government.

"The papers say that I have left with my own will and I am responsible for myself if anything happens to me there," he said.

"It's my own responsibility, not the Australian Government."

Eyad said he had been picked up by government intelligence officers after landing in the Syrian capital, Damascus.

He was later reunited with his family, but he said his village — caught between rebel militants and the Syrian government army in Daraa province — was dangerous.

He said he was outside with his 54-year-old father last month when shelling began.

"A shell dropped about four metres from us," he said.

"The shrapnel killed my father at the spot and I was injured."

<http://www.abc.net.au/news/2015-10-21/asylum-seekers-could-be-forced-into-warzones-david-manne-warns/6871214>

## **8. Asylum seeker Government sent back to Syria injured in shelling, father killed**

ABC-TV - Lateline

By Ginny Stein

First posted Tue 20 Oct 2015, 3:21pm

Updated Tue 20 Oct 2015, 10:36pm

A Syrian man who was repatriated from Manus Island by the Federal Government has been injured and his father killed during shelling on his village.

Earlier this month, Lateline tracked down Eyad, who had been presumed dead after contact was lost with him when he landed back in the Syrian capital Damascus in August.

The 29-year-old said he had been picked up by government intelligence officers who jailed and tortured him for 20 days.

After Eyad was released, he made it home to his village of Al-Hara in Daraa province, where he was reunited with his family, including his wife and two-year-old daughter.

Daraa province is considered one of the most dangerous parts of Syria and Eyad's village is caught in the middle of ongoing battles between rebel forces and the Syrian government army.

"Some days there is no shelling at all. Other days anytime. Daytime, night time, anytime," he said.

"They decide whenever they want to shell. They do it without any warning."

Late last month Eyad and his 54-year-old father, Mohamed, were outside when the shelling started.

"We were in the street just outside the house. We were walking in peace," he told Lateline.

"A shell dropped about four metres from us. The shrapnel killed my father at the spot and I was injured."

Eyad was hit in the head by a piece of shrapnel.

Mohamed's death drives home the reality that Eyad has returned to life in a warzone.

"My father was very, very happy when he saw me coming back to Syria," he said.

"He told me that 'you was done injustice. You were in jail for two years. Thank God that you are now free and in good health'."

Eyad had arrived on Christmas Island by boat on August 4, 2013 and was later transferred to Manus Island.

Documents obtained under Freedom of Information show the Federal Government actively encourages Syrians in detention centres to return home.

Eyad said he was made to sign a waiver before he was flown from Manus Island back to Syria.

"The papers say that I have left with my own will and I am responsible for myself if anything happens to me there. It's my own responsibility, not the Australian Government," he said.

"I was obliged to sign these papers. I have no other choice. Either to stay in prison on Manus Island or go back to my country."

He said despite the danger he and his family now live with, he is still glad he returned to Syria.

<http://www.abc.net.au/news/2015-10-20/syrian-asylum-seeker-repatriated-from-manus-injured-in-blast/6869974>

## **9. Refugees want to be lifters not leaners: report shows entrepreneurial spirit**

The Age  
October 23, 2015 - 4:06PM  
Nicole Hasham

People and insects engrossed Damon Amb who, as a wide-eyed teenager, photographed his hometown in Iran with his dad's old Konica camera, using film bought with his pocket money.

But under the repressive regime, his art came with a price: regular beatings and harassment. And if he was caught pursuing his passion for artistic nude photography, "I would be dead," he says.

Now in Australia awaiting the outcome of his refugee claim, Mr Amb, 36, is starting his own photography business – hoping to use his skills and passion to "feel part of society" in his new country.

"In these two years this feeling has been killing me, that I am an illegal person. I was thinking what do people think about me?" the Merrylands man said.

"I feel like I'm returning back to life."

A report to be launched on Monday by the Sydney Business Chamber has found that refugees have significant entrepreneurial potential and, with the right support, can contribute to the economy, create income for themselves and employ others.

The report by Professor Jock Collins of the UTS Business School said unemployment rates for refugees are exceeded only by Indigenous Australians, and refugees are often employed in occupations far below their skill level.

It examined the outcomes of a program known as Ignite, which helps refugees set up a small business or expand an existing one.

Operated and funded by Settlement Services International, the program has so far helped 30 refugees seeking to establish a business in fields such as house painting, exporting, pranic healing, construction, energy-saving technology, leather goods and clothing.

The potential of the business is assessed and the refugees are linked to mentors and other professionals. They create a registered business name, a website, and promotional material.

The program helps refugees overcome a lack of assets, credit history and social networks, as well as non-recognition of their educational qualifications and scant local knowledge.

Almost 130 refugees have volunteered to join the program. The report found there is a strong economic argument for a larger humanitarian intake, and the pilot program proved "beyond doubt that directing resources to assist budding entrepreneurs fulfil their dream to start up a small business in Sydney is money well spent".

Professor Collins recommended the program be rolled out nationally, with the support of philanthropists and other sponsors.

The first of Australia's 12,000-strong emergency intake of Syrian refugees is expected to arrive before Christmas.

Mr Amb, who worked as a professional photographer in Iran, has just received his ABN and plans to build a website. He hopes to work commercially while continuing his art practice, including nature photography.

"Part of my life is to explore nature and also to hide in nature. I feel comfortable and release my tensions and refresh my soul," he said.

"I still have phobias ... but I really appreciate the freedom in Australia. I do my photography and no one cares, no one hurts me."

<http://www.theage.com.au/federal-politics/political-news/refugees-want-to-be-lifters-not-leaners-report-shows-entrepreneurial-spirit-20151022-gkfk1i.html>

## 10. Doctors rally in Brisbane to release children from immigration detention centres

ABC News Online

By Leonie Mellor

Posted Tue 20 Oct 2015, 11:35am

About 300 health staff from the Lady Cilento Children's Hospital are calling for children to be released from immigration detention centres.

They unveiled a banner outside the hospital, in Brisbane's south, about lunchtime urging the Federal Government to act.

Organiser Dr Melanie Jansen said medical professionals have lobbied for years with no meaningful change.

Inspired by a similar stance taken by colleagues in Melbourne a few weeks ago, Dr Jansen said they now felt compelled to speak publicly.

"Detention centres are not places where children's well-being are being promoted," she said.

"Staff at our children's hospital have seen children with post-traumatic stress disorder, attempted suicides, developmental delays, recurrent nightmares, anxiety-related bed-wetting, failure to thrive, a whole range of problems that's well documented in the medical literature.

"We've written open letters, published journal articles, but we haven't been able to achieve meaningful change."

<http://www.abc.net.au/news/2015-10-20/doctors-rally-in-brisbane-to-release-children-from-detention/6868678>

## 11. Afghan asylum seeker feared dead after self-immolation during video call

Khodayar Amini was speaking with refugee advocates on Sunday when he threatened to take his own life, before self-immolating on camera

The Guardian

Melissa Davey

Monday 19 October 2015 17.37 AEDT

An Afghan asylum seeker living in Australia on a bridging visa is feared dead after he self-immolated during a video call with refugee advocates.

Khodayar Amini, a Hazara Afghan aged 30, told staff at the Refugee Rights Action Network his fear of being sent back to detention, combined with his uncertain visa status and the threat of being returned to Afghanistan, was "killing him".

At about 11.30am on Sunday, Amini made a video call to advocates Sarah Ross and Michelle Bui, and told them he feared he would be returned to detention because police and immigration department staff wanted to interview him.

Amini, who was believed to be living in the eastern states, then threatened to take his own life before self-immolating on camera. During the call, he urged Ross and Bui to go to the media to share his plight.

"We tried to talk him out of it, I have received suicide intervention training so I used that," Ross told Guardian Australia.

"He had been released from the Yongah Hill detention centre in Western Australia on a bridging visa, but he said immigration and police were looking for him, so he had been living out of his car and hiding in bushland.

"He had previously told us that most of his family had been killed by the Taliban in Afghanistan, and he was uncertain about his future and scared of going back to detention or being sent to Afghanistan.

"He told us it was killing him."

Ross said she immediately called emergency services, and that the phone call with Amini cut-out. She and Bui later received a call from police, who told them a body that seemed to match Amini's description had been found in Victorian bushland in Dandenong.

Police told them they could not confirm the body was Amini's, and a coronial inquest would be carried out.

A spokesman from Victoria police confirmed to Guardian Australia emergency services had responded to a grass fire in Dandenong on Sunday. Once the fire was extinguished, a body was found, the spokesman said.

"The death is not being treated as suspicious," he said.

The night before receiving Amini's call, Bui received a message from him that read: "My crime was that I was a refugee."

"They [immigration] tortured me for 37 months and during all these times, they treated me in the most cruel and inhumane way, they violated my basic human right and took away my human dignity," Amini wrote.

"I ask you to stand up for the rights of refugees and stop people being killed just because they have become refugees."

Amini had no known family members in Australia.

Guardian Australia has contacted the office of the immigration minister, Peter Dutton, and the Department of Immigration and Border Protection, for comment.

In a statement, the Refugee Rights Action Network said Amini had been traumatised by the deaths of his friends including Nasim Najafi, who died at the Yongah Hill detention centre in July, and Ahmad Ali Jaffari, who died in the Villawood detention centre in 2013.

"We believe Khodayar's experience and length of detention directly contributed to the deterioration of his mental health," the statement said.

"The Refugee Rights Action Network further believes that Khodayar's state of mind was symptomatic of the conditions surrounding his visa, which kept him in a constant state of limbo and fear of re-detainment and deportation."

The Hazaras are mostly from the Shiite Muslim minority in Afghanistan and several thousand members of the community now live in Australia. Last October, the Australian government began forcibly deporting Hazara asylum seekers who had been living in the community, a controversial decision given violence against the ethnic minority in Afghanistan is escalating.

It led the Refugee Council of Australia to write to the immigration department to plea for a moratorium on all returns of Afghan asylum seekers.

According to a report from the United Nations high commissioner for refugees, many asylum-seekers living in the community on bridging visas are unable to work as a condition of their visa, and as a result can find themselves living in a state of destitution.

"With limited options available for volunteering, asylum-seekers are increasingly socially isolated," the report said.

"While residing in the community is thought to be better than being in held detention, the mental health impacts of living in such uncertainty over a prolonged period and in a state of destitution presented as detrimental and debilitating."

Last year, Tamil asylum seeker Leo Seemanpillai, who had been living in Geelong on a bridging visa, died after self-immolating.

<http://www.theguardian.com/australia-news/2015/oct/19/afghan-asylum-seeker-feared-dead-after-self-immolation-during-video-call>

## **12. Asylum seeker sets himself on fire in Victoria while on video call to refugee advocates**

ABC News Online

By political reporter Stephanie Anderson

Posted Mon 19 Oct 2015, 7:47pm

An asylum seeker has died after setting fire to himself during a video call with refugee advocates on Sunday.

Afghan man Khodayar Amini, 30, doused himself in petrol before setting himself alight in Dandenong, Victoria, shortly before midday.

Advocate Sarah Ross told the ABC she and fellow Refugee Rights Action Network member Michelle Bui were on a video call with Amini when he threatened to take his life.

Ms Ross said the pair tried to talk him down, but were unsuccessful.

"He then, on the video, poured petrol over himself and he then lit himself alight," she said.

"We called emergency services to try to find him."

Police later told them they had found a body in burnt parkland, but could not confirm the identity.

### ***Man feared being deported, refugee advocates say***

Ms Ross said she had spoken to Amini previously while he was in Western Australia's Yongah Hill Immigration Detention Centre, but his mental health had deteriorated once released into the community.

She said he had become desperate out of fear of being deported.

"He was living out of his car in the past few days," she said.

"His housemate had apparently told him that the police had come to his house looking for him.

"His fear and his belief was that as soon as they found him that they would take him back into the detention centre. So he was basically hiding out from them."

Immigration officials confirmed the man's death during Senate estimates this evening.

A spokesman for the Australian Border Force said a coronial investigation would be carried out, and could not say whether he was due to be taken into custody.

"There has been a death of someone in the community, who was known to the department," he said.

In a statement, the Refugee Rights Action Network said that Amini feared being taken back into immigration detention where they claim his friends took their own lives.

The group stated that Hazara asylum seeker Nasim Najafi died from a "suspected suicide" in Yongah Hill Immigration Detention Centre in July.

"There have been two confirmed suicides in Perth alone and one suspicious death," the statement said.

"All of these deaths were Hazara asylum seekers, either detained or on bridging visas."

<http://www.abc.net.au/news/2015-10-19/asylum-seeker-sets-himself-on-fire-on-phone-to-refugee-advocates/6867712>

## **13. Asylum seeker who set himself on fire was facing charges for threatening phone call**

ABC News Online

By political reporter Stephanie Anderson

First posted Tue 20 Oct 2015, 2:30pm

Updated Tue 20 Oct 2015, 2:35pm

An asylum seeker who died after setting fire to himself was facing charges relating to a threatening phone call, police have confirmed.

Afghan man Khodayar Amini, 30, doused himself in petrol before setting himself alight in Dandenong, Victoria, shortly before midday on Sunday.

NSW Police told the ABC that his death came less than a month before he was due to front court over a number of charges.

A police spokeswoman said Amini was arrested on August 21 and was charged with "using a carriage service to threaten to kill; stalk/intimidate, intends fear, physical etc harm".

"The man was charged by officers attached to Flemington local area command, and they relate to an alleged offensive and threatening phone call received by an organisation," she said.

"He was due to appear in Burwood local court on November 10."

Advocate Sarah Ross told the ABC she and fellow Refugee Rights Action Network member Michelle Bui were on a video call with Amini when he threatened to take his life.

Ms Ross said the pair tried to talk him down, but were unsuccessful.

"We called emergency services to try to find him," she said.

Police later told them they had found a body in burnt parkland, but could not confirm the identity.

Ms Ross said she had spoken to Amini previously while he was in Western Australia's Yongah Hill Immigration Detention Centre, but his mental health had deteriorated once released into the community.

She said he had become desperate out of fear of being deported.

"He was living out of his car in the past few days," she said.

"His housemate had apparently told him that the police had come to his house looking for him.

"His fear and his belief was that as soon as they found him that they would take him back into the detention centre. So he was basically hiding out from them."

### ***Coronial investigation to be carried out***

Immigration officials confirmed the man's death during Senate estimates on Monday.

An Australian Border Force spokesman said a coronial investigation would be carried out, and could not say whether he was due to be taken into custody.

"There has been a death of someone in the community, who was known to the department," he said.

In a statement, the Refugee Rights Action Network said that Amini feared being taken back into immigration detention where they claim his friends took their own lives.

The group stated that Hazara asylum seeker Nasim Najafi died from a "suspected suicide" in Yongah Hill Immigration Detention Centre in July.

<http://www.abc.net.au/news/2015-10-20/amini-was-facing-charges-for-threatening-phone-call/6870446>

## **14. Hazara community shocked, angered at death of Afghan asylum seeker**

Sydney Morning Herald  
October 20, 2015 - 6:03PM  
Rachel Wells, Nicole Hasham

Members of Dandenong's Hazara community gathered in parkland in Dandenong on Tuesday to pay their respects to Afghan asylum seeker Khodayar Amini, who died after setting himself on fire on Sunday.

A dozen men and women, including several community leaders, laid flowers around a burnt patch of grassland where the 30-year-old died 48 hours earlier.

The burnt area at Robert Reserve was just 20 metres from a popular walking path and several sports ovals and is clearly visible from the walking track.

Most who came to pay tribute had never met Mr Amini, who is believed to have been living in the area for only a short time, but they expressed their shock and anger at the senseless death.

John Golzari, a representative from the Dandenong Hazara community, said locals were shocked by the tragedy.

"We came here to pay our tributes and respects to this death ... to tragically end his life like this, it shouldn't have happened. It's tragic. It's sad and it shouldn't have happened under our government's watch.

"It's a very sad day today. People have been shocked and the biggest concern for myself is that there are 31,000 people in the same situation on bridging visas and some of them might be considering doing the same thing. We don't want to see this happen again."

Local resident Zakia Baig, a Hazara Pakistani, who has been living in Australia for nine years, said she had come to the site to see if what she had heard about the shocking death was true.

"I received a phone call about this and I came here to know there was a person who set himself on fire. It is hard to believe," she said.

Ms Baig, who was visibly upset, also expressed her anger at the Australian government's treatment of asylum seekers.

"I believe the immigration has caused him to set himself on fire ... It shows the enormous pressure he was under. How can somebody be right mentally when they get kept in a limbo knowing nothing about their future," said Ms Baig.

Mr Amini had been released from the Yongah Hill detention centre in Western Australia on a bridging visa and had been living in Sydney before arriving in Dandenong.

Ms Baig said: "This is a shame for the nation, this is a shame for the government that they can't provide safety to a human being that is asking for safety, for security, for a second chance for their life. It is insane, inhuman."

It emerged Mr Amini had been charged by NSW police with making death threats and intimidating people in August.

The charges related to "an alleged offensive and threatening phone call received by an organisation", a police spokeswoman said.

Mr Amini was due to appear in Burwood Local Court on November 10.

It is understood Immigration Department officials were seeking to interview him in relation to the charges, to determine if he should remain living in the community on a bridging visa.

Greens senator Sarah Hanson-Young on Tuesday said she had been told Mr Amini's "fear of being returned to immigration detention and sent back to Afghanistan drove him to take this extreme action".

"What is clear is that the government's cruel treatment of refugees is having disastrous effects for people both in detention and in the community," she said.

"There needs to be a full, independent investigation into this case so that we can understand why this young man didn't receive the support that he so clearly needed."

<http://www.smh.com.au/victoria/hazara-community-shocked-angered-at-death-of-afghan-asylum-seeker-20151020-gkdxdo.html>

## **15. Asylum seeker self-immolated amid fears he would be sent back to detention, Senate hearing told**

Sydney Morning Herald  
October 20, 2015 - 3:36PM  
Nicole Hasham

An asylum seeker who died after setting himself alight during a video call had been charged by NSW police with making death threats and intimidating people, it has emerged.

Afghani man Khodayar Amini, 30, was reportedly talking to refugee advocates on the phone on Sunday afternoon when he doused himself in petrol and set himself on fire. He was dead by the time paramedics arrived at the site in Dandenong, Melbourne.

NSW Police confirmed on August 21, a 30-year-old man was charged with using a carriage service - either a phone or other form of electronic communication - to make death threats, as well as alleged stalking or intimidation.

The charges related to "an alleged offensive and threatening phone call received by an organisation", a police spokeswoman said.

Mr Amini was due to appear in Burwood Local Court on November 10.

It is understood Immigration Department officials were seeking to interview him in relation to the charges, to determine if he should remain living in the community on a bridging visa.

Mr Amini, who was previously held at the Yongah Hill detention centre, reportedly made a video call to advocates Sarah Ross and Michelle Bui, saying he feared he would be returned to detention because department officials wanted to interview him.

Ms Bui said Mr Amini had been living in Sydney but she was unaware of the details of the charges.

Asylum seekers living in the community on bridging visas who had "interactions" with police could be taken back to detention, she said, adding Mr Amini was due to speak to immigration officials on Monday, which "directly contributed to the stress that he felt".

Greens Senator Sarah Hanson-Young on Tuesday said she had been told Mr Amini's "fear of being returned to immigration detention and sent back to Afghanistan drove him to take this extreme action".

"What is clear is that the government's cruel treatment of refugees is having disastrous effects for people both in detention and in the community," she said.

"There needs to be a full, independent investigation into this case so that we can understand why this young man didn't receive the support that he so clearly needed."

At a Senate estimates hearing on Monday night, Australian Border Force deputy commissioner Michael Outram said the man self-immolated.

"We will obviously be looking to see what the outcome of the police and coronial investigation is," he said.

"We understand there has been a death of somebody who was in the community, somebody who was known to the department."

Immigration Department secretary Michael Pezzullo said he had no direct knowledge of the incident because it occurred in the community.

The death turns the spotlight onto the plight of asylum seekers in Australia's onshore detention centres, including Christmas Island, following sustained focus on controversial offshore detention at Nauru and Manus Island.

A department spokeswoman said Victoria Police was investigating the incident and "it would not be appropriate to comment further".

The Monday night Senate hearing heard that from July to September this year, asylum seekers in onshore detention centres made 140 self-harm attempts and 189 such threats.

The hearing also heard in the first eight months of this year, asylum seekers and refugees at Nauru and Manus Island made 108 self-harm attempts and 25 self-harm threats.

Immigration Department officials also confirmed numerous alleged sex attacks and assaults on Nauru against asylum seekers and refugees both inside and outside the detention centre.

Senator Hanson-Young asked Mr Pezzullo if the Australian government felt it had a duty of care to an alleged refugee rape victim whose name was released to the media by the Nauruan government.

Mr Pezzullo said the incident was a matter for Nauruan officials. Nauru police have closed the case of the 26-year-old who claimed she was raped and bashed by two men on the island.

<http://www.smh.com.au/federal-politics/political-news/asylum-seeker-selfimmolates-amid-fears-he-would-be-sent-back-to-detention-senate-hearing-told-20151019-gkd81v.html>

## **16. Police carry out more raids on Save the Children staff at Nauru detention centre**

Laptops, phones and computers seized by Nauruan police in bid to find journalists' sources

The Guardian

Paul Farrell

Thursday 22 October 2015 14.48 AEDT

Save the Children staff on Nauru have faced a second series of raids in a further bid to find journalists' sources at the immigration detention centre on the island.

On Thursday morning the Nauruan police force sent in a team of officers who searched buildings at RPC3 (Refugee Processing Centre 3) in the detention centre.

Laptops, personal phones, desktop computers and other devices were seized after searches of the Save the Children recreation office and the welfare tent at the centre.

The police had a warrant, but it was unclear what its terms were and what offence they were investigating. Guardian Australia understands Save the Children have not been made aware of the legal basis for the search warrant.

Police made similar raids last Saturday.

Earlier this month the Nauruan government was angered by a Guardian Australia report which disclosed emails from the Nauruan operations manager Berilyn Jeremiah about local journalists being allowed in to the detention centre.

Following the first search warrant the Australian immigration department said it was not made aware of the raids, and referred questions to the Nauruan government.

In a statement, a Save the Children spokeswoman said: "A second search warrant was executed by the Nauru Police Force this morning on a Save the Children office in Nauru, involving the seizure of some computers.

"Save the Children has conducted a full internal audit that found there was no evidence the leaked email, which is understood to be the target of the warrants, came from our staff. Save the Children has utmost confidence that our staff have acted at all times with great integrity, compassion and professionalism in their work supporting vulnerable children and families.

"We continue to fully co-operate with Nauru police on this matter, and our priority remains working to mitigate the harmful impacts of offshore immigration detention, to the extent that the circumstances allow.

"We continue to provide around the clock support to children and their families whose care has been entrusted to us, and remain focussed on ensuring their care is transitioned smoothly to new service providers when our contract expires at the end of October. This is of course made harder by these kinds of disruptions."

Just over a year ago nine Save the Children staff were summarily dismissed over unsubstantiated allegations they were facilitating protests and sending confidential information off the island.

A review into the allegations and other serious reports of assault on the island by former integrity commissioner Philip Moss found their dismissal should be reviewed.

<http://www.theguardian.com/world/2015/oct/22/police-carry-out-more-raids-on-save-the-children-staff-at-nauru-detention-centre>

## **17. Save the Children offices on Nauru raided for second time by police**

ABC News Online

By the National Reporting Team's Alex McDonald

First posted Thu 22 Oct 2015, 10:27am

Updated Thu 22 Oct 2015, 1:29pm

The offices of charity Save the Children have been raided again by police in Nauru.

Computers and other internet-connected devices were seized by local authorities this morning.

It is the second raid on the aid and development agency in two weeks, and frontline workers in the island's family camp may now be left without computers or phones.

Save the Children staff were searched and a number of electronic items were confiscated by Nauruan police earlier this month.

One staff member confirmed that several Australian Border Force officers were present in the earlier raid, but an Immigration Department spokesman said Australian authorities played no part.

The ABC has been told the raids were in response to a recent report in Guardian Australia that angered the government of Nauru.

The story published part of a leaked email from the detention centre's operations manager, who advised her colleagues that local media would be allowed to photograph and film inside the camps.

A spokeswoman for Save the Children said an internal audit had found "no evidence the leaked email, which is understood to be the target of the warrants, came from our staff".

"We continue to provide around-the-clock support to children and their families whose care has been entrusted to us," the spokeswoman said.

"This is of course made harder by these kinds of disruptions."

Save the Children's contract for health provision services is set to expire at the end of this month.

<http://www.abc.net.au/news/2015-10-22/save-the-children-offices-on-nauru-raided-for-second-time/6876444>

## 18. Nauru police raids on Save the Children sparked by detention centre's manager

The Nauruan operations manager of the Australian-run immigration detention facility says she complained to police that her email had been leaked

The Guardian

Paul Farrell

Friday 23 October 2015 06.27 AEDT

A series of raids on Save the Children offices to find journalists' sources at the Nauru detention centre were sparked after the Nauruan manager of the facility made a complaint to police.

On Thursday search warrants were executed at the offices of Save the Children for a second time in two weeks, and phones, laptops and other devices were seized.

The searches were undertaken after the Nauru government was angered by a report in Guardian Australia in which an email from the operations manager at the centre, Berilyn Jeremiah, was published. Save the Children said there was no evidence the leaked email had come from any of their staff.

Jeremiah told Guardian Australia on Thursday she made a complaint to the Nauruan police following the publication of her email.

"Leaking information through the media is breaching our law," she said. "The service providers who have leaked this information to the media are in breach of the Nauruan cyber law."

It is understood the Nauruan police have not disclosed to Save the Children the legal basis for the execution of the search warrants, and it has not been made clear what offence is believed to have been committed.

Jeremiah said: "You look it up. It's in the cyber law act.

"You have a look in the cyber law and see which clause they have breached."

The Nauruan Cyber Crime Act, passed in May, created new offences relating to child pornography and to "illegal access" of computers or program data.

But the offence applies only to information relating to national security, the enforcement of a criminal law, provision of services relating to public infrastructure and the protection of public safety.

The new legislation permits searches and seizure where there are reasonable grounds to believe an offence has been committed, which must be authorised by a judge, magistrate or registrar.

Asked whether she had made the complaint at the request of any third party, Jeremiah said: "No one asked me to do it. I did it on my own. Who would ask me to do it?"

She said she did not believe Guardian Australia had committed an offence by publishing the emails.

A spokeswoman for Save the Children said the handover for their services, which are due to expire in October, had been made more difficult by the seizure of the devices.

The spokeswoman said: "A second search warrant was executed by the Nauru police force this morning on a Save the Children office in Nauru, involving the seizure of some computers.

"Save the Children has conducted a full internal audit that found there was no evidence the leaked email, which is understood to be the target of the warrants, came from our staff. Save the Children has utmost confidence that our staff have acted at all times with great integrity, compassion and professionalism in their work supporting vulnerable children and families.

"We continue to fully cooperate with Nauru police on this matter, and our priority remains working to mitigate the harmful impacts of offshore immigration detention, to the extent that the circumstances allow.

"We continue to provide around the clock support to children and their families whose care has been entrusted to us, and remain focused on ensuring their care is transitioned smoothly to new service providers when our contract expires at the end of October. This is of course made harder by these kinds of disruptions."

Australian Greens senator Sarah Hanson-Young condemned the police raids.

"These ongoing raids on Nauru show that the Pacific nation's legal and judicial systems are collapsing," Hanson-Young said.

"The situation on Nauru is spinning out of control more and more as each day passes.

“How long will the Australian government put up with employees it has contracted and sent to the island being treated in such an outrageous way?”

“It’s clear that the Nauruan authorities’ first priority is cracking down on whistle-blowers not protecting the women and children who have been dumped there from assault.”

<http://www.theguardian.com/australia-news/2015/oct/23/nauru-police-raids-on-save-the-children-sparked-by-detention-centres-manager>

## **19. Quadriplegic New Zealander reportedly deported by Australia**

‘Paul’, jailed for 13 months for self-medicating with controlled painkillers, flown to Auckland and given voucher for a week’s accommodation, newspaper says

The Guardian  
Oliver Milman  
Sunday 18 October 2015 15.49 AEDT

A quadriplegic New Zealander has reportedly been deported after 36 years in Australia under a controversial new policy to remove convicted criminals from the country.

According to the New Zealand Herald, the 56-year-old, named only as Paul, was flown to Auckland three weeks ago with a voucher for a week’s accommodation.

The man, who uses a wheelchair, said he had no friends or family in New Zealand, having spent most of his life in Australia. Paul said he had been jailed in 2012 for 13 months for self-medicating with controlled painkillers.

“I feel like I’ve just been dumped – away from all my family and friends,” he said. “I have nothing here.”

New Zealand has protested against Australia’s policy of cancelling the visa and deporting anyone who has been sentenced to more than 12 months in prison. An average of one New Zealander a day is being deported under the policy.

John Key, New Zealand’s prime minister, has raised the issue with Malcolm Turnbull, his Australian counterpart, in Turnbull’s trip across the Tasman – his first overseas engagement as prime minister.

“All I’ve tried to implore upon the prime minister is where someone is not of the highest risk, where someone has a long-term community of interest in Australia, I think in the spirit of mateship, there should be some compassion shown,” Key said.

Turnbull has said there will be no special treatment for New Zealanders but has promised to speed up the appeals process for Kiwis held in Australian detention. “We do understand the problem; we do understand how it’s perceived in New Zealand and John has been very forthright in our discussions,” the Australian prime minister said.

A New Zealand MP is trying to gain access to a detention centre on Christmas Island where Kiwis are being held. About 200 New Zealanders are being held in seven detention centres across Australia.

The MP, Labour’s Kelvin Davis, said about 40 New Zealanders were being held at the Christmas Island facility, with some telling him of self-harm and abuse among fellow detainees.

“To me that’s just absolutely inhumane to separate people that far from their families, their loved ones, their legal advice,” Davis told Australian Associated Press.

It’s thought that about 1,000 New Zealanders are in line to be deported under Australia’s new policy.

<http://www.theguardian.com/australia-news/2015/oct/18/quadriplegic-new-zealander-reportedly-deported-by-australia>

## **20. New Zealanders held on Christmas Island so angry they may riot – Labour MP**

New Zealand MP Kelvin Davis had a ‘highly emotional’ visit with detainees on Friday, gaining access to the centre after a week waiting on the island

The Guardian  
Saturday 24 October 2015 17.12 AEDT

New Zealand detainees on Christmas Island are so angry, hungry and traumatised they are allegedly considering rioting.

Labour MP Kelvin Davis had a five-hour “highly emotional” visit with detainees on Friday, gaining access to the centre after a week waiting on the island.

About 40 detainees are being held while they wait to be sent back to New Zealand under Australia’s immigration policy that came into effect in December.

Anyone who is not an Australian citizen and who has served a prison sentence of 12 months or more can be deported, potentially affecting about 1,000 New Zealanders.

Davis said the detainees are so desperate to return to their Australian homes, they are considering rioting.

“These New Zealand born Australians are not murderers or rapists. They have served their time yet Australian authorities are treating them as though they are a terrorism threat.”

None of the eight detainees Davis met wanted to return to New Zealand to settle their visa applications, as the Australian government has proposed.

“They think its a trick designed to prevent them from returning to their families and jobs in Australia,” he said.

On arrival at the centre, Davis said he was drug tested and escorted into an airless room where detainees were brought in two at a time for 30 minutes.

He said he took in birthday chocolates for detainee Ricardo Young but the authorities could not decide if he should be allowed them.

<http://www.theguardian.com/australia-news/2015/oct/24/new-zealanders-held-on-christmas-island-so-angry-they-may-riot-labour-mp>

## **21. Immigration, Australian Border Force apologise for media release that triggered Melbourne protests**

ABC News Online

By political reporters Francis Keany and Jane Norman

First posted Mon 19 Oct 2015, 6:45am

Updated Mon 19 Oct 2015, 9:02am

The heads of the Immigration and Australian Border Force (ABF) departments have apologised for their role in the botched Operation Fortitude, which triggered public outcry and protests in Melbourne.

The joint operation in August was cancelled just hours after Border Force issued a media statement suggesting its officers would be on the streets cracking down on visa fraud.

Department chief Mike Pezzullo told Senate estimates that the ABF had since conducted a comprehensive review of its media procedures and several officers had been formally counselled.

"It is clear that the media release issued that morning was very badly worded and gave rise to the impression that the ABF has general powers of questioning people in the street," he said.

"It does not, and I apologise for the impression that was wrongly created.

"We certainly don't rely on racial profiling at all."

ABF commissioner Roman Quaedvlieg initially described the media release as "clumsily worded", but today conceded it was factually wrong.

"Unfortunately in the case of Operation Fortitude, the ABF issued a complementary media release which was factually wrong in describing its role," he said.

"This resulted in public confusion, concern and distress, for which I apologise."

### ***Media release sparked outrage, forced ABF to clarify on Twitter***

Operation Fortitude was a joint operation announced by Victoria Police on August 28, targeting anti-social behaviour in the Melbourne CBD, particularly around the public transport network.

The ABF issued its own media release on the day, saying officers would be positioned at various locations around the city and would speak "with any individual we cross paths with".

The statement sparked public outrage and protests in Melbourne, forcing the ABF to issue another release clarifying "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".

Hours later, the operation was cancelled by Victoria Police.

Commissioner Quaedvlieg gave further details about the role the ABF was going to play, telling senators that six officers were to be stationed at the Flinders Street and Southern Cross taxi ranks, dealing with any cases referred to them by police.

"Where there was an issue that arose in relation to a question about an immigration issue, we would then be called forward and we would take that referral and make an appropriate assessment," he said.

"My anticipated workload for those officers would have been probably no more than half a dozen inquiries over the course of each evening."

Mr Pezzullo told senators the ABF had no power to stop and randomly question people and strongly rejected suggestions of racial profiling.

"We certainly don't rely on racial profiling at all," he said.

"Australia is a multicultural society, it would be a slippery slope to start to assume someone is a non-citizen.

"I've got an Italian surname with two zeds in my name and I would be greatly offended if someone simply, without any cause or reasonable suspicion, started to ask me about my lawful status in this country."

Mr Pezzullo said he and Commissioner Quaedvlieg took full responsibility for the incident and while several officers had been counselled, he was not going to "throw them under a bus".

<http://www.abc.net.au/news/2015-10-19/immigration-border-force-chiefs-apologise-operation-fortitude/6864982>

## **22. Border Force officers planned to target taxi stands and conduct visa checks 'bi-monthly'**

ABC-TV - 7.30

By Sarah Whyte and Dylan Welch

First posted Tue 20 Oct 2015, 2:08pm

Updated Tue 20 Oct 2015, 3:59pm

Australian Border Force (ABF) officers planned to randomly check people's visas at taxi stands during Operation Fortitude in Melbourne's CBD in August, documents obtained by the ABC show.

Internal emails obtained by 7.30 under a Freedom of Information Request show that six ABF officers were to conduct "status checks" at two taxi ranks, speaking with members of the public who they suspected could be in Australia illegally and without a valid visa.

The operation, in conjunction with Victorian Police, was expected to be conducted bi-monthly to address safety on public transport in Melbourne.

Operation Fortitude, which was to include ABF officers as well as police and other authorities, was cancelled only hours after it was announced after protesters angered by the ABF's involvement swarmed Flinders Street Station.

The ABF later blamed a "clumsily worded" media release for the cancellation.

Yet a week before the operation, on August 20, detailed "talking points" were provided by the Department of Immigration and Border Protection media team, describing the role of ABF officers as being "positioned at various locations within the Melbourne CBD, speaking to individuals who we suspect may be in Australia illegally without a current and valid visa".

The points said if officers were asked by journalists who they would target they should reply: "We will be speaking with any individual we cross paths with."

It also suggested officers should reply that they "employ a range of techniques to determine if we think someone is demonstrating traits which indicate there is a need to conduct a more in-depth assessment of their current visa status".

During Senate estimates this week, Secretary of Immigration Michael Pezzullo and Border Force Commissioner Roman Quaedvlieg both apologised for the "clumsily worded" media release.

"It is clear that the media release issued that morning was very badly worded and gave rise to the impression that the ABF has general powers of questioning people in the street," Mr Pezzullo said on Monday.

"It does not, and I apologise for the impression that was wrongly created.

"We certainly don't rely on racial profiling at all."

But the talking points and associated media release were approved within a number of levels of the Immigration Department, including by Don Smith, who was the Regional Commander of Victoria Tasmania.

Mr Smith made one suggestion, asking whether officers were to interview every person they came into contact with.

The documents also show a number of edits.

The final version was sent to Immigration Minister Peter Dutton's office on Wednesday, August 26.

The media advisor replied: "OK thanks for letting me know."

But by midday of the operation, panic set in.

On Friday, August 28, a flurry of emails from the department were sent due to an "onslaught" of media attention.

At 12:41pm, an email from the office of Mr Dutton said: "The MO [Immigration Minister Peter Dutton's Office] is now getting an onslaught of calls regarding this operation suggesting that the ABF are racially profiling and that we're now a police state!"

At 1:08pm, an email labelled "URGENT" from the Crisis Coordination Centre notified the department of a snap protest organised by the Refugee Action Collective outside Flinders Street Station.

"The speed with which protesters emerged was a shock to staff, but we felt safe at all times," the email said.

"I'll follow up with any ongoing issues or concerns next week," another email said.

On the Saturday, Mr Quaedvlieg was demanding answers.

"It appears we had sufficient time and adequate filters in place to effectively catch and amend the clumsily worded MR [media release] and TPs [talking points]; and yet the system components, individually or collectively failed to do so," Mr Quaedvlieg said.

The documents show there were five opportunities to correct the media release for Operation Fortitude, including within Mr Dutton's office.

<http://www.abc.net.au/news/2015-10-20/border-force-officers-planned-to-check-visas-at-taxi-stands/6870250>

## **23. Border Force officers planned to detain 'non-citizens'**

Sydney Morning Herald  
October 25, 2015 - 12:15AM  
Natalie O'Brien

Border Force officers planned to make random visa checks and then on-the-spot decisions about whether people were "unlawful non-citizens" during the abandoned Operation Fortitude proposed for Melbourne in August.

Officers were then to either issue bridging visas or detain people, according to documents drafted to explain the fiasco to the Minister for Immigration and Border Protection Peter Dutton.

Documents obtained by Fairfax Media under freedom of information laws reveal that six officers were to be stationed at two taxi ranks in Melbourne over a two-night operation doing status checks "alongside" Victorian police and the Victorian Taxi Directorate. But after the botched operation was cancelled Border Force officials had said they were never going to approach people in the street or racially profile people but rather check the visa status of anyone referred to them by another agency.

A draft Ministerial Submission prepared for Mr Dutton's office after the operation was cancelled because of media attention and snap protests said: "Individuals who were found to be in breach of visa conditions would then be assessed as to their immigration status. If an individual was found to be an unlawful non-citizen appropriate action would have been taken by the on-site ABF officer to either grant a BVE or make a decision to detain."

A department spokesman told Fairfax Media that officers are able to grant a Bridging Visa E on-the-spot, provided a person meets all criteria for the grant of the visa allowing a person to stay in Australia lawfully while they make arrangements to leave, finalise an immigration matter, or wait for an immigration decision.

"The workforce model employed by the ABF allows officers to deploy across a range of operational locations, the spokesman said. "Officers are supported by mobile technologies including mobile phones, tablets and laptops. These technologies allow officers to securely access departmental systems from any location to support operational decision making."

Operation Fortitude was hailed as a multi-agency operation to "target crime" and "protect city goers" in a media release ahead of the operation's launch on August 28. That media release had been sent to Mr Dutton's office prior to its release.

But draft "Talking Points" prepared for the Border Force officer attending a media conference later that day had already flagged potential concerns with staff asking: "How does our role protect city goers?" and "Check language – will we speak with everyone we come across?"

The operation was cancelled because of a snap protest which gathered demonstrators at such speed it took officials by surprise. An internal email revealed how "the speed with which protesters emerged was a shock to staff".

At the time Border Force Commissioner Roman Quaedvlieg blamed the misunderstanding on a clumsily worded media release.

During Senate estimates last week, Mr Quaedvlieg and the secretary of the Department of Immigration and Border Protection Michael Pezzullo apologised for the release.

"It is clear that the media release issued that morning was very badly worded and gave rise to the impression that the ABF has general powers of questioning people in the street," Mr Pezzullo said. "It does not, and I apologise for the impression that was wrongly created."

Trouble started brewing for Border Force when it sent out its media release just before midday on Friday.

Media for Border and Immigration sent out an email saying "some outlets couldn't attend the presser and certain allegations are already gathering steam online and on social media."

"We're developing a holding line which will hopefully nib [sic] these claims in the bud and will send to you once cleared."

Within an hour the situation had escalated and the minister's office sent an email saying: "The MO [minister's office] is now getting an onslaught of calls regarding this operation suggesting that the ABF are racially profiling and that we're now a police state".

At 12.58pm The Australian Government Crisis Co-ordination Centre sent out a warning about "snap action" demonstration against Border Force at the time the press conference was due to be held.

The documents also reveal how Border Force officers and police had to retreat from the media launch which had been targeted by protesters and shelter inside a Victorian police kiosk at the Flinders Street train station.

"Protesters have been banging on the doors and walls and it is upsetting to staff but they do not feel in danger or threatened," according to a chronology of the events pulled together by Border Force staff.

It revealed that the group had to shelter in the kiosk until the protest died down.

Some officers were upset they had been photographed on arrival at the media event/protest and they were urged not to move until deemed safe by Victoria Police, who accompanied them.

In an official message to staff on the Monday following the protest, Mr Quaedvlieg said: "Notwithstanding the wide mischaracterisation of the ABF's role in this activity by media outlets and online commentary there appears to be issues within the department internal media management and clearance processes which contributed to this mischaracterisation."

<http://www.smh.com.au/federal-politics/political-news/border-force-were-to-conduct-on-the-spot-decisions-about-potential-unlawful-non-citizens-20151023-gkhguf.html>

## **24. Labor senator Nova Peris denied access to Christmas Island detention centre in her electorate**

ABC News Online

By Alyssa Betts

First posted Mon 19 Oct 2015, 9:53pm

Updated Mon 19 Oct 2015, 10:53pm

Labor senator Nova Peris has been refused entry into Christmas Island's detention centre, which is in her electorate, and senior Australian Border Force officials have been unable to explain why — though one did mention a "small riot" had only just occurred in the days prior.

The matter was raised at Senate estimates hearings in Canberra.

Senator Peris's office provided the ABC emails, dated September 16, from centre service provider Serco advising the Northern Territory politician could visit during her tour of the island on October 9.

But Australian Border Force (ABF), which took over responsibility for detention centre operations in July, later refused her entry.

The emailed rejection said visits to detainees were allowed for "the purpose of providing social and familial contact".

"Visits by individuals for research, educational and other purposes are not consistent with this principle," the email stated.

"Given the scope of your request, we regret that we are unable to facilitate this visit."

Immigration Department secretary Michael Pezzullo told estimates he was not aware of the application to visit, but seemingly contradicted the emailed rejection reasons.

"There are ... protocols in place to support the visit of VIPs," Mr Pezzullo said.

"The senator would certainly qualify as a VIP."

Mr Pezzullo said he "probably would have expected" to have been advised if the senator had applied.

### ***Peter Dutton visiting island at the same time***

ABF Commissioner Roman Quaadvlieg and his deputy Michael Outram told the hearing they were also unaware of Senator Peris' application.

But Mr Quaadvlieg said applications by those with higher profiles needed greater assessment.

"Visitors with a higher profile bring a greater security risk in terms of managing that person through a centre," he said.

"We need to ensure that they don't create a public disorder event or in fact that they aren't vulnerable to some sort of assault themselves."

Senator Peris — who said she was "extremely disappointed and annoyed" to be denied access to the detention centre — dismissed the idea her request was made complicated by security considerations.

"I was aware that the Immigration Minister Mr Dutton was on the island and visiting the centre at the same time, surely this would have made facilitating a visit even easier," Senator Peris said.

"I was shocked to learn in today's estimates that no border officials were made aware of my request, despite immigration officials admitting that I am within my rights to visit."

### **Trip to Christmas Island 'a matter of national importance'**

Senator Peris said it was a significant trip to get to the island and the Australian public had been denied the chance for an elected representative to inspect the taxpayer-funded facility, which was a "matter of national importance".

"This raises questions about whether Minister Dutton has anything to hide. I have never been denied access to any other facility within my electorate," she said.

Mr Outram confirmed Mr Dutton was visiting the centre on the same day that the senator was seeking access.

But he also told the hearing a few days prior there had been a "small riot".

Labor Senator Kim Carr seized on the news.

"What was the nature of this 'small riot'?" he asked.

Deputy Commissioner Outram replied: "It was very quickly quelled by Serco."

"We have a number of what we call 501 detainees.

"And in a particular compound a number of these detainees decided they were going to misbehave and equipped themselves with makeshift weapons.

"The Serco emergency response team very quickly went in and got the situation under control."

<http://www.abc.net.au/news/2015-10-20/nova-peris-denied-entry-to-christmas-island-detention-centre/6867776>

## **25. Nova Peris denied access to Christmas Island detention centre in her electorate**

Australian Border Force officials blocked Northern Territory senator's visit to the detention centre despite being given the green light from Serco

The Guardian  
Shalailah Medhora  
Monday 19 October 2015 18.53 AEDT

Australian Border Force officials denied Labor senator Nova Peris access to Christmas Island detention centre, despite the facility being in her electorate.

Peris, who represents the Northern Territory, sought access to the centre from Australian Border Force officials on 8 October, when she was already on the island, but was denied. She had applied via the centre's management company, Serco, before arriving on the island, and had been given the green light from them.

"The Department of Immigration and Border Protection facilitates visits to detainees by their families, friends and other individuals for the purpose of providing social and familial contact," the rejection letter, seen by Guardian Australia, said. "Visits by individuals for research, education and other purposes are not consistent with this principle.

"Given the scope of your request, we regret that we are unable to facilitate this visit," it said.

Peris stayed on the island for four days, speaking to locals and government officials, before leaving on 12 October.

The timing of the senator's visit coincided with a visit to the centre by the immigration minister, Peter Dutton.

Michael Pezzullo, the secretary of the Department of Immigration and Border Protection, which takes in the Australian Border Force, said he was unaware of Peris's application to visit the detention centre.

"It's not personally known to me," Pezzullo told Senate estimates on Monday. "I probably would have expected to be advised if a senator asked, but I'm not aware [of her application]."

Border Force requires official visitors, including senators and MPs, to give a week's notice of their arrival.

The rejection letter issued to Peris from department officials does make note of considerations relating to the timeframe of requests, but does not list this as the reason that access to the centre was denied.

The commissioner of the Australian Border Force, Roman Quaedvlieg, said official visits needed more time to process because they posed greater risks.

"Visitors with a higher profile bring a greater security risk in terms of managing that person through a centre," he told Senate estimates. "We need to ensure they don't create a public disorder event, or in fact aren't vulnerable to any kind of assault themselves. So it does require a higher level of assessment."

The deputy commissioner of Australian Border Force, Michael Outram, said there had been a small riot on the island two days before Dutton and Peris's visit.

"A number of these detainees decided they were going to misbehave and they equipped themselves with makeshift weapons," Outram said. "The Serco measured response team very quickly went in and got things under control."

<http://www.theguardian.com/australia-news/2015/oct/19/nova-peris-denied-access-to-christmas-island-detention-centre-in-her-electorate>

## **26. Offshore detention bill hits \$280m for three months, Senate hearing told**

Sydney Morning Herald  
October 19, 2015 - 5:56PM  
Nicole Hasham

Australian taxpayers forked out \$280 million in three months to keep asylum seekers and refugees in offshore detention, including 179 children at Nauru, a Senate estimates hearing heard on Monday.

Immigration Department secretary Michael Pezzullo and Australian Border Force commissioner Roman Quaedvlieg also apologised for the Melbourne visa-checking debacle that caused a police operation to be aborted in August, saying a press release indicating people would be randomly stopped in the streets was "factually wrong".

But internal Border Force documents tabled at the hearing repeated the references to stopping a "range of individuals", indicating the notion was not confined to the press release.

Responding to questions by Greens Senator Sarah Hanson-Young, immigration officials revealed that from July to September this year, detention centres at Nauru and Manus Island cost almost \$280 million. This includes payments to Transfield Services, the contractor who operates the centres on behalf of the Turnbull government, and capital and refugee resettlement costs.

As of October 15, there were 92 child asylum seekers and 87 child refugees at Nauru.

Mr Pezzullo and Mr Quaedvlieg told the hearing they took responsibility for the botched Operation Fortitude operation in Melbourne, and a press release that said immigration officers would be "speaking with any individual we cross paths with".

Mr Pezzullo said the press release contained "inopportune and imprudent wording" and Border Force officials did not have the power to, and never intended to, roam the streets "checking people's papers".

But a series of "talking points" to be used by Border Force spokespeople ahead of the operation, which were tabled at the hearing, reiterated the press release, saying "we will be speaking with a range of individuals we come across".

Under questioning by Labor Senator Kim Carr, Mr Quaedvlieg said, "There were a range of defects in the way the media clearance occurred" and the department had made efforts to ensure the mistake was not repeated.

Mr Pezzullo told the hearing that Australia's border regime was not being "militarised", despite an increase in uniformed border staff armed with Glock pistols who are trained to use lethal force.

The Border Force began in July when frontline immigration and customs functions were merged. The federal government spent about \$10 million on new uniforms, safety helmets and other rebranding activities.

Mr Pezzullo rejected suggestions the move had created a new military or paramilitary force – rather, the government had introduced "a law enforcement approach with arrest powers", he said.

Mr Quaedvlieg told the hearing that the Border Force intended to "increase the number of officers who are [able to] use force, up to and including lethal [force]."

The hearing was told about 1000 officers have been armed so far, largely with 9mm Glock pistols. Mr Quaedvlieg said the officers were deployed in units such as maritime, surveillance and investigations and "no person without formal qualifications will be able to take up those positions".

He conceded the notion of officers carrying firearms was "quite alien to parts of the department".

<http://www.smh.com.au/federal-politics/political-news/offshore-detention-bill-hits-280m-for-three-months-senate-hearing-told-20151019-gkcwzz.html>

## **27. Refugees resettled in Cambodia reportedly move into private accommodation**

ABC News Online

By political reporter Stephanie Anderson

First posted Tue 20 Oct 2015, 6:00pm

Updated Tue 20 Oct 2015, 8:21pm

Refugees resettled in Cambodia as part of a multi-million-dollar deal with Australia have reportedly moved into private accommodation, five months after arriving in the Asian nation.

Three Iranians and an ethnic Rohingya man were transported from Nauru to Phnom Penh in May as part of a \$55 million resettlement deal sealed under the former Abbott government.

The Rohingya man returned to his home country earlier this month while the remaining refugees have settled in the community, local media has reported.

News on the refugees resettled under the deal comes as Australia's Immigration Department officials confirm costs for housing people in offshore detention networks.

## ***\$93 million a month spent on Nauru and Manus Island***

The Federal Government has spent more than \$93 million a month on refugees and asylum seekers housed on Nauru and Manus Island, Senate estimates heard on Monday.

Immigration Department staff told a Senate committee that the Federal Government had spent more than \$33 million resettling refugees during the first financial quarter.

Over the period from July to September 2015, \$19.5 million and \$14.21 million were spent on refugees on Nauru and Manus Island respectively.

Capital costs over the same period totalled \$15.6 million and \$23.07 million for Nauru and Manus Island respectively, as well as additional costs of \$93.26 million for Nauru and \$113.83 million for Manus Island.

No detailed information was provided in regards to the costs of transferring asylum seekers to and from immigration detention facilities.

<http://www.abc.net.au/news/2015-10-20/refugees-resettled-in-cambodia-moved-into-private-accomodation/6870970>

## **28. Two more refugees to resettle in Cambodia, brings total moved under \$55m deal to five**

ABC News Online

By political reporter Stephanie Anderson

First posted Fri 23 Oct 2015, 2:13pm

Updated Fri 23 Oct 2015, 5:21pm

Two more refugees are due to resettle in Cambodia as part of a deal with Australia, bringing the total number of people resettled under the \$55 million arrangement to five.

Three Iranians and an ethnic Rohingya man were transported from Nauru to Phnom Penh in May as part of the deal.

Two Rohingya refugees are expected to be transferred from Nauru to Cambodia, The Cambodia Daily newspaper has reported.

It stated that four refugees had been due to negotiate resettlement, but Cambodia's interior minister Sar Kheng said two had declined.

"We assigned the officials to interview them," he said.

"The preliminary report I have received from the general department of immigration of the ministry of interior is that among the four, only two have volunteered to come and two did not want to settle in Cambodia."

Their arrival follows news that the Rohingya man resettled as part of an initial group of four refugees has returned home.

<http://www.abc.net.au/news/2015-10-23/two-more-refugees-to-resettle-in-cambodia/6880696>

## **29. Ruling opens door for Indonesian teenager to push to overturn people smuggling conviction**

ABC News Online

By the National Reporting Team's Sam Clark

First posted Wed 21 Oct 2015, 1:10pm

Updated Wed 21 Oct 2015, 1:17pm

The Federal Court has opened the door for the case of an Indonesian boy wrongly jailed for people smuggling to be referred to the Western Australian Court of Appeal.

Ali Yasmin was prosecuted as an adult and jailed for five years in 2010, after being arrested as part of the crew of a people smuggling boat intercepted off Ashmore Reef in 2009.

The AFP used a wrist X-ray to determine he was an adult, despite the Department of Immigration initially determining that he was a child.

An Indonesian birth certificate and family registration document put his age as 13 at the time of his arrest, but these documents were never tendered as part of his defence.

At the time of his prosecution, the then-Labor government's policy was to not prosecute people smuggling crew found to be children.

In May 2012 Mr Yasmin was released on license by then attorney-general Nicola Roxon and returned to his family in a remote fishing village east of the Indonesia island of Flores.

Twenty-seven other Indonesian boat crew were returned because doubts remained over their age.

Despite the decision to return Mr Yasmin to Indonesia, his conviction for people smuggling was never overturned.

Today the full bench of the federal court ruled that the Federal Attorney General must consider Mr Yasmin's request to refer his case to the Western Australian Court of Appeal.

If Mr Yasmin's attempt to have his case reconsidered by the Court of Appeal of Western Australia is successful, it may open the door to him suing the Federal Government for wrongful imprisonment.

Speaking to the ABC from Flores, Mr Yasmin said he was happy that his push to have his conviction overturned remained alive.

"I'm happy, because I am not guilty," he said.

Mr Yasmin's lawyer, Sam Tierney, said his client was pleased with the outcome.

"Mr Yasmin thanks the court for considering his matter," Mr Tierney said.

"He is pleased that he now has an opportunity to continue the fight to clear his name."

The case will return to the Federal Court for a further hearing at a later date.

<http://www.abc.net.au/news/2015-10-21/door-open-for-indonesian-boy-to-fight-smuggling-conviction/6873694>