

Project SafeCom News and Updates

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1. Red Cross pushes for 'toothless' Geneva Convention rules of war to be enforced

Reuters / Sydney Morning Herald
December 7, 2015
Stephanie Nebehay

Geneva: States are divided about an attempt to improve compliance with the rules of war, a non-binding but contentious issue at the heart of an international conference this week, senior Swiss and Red Cross officials say.

The December 8-10 meeting will consider a resolution to hold an annual meeting of states that have ratified the Geneva Conventions to report on how they are enforcing its provisions to protect civilians, prisoners and the wounded in armed conflict.

Russia is leading an effort to defeat or dilute the proposal, diplomats said. Syria, India, Cuba, Belarus and North Korea are among the countries backing Russia.

Valentin Zellweger, the head of the Directorate of International Law at the Swiss foreign ministry, said there was a "glaring vacuum" at the heart of the Geneva Conventions.

"The proposal now on the table is frankly rather soft. It is a voluntary system," he said. "We will see next week if states can consent or choose to stay behind."

The 196 states that ratified the landmark 1949 Geneva Conventions come together every four years at an international conference, but have no other dialogue on pressing humanitarian issues, he said.

There is "serious resistance among states" to the plan to strengthen compliance, put forward by Switzerland and the International Committee of the Red Cross (ICRC), Mr Zellweger said.

Breaches of the Geneva Conventions – potential war crimes – abound worldwide and some states fear that the new mechanism will eventually have teeth.

Russia is backing separatist rebels in eastern Ukraine, where atrocities have occurred. It is also carrying out air strikes in Syria with the stated aim of defeating Islamic State forces fighting its ally Syria, whose government stands accused of slaughtering civilians including through the use of barrel bombs and chemical weapons.

A US-led coalition is hitting Islamic State sites in Syria and Iraq. The United States carried out a deadly strike on a hospital in Kunduz, Afghanistan last month, which the charity Medecins Sans Frontieres has called a potential war crime.

The United States, Britain, France and to a lesser degree China support the ICRC proposal at the conference. Resolutions at the conference are usually adopted by consensus but can be voted on, diplomats said.

The new mechanism would be the first modification in nearly 40 years, since additional protocols to the Geneva Conventions were agreed in 1977.

"We have a historic chance to build a mechanism that has been missing for 60 years. It's not going to revolutionise everything, but it is a really important step in working towards compliance with international humanitarian law," said Dr Helen Durham, the ICRC's Director of International Law and Policy.

"Most international treaties have reporting mechanisms, many of the human rights treaties and others. The Geneva Conventions have never had that. So we're filling a missing gap," she said.

<http://www.smh.com.au/world/red-cross-pushes-for-toothless-geneva-convention-rules-of-war-to-be-enforced-20151206-glgv08.html>

2. Rohingya and Bangladeshi asylum seekers risk being returned if no-one steps in

ABC Radio CAF - The World Today
Samantha Hawley
Monday, December 14, 2015 12:38:00

ELEANOR HALL: Seven months ago, they were rescued from a sinking boat off Indonesia's coast.

But now the hundreds of Bangladeshi and Rohingya asylum seekers are at risk of being returned to Myanmar and Bangladesh.

In May, Indonesia agreed to house them for no more than a year.

And the country's Director General of Immigration is adamant that if no third country steps in to give them refuge, Indonesia will send them back.

Indonesia correspondent Samantha Hawley reports from Jakarta.

SAMANTHA HAWLEY: Desperate and ill; seven months ago 700 Rohingya Muslims and Bangladeshi nationals were stranded at sea when a crack-down in Thailand meant their people smuggling boat was abandoned.

They washed up in Indonesia, where many have been ever since. But in Aceh where most of them are waiting time is running out.

The Director General of Immigration, Ronny Sompie, says when the year's up next May, they must go.

"We have been coordinating with other ministries and institutions in handling the Rohingya asylum seekers," he tells the ABC.

"We will give them a year. If there's no certainty on the matter within the year, then with the UNHCR we will return them to their country."

The group has already dwindled, about 100 are believed to have fled, boarding boats again to make the journey to Malaysia, where they'd hoped to go in the first place.

Thomas Vargas is the UNHCR's representative in Indonesia.

THOMAS VARGAS: Their loved ones were there, their husbands, their fathers - they wanted and had every reason to believe they were going to end up in Malaysia.

SAMANTHA HAWLEY: But Malaysia's unlikely to assist, and those who have made it there have been arrested.

Australia, the United States and Germany are other potential third nations.

But the refugee crisis in Europe means the asylum seekers waiting in Indonesia are at risk of becoming a forgotten group.

THOMAS VARGAS: That's what was not known in May of this year, that we are now facing. UNHCR would never advocate and would never agree to any kind of forced return of refugees. That's our core principle of the refugee convention of course.

SAMANTHA HAWLEY: Indonesia is not a signatory to the United Nations Convention of Refugees.

Immigration Head, Ronny Sompie, says Indonesia will work with the UNHCR to ensure the safety of the group.

"We will return them to their country with a solution of course. If their safety is ensured with the help of the UNHCR, then we can do it, which means the repatriation is a solution not just shifting a problem," he says.

"But they shouldn't be a problem for Indonesia either."

The Director General has also told the ABC a group of asylum seekers who came close to Christmas Island but were turned back by Australia last month will be deported. The group say they're from India, Bangladesh and Nepal.

This is Samantha Hawley in Jakarta reporting for The World Today.

<http://www.abc.net.au/worldtoday/content/2015/s4371624.htm>

3. Thailand's most senior human trafficking investigator to seek political asylum in Australia

Major General Paween Pongsirin says his investigations into human trafficking implicated senior figures in police and military and he now fears for his life

The Guardian

Gay Alcorn, Keryn Reynolds and Margaret Simons

Thursday 10 December 2015 14.59 AEDT

Thailand's most senior police investigator into human trafficking is seeking political asylum in Australia, saying he fears for his life because influential figures in the Thai government, military and police are implicated in trafficking and want him killed.

Major General Paween Pongsirin arrived in Melbourne a few days ago on a tourist visa and has now told the Australian Broadcasting Corporation's 7.30 program and Guardian Australia he plans to seek asylum.

For a respected and high-profile police investigator to flee the country and make such serious allegations will be highly embarrassing for the Thai government. Human rights groups have consistently said that the south-east Asian nation has turned a blind eye to the abuse of trafficked people and that many officials are implicated in the trade. Thailand's military junta denies the claims.

Paween said he hoped Australia would grant him asylum.

"I worked in the trafficking area to help human beings who were in trouble," he said. "I wasn't thinking of a personal benefit but now it is me who is in trouble. I believe there should be some safe place for me, somewhere on this earth to help me."

In May, Thai police discovered more than 30 graves in an abandoned jungle camp near the Malaysian border. Many of the exhumed bodies were believed to be Rohingya Muslims, a long-persecuted minority who have been fleeing Myanmar on rickety boats, arriving in Thailand on their way to the relative safety of Malaysia. Others were asylum seekers and migrants from Bangladesh.

Traffickers have imprisoned these and other asylum seekers in make-shift camps on the Thai-Malaysian border, demanding their relatives pay ransoms for their release. Survivors say that many were raped, beaten and murdered if ransoms were not paid.

Major General Paween was appointed to lead the investigation into the grim discovery, which at the time was interpreted as Thailand treating the issue more seriously. His team uncovered a major human trafficking syndicate but he says that "from the beginning" he was under pressure not to pursue the perpetrators too enthusiastically.

Paween, 57, says he "followed the evidence". So far, there have been 153 arrest warrants related to trafficking. Last month, 88 people appeared in court for a procedural hearing, including a senior military general alleged to be a kingpin, other military officers, local politicians and business figures.

"All 88 defendants together let victims starve, denied health treatments for sick victims and hid bodies on the mountain (camps) where they died," a judge reportedly said at the hearing.

But Paween, a career police officer, resigned from the force last month after he was transferred against his will to an insurgency-plagued region in the deep south of Thailand. He said traffickers he was pursuing were influential in this region and "senior police" in the area were involved with the trade. He told his superiors that he feared for his life if he were sent there, but says his protests were ignored.

As well, the investigation he led was disbanded after just five months, despite Paween insisting it was far from finished.

Asked who stopped the investigation, Paween said through an interpreter: "Influential people involved in human trafficking. There are some bad police and bad military who do these kind of things. Unfortunately, those bad police and bad military are the ones that have power."

Paween did not name the senior officials he alleges are complicit in the human trafficking trade in Thailand, but says the jungle camps would have needed influential oversight to stay open.

"A person who can detain hundreds of people without being arrested for so many years cannot be an ordinary citizen."

There were many more government officials that should be prosecuted, including those at senior levels.

"Human trafficking is a big network that involves lots of the military, politicians and police. While I was supervising the cases I was warned all along."

He also blames "influential people" for his transfer. "By re-posting me to the deep south of Thailand it means they want to kill me."

Paween fears that the upcoming trials will be compromised and that many of those charged will not be convicted. He was due to be a key witness at the trials and knows that many witnesses will feel intimidated from giving evidence. "I feel so sad and it's so unfair that these people will not be punished."

Paween's asylum claim is likely to have international implications. Thailand has previously been annoyed that Washington downgraded it to the lowest category in a report that assesses countries' willingness to fight human trafficking.

Phil Robertson, deputy director of the Asia division of Human Rights Watch, told Guardian Australia that Paween was an "honest, no nonsense and experienced investigator".

"Evidently this time his investigation got too close to some powerful people. It is no exaggeration to say that this is a fundamental test case of the commitments that Thailand's leaders have made to eradicate human trafficking."

Sitting on the banks of the Yarra River in Melbourne, Paween says he has no idea how the Thai government will react to his asylum claim. He speaks quietly and with little emotion, but says he is “deeply saddened” by being forced to leave his home and being unable to continue his work.

He understands the irony, too, of someone trying to help refugees ending up an asylum seeker himself. It was difficult pursuing those involved, he said, but he “had to do his duty”.

“I didn’t think about those things then. Now I realise it was dangerous.”

<http://www.theguardian.com/world/2015/dec/10/thailands-most-senior-human-trafficking-investigator-to-seek-political-asylum-in-australia>

4. Germany on course for 1 million asylum seekers in 2015, interior ministry says

AFP / ABC News Online
Posted Tue 8 Dec 2015, 2:59am

Germany has registered 964,574 new asylum seekers in the first 11 months of the year, putting it on track for a million arrivals in 2015.

Some 206,101 asylum seekers came in November alone, a new monthly record, up from a previous high of 181,166 in October, according to the interior ministry.

The number of arrivals for the year so far was more than four times the total for all of 2014 with Germany now the top European destination for people fleeing conflict, repression and misery in the Middle East, Asia and Africa.

The data did not provide a breakdown of the nationalities of the new arrivals.

In previous months, Syrians topped the figures, with around one in three applications coming from citizens of the war-torn country, for whom Germany has adopted an open-door policy.

But the numbers of people arriving have eased over the past “one to two weeks”, interior minister Thomas de Maiziere said, pointing to harsher winter weather deterring many from making dangerous journeys across the Mediterranean.

Daily arrivals in Germany were now around 2,000-3,000 rather than the previous 8,000-10,000, he said, also pointing to a Turkish crackdown on people smugglers.

“This is not a turning point, but a good development,” he said at a press conference.

The UN refugee agency last week described a similar trend, saying the number of asylum seekers crossing the Mediterranean to Europe had fallen by more than a third in November.

Throughout the month, some 140,000 people made the perilous sea journey, reflecting a 36 per cent drop from October when a record 220,535 landed on Europe’s shores, UNHCR said.

Support and scorn for generous policy

Chancellor Angela Merkel’s decision to welcome Syrian refugees has won her plaudits but also sparked a backlash, with some senior ministers openly questioning the approach and her usually-stellar poll ratings slipping several points.

The interior ministry, meanwhile, has faced withering criticism over its handling of the influx of asylum seekers and a backlog at the Federal Office for Migration and Refugees.

In an interview with Die Welt newspaper, EU parliament chief Martin Schulz, a German Social Democrat, accused the government of running a backlog of more than 300,000 unprocessed asylum applications.

The ministry, however, pointed out that civil servants had this year managed to shorten the processing of asylum claims — with each claim taking five months, down from seven in 2014.

This had been achieved by speeding up the decision-making process for asylum seekers “from safe countries of origin [especially west Balkan states] as well as for those from particularly unsafe countries of origins [especially Syria],” the ministry said.

The processing time for both Syrians and citizens of Balkans countries was now particularly short, at around three months.

So far, Albanians and Kosovans were among the top five groups of arriving this year in a trend that has alarmed the German government.

Berlin has recently listed both Albania and Kosovo as "safe countries of origin", meaning their citizens are not normally eligible for political asylum, in a move that has dramatically reduced the numbers from the Balkan countries.

<http://www.abc.net.au/news/2015-12-08/germany-on-course-for-1-million-asylum-seekers-in-2015/7008804>

5. Brussels plans to strip Schengen nations of authority over borders

European commission set to propose new border guards force that could be deployed without a country's approval

The Guardian

Ian Traynor in Brussels

Saturday 12 December 2015 03.42 AEDT

Brussels is to unveil radical plans to strip national governments of authority over their borders in an emergency and to create a border guards force to police the EU's frontiers, supervise asylum claims, and detain and deport failed asylum seekers.

The controversial response to the immigration crisis is to be launched on Tuesday by the European commission, which is calling for a 2,000-strong European border and coastguard force that could be deployed in an emergency without the approval of the country concerned.

The plan will prove highly divisive among national governments, most of which jealously guard their sovereign powers over border control. But the proposal is backed by Germany and France, giving it a head start in what is likely to be two years of tough bargaining before it could become a reality.

In theory, the new regime and the powers ceded to Brussels over its operation apply to all 26 countries in Europe's free-travel Schengen area, which does not include the UK and Ireland but takes in non-EU countries such as Norway and Switzerland.

In practice, the regime would apply to the external borders of the Schengen area, so would not greatly affect countries such as Germany that are surrounded by other Schengen nations. With more than 1 million asylum seekers arriving in Europe this year and a further 1.5 million predicted for next year, the commission's proposals are directed mainly at Greece and Italy, the main entry points from Turkey across the Aegean and Mediterranean Seas.

Both frontline countries are bitterly opposed to the plan, despite being fed up with bearing the brunt of the influx while also being berated for failing to properly register refugees.

"The Italian interior ministry is very unhappy about having outsiders on Italy's borders," said a senior diplomat in Brussels. "There are too many sovereign sensitivities. This will all take time, but the governments don't have time."

The commission said on Thursday that Italy had registered only half of the people arriving on its southern shores this year, while Greece had a much poorer record, registering just a quarter.

The new border guards regime is to be based on the fledgling EU frontiers agency, Frontex, which is based in Warsaw. Frontex operations and powers are limited and heavily circumscribed. Currently it can only operate in EU member states at the invitation of the national authorities.

Athens has been resisting Frontex assistance for months, leading to discreet warnings that Greece could be suspended from the Schengen zone. But last week Athens caved in and requested help.

"The experience with Greece is that they promise a lot but don't deliver," said a second senior diplomat. "They rejected assistance, were threatened and then they gave in. Greece moves only when it feels that the cost of inaction is higher than that of action."

The immigration crisis has placed the survival of the 20-year-old Schengen zone into question as never before, with member states engaging in beggar-thy-neighbour policies and ignoring the rules to re-erect national border controls. Last week the first wire fences went up between two Schengen states, Austria and Slovenia.

The EU's "handling of the arrivals of migrants and asylum seekers has been simply disastrous", said the Council of Europe, the Strasbourg-based human rights body that is quite separate from the EU.

Franco-German demands for a border force also put the onus on countries such as Greece and Italy to establish what would effectively be large detention camps that hold refugees while their cases are considered.

The president of the European council, Donald Tusk, told the Guardian last week that asylum seekers could be held for up to two years. Rome has complained that Italy could end up with a volume of detainees bigger than the national prison population.

“All migrants arriving in Italy and Greece must go through the reception centres,” said Germany and France last week. A joint letter to the commission from both countries’ interior ministers added: “That means these centres must be able to take in enough people and hold them for the time required ... so that the necessary security checks can be made and their status clearly established.”

Frontex is at present utterly dependent for staff and equipment on pledges from national governments, which have repeatedly promised to increase resources but generally failed to follow through.

The new proposals would create a separately budgeted, well-equipped standing force of 2,000 border and coastguards that could be deployed within days. The commission in Brussels would decide when action was warranted.

“In exceptional circumstances, Frontex should be able to deploy rapid reaction teams to the frontiers on its own initiative and under its own responsibility,” said the Franco-German letter.

“Could you imagine a president of France asking Frontex to come and take over his borders?” said one of the diplomats.

The immigration crisis has generated acute tensions between the EU’s national governments. These new proposals are likely to trigger a lengthy bout of recrimination.

<http://www.theguardian.com/uk-news/2015/dec/11/brussels-plans-to-strip-schengen-nations-of-authority-over-borders-europe>

6. Banksy uses Steve Jobs artwork to highlight refugee crisis

Graffiti on wall of ‘the Jungle’ camp in Calais depicts late Apple founder’s background as son of Syrian migrant

The Guardian
Hannah Ellis-Petersen
Saturday 12 December 2015 02.02 AEDT

Banksy has revealed a new artwork, sprayed on a wall in the Calais refugee camp called “the Jungle”, intended to address negative attitudes towards the thousands of people living there.

The work depicts the late Steve Jobs, the founder of Apple, with a black bin bag thrown over one shoulder and an original Apple computer in his hand. The work is a pointed reference to Jobs’s background as the son of a Syrian migrant who went to America after the second world war.

In a rare statement accompanying the work, Banksy said: “We’re often led to believe migration is a drain on the country’s resources but Steve Jobs was the son of a Syrian migrant. Apple is the world’s most profitable company, it pays over \$7bn (£4.6bn) a year in taxes – and it only exists because they allowed in a young man from Homs.”

The graffiti is one of a series of works Banksy has created in response to the refugee crisis. During his trip to Calais, the artist covered several walls across the French port with related graffiti, including a riff on Theodore Gericault’s Raft of the Medusa, featuring a luxury yacht.

This summer, his temporary “bemusement” park in Weston-Super-Mare featured an installation of boats filled with bodies. On the closing night of Dismaland, Banksy also invited Pussy Riot to debut their song criticising the global failure to help the migrants entering Europe.

Since the park closed in September, the artist has been shipping leftover infrastructure from Dismaland to help build emergency housing for the 7,000 migrants, mainly from Syria, Eritrea and Afghanistan, now living on the site of a former rubbish tip in Calais.

The “Dismal aid” project has seen site crew from the theme park build accommodation, community buildings and a children’s play area in the camp.

<http://www.theguardian.com/artanddesign/2015/dec/11/banksy-uses-steve-jobs-artwork-to-highlight-refugee-crisis>

7. Actor Edward Norton starts fundraiser for Syrian refugee featured on Humans of New York

ABC News Online
Posted Sun 13 Dec 2015, 8:34am

A Syrian refugee featured on popular Facebook page Humans of New York (HONY) is having a fundraiser organised for him by film actor Edward Norton after his story touched hearts around the globe.

The father-of-two was photographed by HONY creator Brandon Stanton in Turkey, as part of a project profiling Syrian families who had been cleared for resettlement in America.

Norton said he was "moved to tears" by the man's story and has started a fundraiser to help him and his family on CrowdRise, which had reached \$130,000 this morning.

The man, who is not named in the story, said his wife and six other members of his family had been killed when a government anti-personnel missile struck the family's home in Syria, forcing him to flee to Turkey with his two children.

His story also attracted the attention of US president Barack Obama, who commented on one of Stanton's photos, saying the man was "part of what makes America great".

"My daughter was studying to be a doctor. My son was the smartest in his school," the man told Stanton.

"We were well known in the community. Nobody had a problem with us. We had no affiliation with any party or regime. Everyone loved us, honestly.

"We survived but we're dead psychologically. Everything ended for us that day. That was our destiny. That was our share in life."

The man, who was a respected scientist in the construction industry in Syria, also told of his struggle to complete his education after being born into an agricultural family.

He said he was now suffering from stomach cancer and had been forced to sell building designs for a pittance in Turkey to provide money for his children.

Writing on the CrowdRise site, Norton called for people to reject "anti-human" voices telling them to fear refugees.

"If we don't welcome people like this into our communities and empower his dream of making an impact with his life, then we're not the country we tell ourselves we are," he said.

The man and his two children are being resettled in Troy, Michigan, near the Canadian border.

"I still think I have a chance to make a difference in the world," he said.

<http://www.abc.net.au/news/2015-12-13/actor-edward-norton-to-hold-fundraiser-for-syrian-refugee/7024248>

8. Elizabeth Farrelly: The Australian fair go is dead: now it's the strong beating up on the weak

Sydney Morning Herald
December 16, 2015 - 7:38PM
Elizabeth Farrelly

What happened to us? Australia used to be the land of the fair go. A bit daggy, sure, a bit thin on cultural atmosphere and a bloody long way from everywhere except even-daggier New Zealand. But what we lacked in cultivation we made up for in decency. We didn't judge people on wealth or breeding and we were wide open with opportunity. Everyone got a fair go. So we said.

Many people still say it. But look around. Increasingly, Australianness seems to involve the strong beating up on the weak. Rich on poor, male on female, citizens on refugees, priests (and others) on children, white on black, developers on communities, private schools on public, big mining on fragile ecosystems.

Why are we OK with this? How did the fair go slip so seamlessly into tooth and claw? Or was it always thus?

We regard Australia as incomparably more benign, human rights-wise than, say, China. Ai Weiwei's imprisonment for dissidence strikes us as one thing, and the Australian government's proposal to jail doctors who speak out about our loathsome, people-rotting camps as quite another. But how smug do we deserve to be, actually?

Ai's new show at the NGV includes Letgo, a portrait-room of Australian human-rights activists. One of them, smiling gently from the ceiling like some Sistine angel, is of Professor Gillian Triggs, Human Rights Commissioner and 2015 Daily Life Woman of the Year.

Triggs' recent speech to the Australian Institute for International Affairs described Australia's current bid to join the 47-member UN Human Rights Council. More than 100 countries critiqued Australia's recent human rights record. Most, while recognising Australia's honourable history in this regard, raised serious concerns about our current trajectory: our intractable gender pay gap, our refusal to oppose torture, our incarceration of young Aborigines (27 times the national average), our

mandatory detention of refugees (still including more than 200 children), our vile Border Force Act and, of course, our appalling rates of violence against women.

Familiar issues all, but we don't often consider them together, to wonder whether we're still the kind of country we're proud of.

This year, 79 women – more than one a week – have died violently, mostly killed by men they knew well. One in three women in Australia has experienced violence from men. One in five has been stalked.

Yes, the feds have thrown money at domestic violence but in Victoria, it seems, they've stopped even pretending to see it as a moral issue. A new report by PwC for Vic Health – entitled "A high price to pay: The economic case for preventing violence against women" – spends its entire 110 pages arguing that "violence against women costs us \$21.7 billion a year". As though that's why we should care.

Imagine if 79 men had died from shark attacks. As Annabel Crabb memorably quipped, "if a man got killed by a shark every week we'd probably arrange to have the ocean drained." Yet until recently, when Destroy the Joint started the count, the figures on dead women weren't even collected. Hardly a fair go.

And less fair still if you're one of Australia's original inhabitants. Indigenous women are 35 times more likely to be violently attacked than non-indigenous women. Incarceration is far higher, life expectancy far lower and land ownership far less secure.

Sure, all farmers are threatened by coal mines. But most will still own their land, however ravaged. Not so if you're Indigenous. The Wangan and Jagalingou people, on whose traditional lands federal Environment Minister Greg Hunt recently re-endorsed Adani's giant Carmichael coal mine, repeatedly refused permission. No one listened. No one cared. Now the Queensland government, in retaliation even for that ineffectual opposition, has moved to extinguish native title altogether over the land in question. Is this a fair go?

That's Big Mining. No less disgraceful is Big Church's response to child abuse. Abuse of a child by a religious leader is an especially profound betrayal of trust, but among all the cruel and unchristian responses I've heard from church hierarchies only one carries any nobility. That was the extraordinarily brave and candid response from Anglican Bishop Greg Thompson of Newcastle who, exiling himself from the comfort of the corporate church, named his own episcopal abuser and denounced this crime of the strong against the weak as the abuse of power it is.

The rest simply close ranks and victim-blame in a way that would make God herself blush with shame. A fair go? Really?

As to refugees, Gillian Triggs, receiving her award, called 2015 her "most difficult" year yet. Why? Because of her Forgotten Children report. The work itself, says Triggs, was "impregnable in terms of the evidence and the legal position". So naturally her employer, the Abbott government, launched a fury of personal attacks designed to discredit her judgment, motivation, competence and veracity.

Of course these attacks were political (in the sense of: "empty of principle or content, wholly focused on the battle for public affections"). It was a politically motivated attempt to make Triggs seem politically motivated – or, more simply, to shoot the messenger.

But Triggs is unrepentant. Patiently she explains why our stance – our refusal to enshrine the UN anti-torture convention in our laws, our rejection of the global non-refoulement principle, our adherence to mandatory indefinite detention – is not just immoral but to a significant extent illegal. Fair go? Seriously? In what world?

The common ground of all these battles is that single, shared principle, Australia's founding ideal and primary point of difference; the fair go. Be it brief, humble and colloquial, the fair go is both our true constitution and our closest approach to a bill of rights.

If we took the fair go seriously, none of these battles – from feminism to environmentalism to the asylum seeker debacle – would exist. When, conversely, we abandon this principle, life rapidly congeals into the layers of self-reinforcing privilege Australia was meant to end: the class system.

Wakey wakey, Australia. World stage here. Global citizens, cue best selves. Fair go, bro.

<http://www.smh.com.au/comment/the-australian-fair-go-is-dead-now-its-the-strong-beating-up-on-the-weak-20151216-gloqm8.html>

9. Police head to Supreme Court to shut down Cronulla riots anniversary rally

Sydney Morning Herald
December 5, 2015
Rachel Olding

Police have taken the organisers of a Cronulla riots anniversary event to the Supreme Court in a bid to stop the anti-Islam rally from going ahead.

Nick Folkes and his anti-immigration group, Party for Freedom, briefly appeared in the NSW Supreme Court on Friday afternoon in a civil case instigated by the NSW Commissioner of Police who is seeking an injunction.

Before entering the court Mr Folkes had a loud verbal stoush with a member of the public who said the Cronulla riots were driven by racism and that he was racist for seeking to glorify them.

Mr Folkes shouted back at the man, declaring "it was a rebellion!".

The court proceeding itself was much less dramatic, with Justice Christine Adamson simply seeking an agreement from Mr Folkes' lawyer, Robert Balzola, and counsel for the police, Ian Temby, QC, about when the matter would return to court.

The parties agreed to reconvene on December 10 for a hearing on the police's application for an urgent injunction preventing the anniversary event from taking place.

Mr Folkes has spent months planning the 10-year "memorial" event, to be held next Saturday at a public reserve in Cronulla, and he was vowing to proceed despite his formal application being rejected twice by police last month.

Flyers have been circulated around Sydney, promoting four speakers – all from outside the Shire – including Kim Vuga, a participant of the SBS show *Go Back To Where You Came From*, and Sergio Redegalli, a business owner who painted a "ban the burqa" mural in Newtown.

Fairfax Media understands that Sutherland Shire Council gave Mr Folkes until 2.30pm on Friday to remove his flyers and is planning to launch proceedings in the Human Rights Commission where it will argue that the promotional material amounts to racial vilification.

Party for Freedom is also selling "limited edition" T-shirts for \$49.99 with the slogan "Sydney is fun: Cronulla is a riot".

The NSW Police knocked back two applications to hold a rally due to concerns from local residents that the event could spark racial tensions.

A suggested "funeral procession to ceremoniously bury multiculturalism" was part of one rejected application.

Sutherland Shire Mayor Carmelo Pesce said the rally was not welcome in the Shire and the organisers "don't represent the shire and don't represent Cronulla".

In a press release sent to his supporters on Friday, Mr Folkes said two police officers served him with the summons at 9pm on Thursday night.

He said Sutherland Shire Council also served him with a letter listing several demands, including that the protest did not go ahead in the council-owned Don Lucas Reserve and that any online and social media material regarding the memorial be removed within 48 hours.

"In summary, the council has basically said the years of intimidation and harassment perpetrated by Muslim gangs did not happen," Mr Folkes said in the press release. "The council's sorry attempt at trying to portray Islam as a race or ethnicity is flawed."

Meanwhile, Cr Pesce said that, if the council's demands aren't met by 2.30pm on Friday, it would also launch Supreme Court action, alleging a breach of the Racial Discrimination Act.

"I want every measure to take place to show that the council is doing the right thing by the community," he said. "These are individuals that have views that are global views and they're using the shire as an excuse to come here to promote their views."

Several Cronulla residents have voiced their strong opposition to the rally on local news Facebook pages.

"For f---'s sake! 10 years later the rest of Australia still thinks that the shire is full of redneck racist bogans! I'm sick of telling people I live in Cronulla and people assuming I'm a brain dead racist as well!" a Facebook user, Andrew Black, posted in a comment that received hundreds of likes.

Mr Folkes and the Party for Freedom will appear in the Supreme Court at 2.30pm on Friday.

<http://www.smh.com.au/nsw/police-head-to-supreme-court-to-shut-down-cronulla-riots-anniversary-rally-20151204-glfcnf.html>

10. Cronulla riot rally plan sparks complaint to human rights commission

Western Sydney GP Jamal Rifi alleges he has experienced racial hatred as a result of promotion of rally commemorating 10th anniversary of riots

The Guardian
Paul Farrell and Michael Safi
Monday 7 December 2015 12.23 AEDT

Far-right groups may face further legal action over a rally scheduled to commemorate the 10th anniversary of the Cronulla riots after a complaint to the Australian Human Rights Commission.

The Party for Freedom, led by Nick Folkes, has been planning a “memorial rally” at Cronulla on Saturday to mark the anniversary. T-Shirts and commemorative plates are on sale, and guest speakers include Shermion Burgess, who stepped down in October as the head of the United Patriots Front.

But Jamal Rifi, a western Sydney GP and community advocate, lodged a complaint on Friday with the commission about the party, alleging he had experienced racial hatred as a result of its promotion of the rally.

Rifi’s complaint said: “As an Australian of Lebanese origin and an active member of the Australian Lebanese community and as a person of Middle Eastern race, nationality and ethnic origin, I was, am and will be deeply offended and insulted by the content of the material published by the respondents ... and the respondents’ intentions to hold and address a public rally in Cronulla.

“I am very concerned that so much of the good work in building racial harmony which we have accomplished in the last 10 years will be affected detrimentally by the continued dissemination of the material on the internet and by the holding of a public assembly in Cronulla ... at which offence speeches will be made by Mr Folkes and Mr Burgess and others containing material of substantially similar content to the material on their websites.”

He said Australia’s international reputation could be tarnished if the rally were held, and it “may be used by overseas radical or terrorist groups to promote that persons of the Lebanese race, nationality and ethnic origin are not welcome”.

NSW police sought an injunction to stop the rally. The group has failed to gain police or council approval to hold the event.

Rifi told Guardian Australia: “I’d like to fight this battle in the court rather than in the media. I feel quite aggrieved and assaulted and humiliated by the rhetoric of Nick Folkes and the like, and I feel that I have been on the receiving end of racial hatred.”

A complaint to the commission can be investigated by its president. A process of conciliation will usually be undertaken to try to resolve the complaint. But alternatively the matter could be taken to the federal court for a hearing.

Folkes said he welcomed the complaint. “I’d be more than happy to put Islam on trial. He’s offended? I’m offended. I’m offended at the ways Muslims behave,” he said. “If he’s going to take it to the human rights tribunal I’m more than happy to state our case.”

He said he hoped the group would defeat the police injunction.

Some of the far-right groups who have signalled their intention to rally at Cronulla have been at odds with one another. Jim Saleam of the Australia First party issued a statement condemning the Party for Freedom, saying: “This rabble of would-be patriot leaders was not present at Cronulla in December 2005, nor did they speak for it. It is now just convenient for them that they seek to enter into the historical memory with a different interpretation and ride it as a justification.”

Folkes said Saleam was a “troublemaker” who “hasn’t learnt that his rhetoric just doesn’t help anything any more”.

<http://www.theguardian.com/australia-news/2015/dec/07/cronulla-riot-rally-plan-sparks-complaint-to-human-rights-commission>

11. Professor Gillian Triggs named Daily Life Woman of the Year for 2015

Daily Life
December 7, 2015 - 9:51PM
Jenny Noyes

Australian Human Rights Commission President Gillian Triggs has been named the 2015 Woman of the Year by Daily Life, Fairfax Media’s leading website for women.

Professor Triggs was chosen from a diverse shortlist of 20 distinguished Australian women across social activism, academia, science, law, politics, sports and the arts.

Finalists for the award included Australian of the Year Rosie Batty, RAAF Group Captain Cate McGregor, Daily Life columnist and activist Clementine Ford, neurosurgeon Dr Caroline Tan, CSIRO prize-winning nanotechnologist Amanda Barnard and 14-year-old Josie Pohla, who started a change.org petition which triggered an increased focus on family violence awareness in high school syllabus.

A judging panel made up of Daily Life editors, senior Fairfax editorial staff and a representative from ANZ, which sponsored the award, voted on the shortlist after thousands of nominations were sent in by the website's readers.

The announcement was made at a special award ceremony in Sydney on Monday night.

Rosie Batty, the Daily Life Woman of the Year for 2014, addressed the audience; and a panel chaired by the ABC's Julia Baird discussed the year's biggest issues and moments for women.

In addition to last year's winner Rosie Batty, the annual award has previously been won by the ADFA cadet known as 'Kate' and former Prime Minister Julia Gillard.

Daily Life editor Candice Chung said it was an honour to recognise and thank Professor Triggs for her courage in the fight against human rights abuses in detention centres.

"Professor Triggs has stood up for the most vulnerable members of our society and has done so with grace, leadership and dignity," Chung said.

"Her steadfast professionalism and refusal to be silenced by the bullying tactics of the Abbott government is truly admirable."

<http://www.dailylife.com.au/dl-women-of-the-year/professor-gillian-triggs-named-daily-life-woman-of-the-year-for-2015-20151207-qlhe2o.html>

12. Behrouz Boochani: Protection and Punishment in the People Business

Behrouz Boochani, a Kurdish journalist and an honorary member of PEN International, writes from Manus Island, where he has been interred for 29 months.

December 10, 2015
The AIM Network

Wilson Security is owned by Raymond and Thomas Kwok, two of the richest men in the world, and is sub-contracted by the multi-national company, Transfield, which is contracted by the Australian Government's Department of Immigration and Border Protection to operate Australia's Regional Processing Centre, aka Manus Prison on Manus Island, Papua New Guinea. Wilson Security describes itself: 'As the region's leading security provider, Wilson Security takes pride in protecting the wellbeing of thousands of customers and their businesses every day. Above all, security is a people business'.

Integral to Wilson Security is what they call their Emergency Response Team (ERT). ERT is the rough arm, the iron fist of Wilson Security on Manus Island. The men of the ERT are well-known for powerful arms and bodies, and notorious for heavy handed forms of punishment, steroid use and alcohol issues both on Nauru and Manus Island.

Here on Manus Island the ERT enter the quadrangle of camps like a group of lions. Their attendance instills fear into everybody. They come and they go. They deal with 'behavioural issues' which may range from someone having attempted suicide or so-called self-harm to an allegation of violence between detainees and movement between compounds. The situations may require very different skills and approaches yet are all dealt with by the ERT, a group not made up of welfare workers but rather of beefed up security personnel who the managers of the Transfield and Wilson's companies rely on to direct the Manus Camps.

During the big non-violent hunger strike in January 2015, ERT guards rushed and attacked the camps without reason taking dozens of hungry refugees to the island's CIS prison. They forced refugees onto the ground, turning hands and manacles tightly. Many of us carry the physical pain and effects of those hand cuffs. Many of us still speak of the violence enacted upon us en route from the camp to prison. Many still talk about an Iranian man who was slapped in the face by ERT guards in the bus. We could see no reason as to why he should be hit, especially as his hands were fastened by handcuffs. We could see, however, that he was hit in an attempt to humiliate him in front of others as the ERT believed that he had directed the hunger strike.

After 10 days of being held in the small CIS prison we were transferred to the bigger Charlie prison, part of Australia's Regional Processing Centre on Manus Island. It was with exultation and pride that these guards punished us there.

One of the duties of the ERT is to enter the camps all of a sudden with cameras attached to their bellies and push their way into our rooms to search our belongings. They search everywhere, inspect everything closely. If someone objects he is cruelly carried to Chauka. Sometimes they search our bodies in addition to our baggage.

One day they tried to strip one of the Iranian refugees of his clothes but when facing the other refugee's objections they turned back.

Full story at <http://theaimn.com/protection-and-punishment-in-the-people-business/>

13. Commonwealth Secretariat satisfied with Nauru rule of law following fact-finding mission

ABC News Online / Pacific Beat

By Michael Walsh

First posted Mon 14 Dec 2015, 12:58pm

Updated Mon 14 Dec 2015, 1:17pm

The Commonwealth Secretariat has found that rule of law concerns are being addressed on Nauru in light of international criticism, but has called on all parties to mediate and propose ways forward to resolve political differences.

Solomon Islands' foreign affairs minister Milner Tozaka and the head of the Caribbean and Pacific section of the Commonwealth Secretariat's political division Albert Marina toured Nauru in mid-November after being asked by president Baron Waqa to survey rule of law concerns raised by the international community.

Mr Marina told Pacific Beat that the Commonwealth Secretariat's understanding is that due process is being followed following meetings with the government, the speaker of parliament, the justice department and community groups.

The Commonwealth's advisory team was also able to meet with the opposition MP at the centre of political strife on the island.

"We met with Mr Roland Kun, the honourable member whose passport is the subject of dispute right now. We had a long conversation with Mr Kun, he expressed very strong views of developments ... and we did convey back to government some of those views," he said.

New Zealand suspended aid to Nauru's justice sector in September after criticism of government actions seen as diminishing the rule of law.

Foreign minister Murray McCully highlighted the case of Nauru opposition MP Roland Kun, who has been banned from taking his seat in parliament since mid-2014, had his passport stripped in June, and is unable to return to his family based in New Zealand.

"We encouraged Mr Kun and the president to have a conversation and see how best to resolve this," Mr Marina said.

In response, Mr Kun told Pacific Beat this response is similar to that of the Pacific Islands Forum.

"Both organisations do not want to get involved and do not want the complications of having to differ with the government of the day of Nauru," he said.

"As far as I'm concerned it would be well within their charter to advance and protect the working of democracy."

Nauru MPs Matthew Batsiua, Roland Kun, Kieren Keke, Squire Jeremiah and Sprent Dabwido have not been permitted to take their seats in parliament since June 2014.

At the time, the speaker of Nauru's parliament reportedly accused the five suspended opposition MPs of high treason for speaking to the international media.

Mr Marina said the delegation did have discussions about the investigation facing Mr Kun, the details of which have not been relayed to Mr Kun, but those discussions were confidential.

"We understand the issue is before the courts, that process is ongoing, and we do respect that the due process is ongoing in Nauru," he said.

Assistance sought for 2016 elections

The visit follows an invite from Mr Waqa to the Commonwealth secretary-general Kamallesh Sharma following their conversations in Suva, Papua New Guinea and New York, Mr Marina said.

He said that Nauru's president was keen for the Commonwealth to come to Nauru and undertake an assessment and see where the Commonwealth could lend support to some of its activities, including June's elections.

"The Commonwealth's view is, in the issues raised, that the people of Nauru should be given the chance to pronounce on the state of developments in the country," Mr Marina said.

"We understand elections will be held in June next year. The Nauru government has asked us to see if we can provide an electoral expert to prepare the country, support the elections office, perhaps set up an independent election office, look at the issue of a voters' register, look at the old issue of the movement of voters who were in previous electoral districts who have moved into others.

"The government's very keen that the next elections are well supported and ensure that the process is credible. And the Commonwealth is looking very closely at this and we are prepared to provide this kind of support."

<http://www.abc.net.au/news/2015-12-14/commonwealth-secretariat-satisfied-with-nauru-rule-of-law/7026720>

14. Peter Dutton unconcerned Chinese company Landbridge will know classified movements of Border Force fleet

ABC News Online

By Avani Dias

Posted Thu 17 Dec 2015, 3:25pm

Immigration Minister Peter Dutton has dismissed concerns about the Chinese company which will be operating Darwin port knowing the classified movements of the Customs and Border Force fleet.

Mr Dutton opened the new permanent berthing facility at the port on Thursday and the vessels will be based there from next month.

"I'm satisfied from Australian Border Force's perspective on the advice of the commissioner and the secretary of my department that this is an entirely appropriate location for this facility," he said.

In October, the Northern Territory Government announced it had leased the Darwin Port to Chinese-owned company Landbridge Group for 99 years.

The arrangement drew fire from some, who claimed it could jeopardise national security and that the US Government should have been more closely consulted over the deal.

In November, Prime Minister Malcolm Turnbull said he had no concerns over the arrangement with Landbridge.

Claims Landbridge was a front for the Chinese Communist Party were laughed off by NT Chief Minister Adam Giles as "spreading xenophobia and fear".

From January, the Cape Class vessels which are a significant part of Australia's border security will be docked there.

Border Force crews will have to inform the port of their movements.

"The standard reporting protocols as we come in and out, there's no security issues associated with that," said Australian Border Force Commissioner Roman Quaedvlieg.

"We're in partnership with Darwin Port and that's part of the protocol we adopt."

Border Force chief has 'no concerns' about security

Commissioner Quaedvlieg said he had no concerns about Landbridge's leasing of the port now that the vessels would be docked there.

"None whatsoever, our operations are in terms of maritime sovereignty, maritime security," he said.

"Yes, we operate using classified information but I have absolutely no concerns about our operational security."

At \$300 million the Cape Class fleet is the largest acquisition Customs has made but for the past four years they have not been able to perform at full capacity without a proper home in Darwin.

"It's been a bit of an ad hoc approach before now because we've had to wait for berthing facilities to be available," Mr Dutton said.

The boats will be out at sea for 28 days, after which they will return to the dock for crew changes and maintenance.

Peter Jennings from the Australian Strategic Policy Institute has warned that this is just the first of a number concerns about security at the port, which could have been avoided if the lease arrangement had not proceeded.

"I think this just points to what is an unnecessarily complex situation that's been created with the lease of significant parts of the port to a Chinese company," he said.

"The Navy, Border Force, and the US Marines [are] all looking to increase their presence in the port of Darwin and with that will come their own concerns about security."

<http://www.abc.net.au/news/2015-12-17/dutton-unconcerned-about-border-force-fleet-at-darwin-port/7038314>

15. MEDIA RELEASE: TPV- & BV holders protest for work rights and permanency

HUNDREDS OF TPV AND BRIDGING VISA HOLDERS TO PROTEST FOR RIGHT TO WORK AND PERMANENT VISAS

Thursday December 10, 2015

Refugee Action Coalition

Ian Rintoul

mobile 0417 275 713

Around 200 asylum seekers on bridging visas and refugees with temporary protection visas (TPV) will stage a day-long protest, this Friday, 11 December, outside the Sydney offices of the Department of Immigration and Border Protection at 22 Lee Street. (Details below)

The protesters plan to stay outside the Immigration office from around 10.00am to 5.00pm. The protest will call for the right to work for asylum seekers in the community; for the department to end the delays in processing their claims and for permanent protection not TPVs for those found to be in need of protection.

The Sydney protest follows a similar protest held in Canberra on 13 November, when around 250 bridging visa holders and their supporters rallied outside Parliament House.

The protesters, mostly Iraqi asylum seekers and refugees, represent the almost 30,000 asylum seekers in the community, many of them left waiting for three years without even being interviewed., and denied the right to ever see their families.

"In December 2014, the Immigration Minister, Scott Morrison promised that people in the community on bridging visas would be given the right to work. But that hasn't happened. They have been left destitute, while the Immigration department deliberately delays any assessment of their refugee claims," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"The delays; the misery and uncertainty inflicted on asylum seekers and refugees in the community is the flip-side of the brutality inflicted offshore, on Manus and Nauru."

Under Coalition policy, asylum seekers who arrive by boat, and who are found to be refugees will only be granted temporary protection visas, and are therefore denied the right to travel and the right to be re-united with their families, many of whom themselves have been left in dangerous situations.

Protest: Bridging visa holders breaking the silence: 10.00am-5.00pm Speak-out: 12.00-1.30pm, Friday 11 December, Immigration Department, 26 Lee St, Sydney.

Speakers include: Lee Rhiannon, NSW Greens Senator; Iraqi refugee; Michael Thompson, NTEU and Unions for Refugees; Jenny Haines, Labor for Refugees; Refugee Action Coalition.

For more information contact Ian Rintoul 0417 275 713

16. Government splashes \$20 million on charter flights to Nauru and Manus Island

Sydney Morning Herald

December 8, 2015 - 1:17PM

Nicole Hasham

The federal government spent \$1.2 billion running Australia's offshore detention centres last financial year, including \$20 million on charter flights alone – more than the budget cuts required to fund Prime Minister Malcolm Turnbull's innovation cash-splash announced this week.

Figures provided by the Department of Immigration and Border Protection show the government also spent almost \$138,000 on an advertising blitz in Indonesia following the leadership spill, warning would-be asylum seekers that Australia's border stance would not yield under Mr Turnbull's leadership.

Figures show the Australian-funded immigration detention centres at Nauru and Manus Island cost \$1.2 billion in 2014-15, and are projected to cost \$704 million this financial year.

The outlay exceeds the cost of Mr Turnbull's \$1.1 billion innovation plan revealed on Monday, including income tax rebates and CSIRO funding. That money will be spent over four years and funded by budget cuts in other areas.

Last financial year the government spent \$20.3 million on charter flights from Australia to Nauru and Papua New Guinea's Manus Island.

From July to September this year it spent a further \$2.2 million on flights.

Comment has been sought from the department on who travelled on the charter flights, how many flights were involved and why commercial services were not used.

The government was criticised in October over the case of Abyan, a Somali refugee who alleged she was raped at Nauru and wanted an abortion in Australia.

She was flown to Australia on October 11 but flown back to Nauru on a charter flight five days later, after the government claimed she did not want the termination once she arrived. Abyan's lawyers had attempted to seek a court injunction preventing her return.

Figures show that single return flight cost \$115,821. Abyan subsequently returned to Australia to discuss her condition with doctors. It is unclear if she proceeded with the termination, or how much the government spent on all four flights.

The government also spent \$137,764 on a "public information campaign" in Indonesia encouraging asylum seekers not to travel to Australia by boat – part of an ongoing push to prevent people-smuggling operations.

This includes a multi-language brochure featuring the warning "No Way: you will not make Australia home".

It warns that "Australia's change of Prime Minister does not change Australia's policy to safely turn back boats or transfer people to other countries for processing and resettlement".

Greens senator Sarah Hanson-Young said every aspect of the government's offshore detention regime was "frightfully expensive".

"While the financial costs are significant, it's the personal toll on the people involved that I'm most concerned about," she said.

"People seeking asylum come to Australia wanting to integrate into the community and begin a better, safer life. Instead, the government takes those people and spends billions of dollars dumping them on Nauru and Manus Island.

"We need to have a fair and efficient system put in place that can replace the expensive and cruel offshore detention centres."

Senator Sarah Hanson-Young said Abyan's first return flight denied her "much needed medical assistance" and the move was politically motivated.

"The government is treating the taxpayer like their own personal ATM," she said.

<http://www.smh.com.au/federal-politics/political-news/government-splashes-20-million-on-charter-flights-to-nauru-and-manus-island-20151208-gli370.html>

17. Australia makes u-turn on Manus Island road renewal promise

ABC News Online

Pacific Beat

By Pacific affairs reporter Liam Fox

Posted Fri 11 Dec 2015, 5:58pm

The Australian Government has renewed a pledge to fix Manus Island's main road after community leaders said it tried to renege on the promise, part of a package of incentives to host the asylum seeker processing centre.

The pledge to re-seal the 30-kilometre road from the Manus provincial capital Lorengau to Momote airport was made when the Papua New Guinea government agreed to allow Australia to reopen the centre in 2012.

The pledge was part of a \$37 million dollar assistance package for Manus, effectively a sign of appreciation from the Australian Government for the hosting of its asylum seekers and refugees.

Sixteen million dollars was committed to re-sealing the road and the rehabilitation of two bridges.

Manus Island officials told Pacific Beat that Australian officials recently informed them that cost blow-outs meant only part of the road would be re-sealed.

"They told us that it's only going to be sealed as far as Lolak Bridge, that would be just under two-fifths of the road," said Ronnie Knight, the MP for Manus Island.

But after inquiries by the ABC, the Australian Government has announced it will honour the pledge, with the Department of Foreign Affairs and Trade (DFAT) releasing a statement saying "Australia is funding maintenance to the road, including a re-seal".

Asked to clarify if the entire road would be resealed, a DFAT spokeswoman said it would, "in line with community expectations".

DFAT said the roadworks should be completed around the middle of next year.

The governor of Manus Island, Charlie Benjamin, has welcomed the change of heart.

"Firstly, I think they could see that the government of Manus and the people of Manus are not happy at all. And I also think that probably you coming in, as Australian media, I think that probably helped," he said.

"We have never been informed of this news [the renewed pledge to complete the roadworks]. In fact two weeks ago we were informed they will not continue," he said.

Stop-start roadworks

The road from Lorengau to Momote airport is the island's main transport artery and is in very bad condition.

In some places the potholes are 80 centimetres deep, so deep that even heavy trucks get bogged.

So when the Australian Government announced as part of the assistance package that it would re-seal the entire road, locals rejoiced.

But senior local officials told the ABC that Australian government representatives announced the downgrade during a meeting with officials around two months ago.

"Nobody's happy with it. I can't speak for the governor but I know that senior bureaucrats walked out of the briefing, they didn't finish it, they walked out in disgust," Mr Knight said.

"The local people are quite upset about it because all the gravel has been extracted from the Mamote area, and those trucks that they've been using to extract gravel from those blocks have been [further] tearing-up the road."

Governor Charlie Benjamin backs Mr Knight's story that Australian officials told his bureaucrats that the entire road would no longer be sealed.

"That was during that meeting when all of the stakeholders met and we were advised that they can no longer build to the airport," he said.

"The reason that was given was that they had committed the 36 million kina (\$16 million) to the road, but at the time of the assessment the road was in a good condition. But after the program was on, then all of the big vehicles came and damaged the road."

Mr Benjamin said the announcement outraged locals.

"The reaction of the provincial government was that this was just unacceptable. They just had to stand up and [get] out of the meeting. The people are very upset."

<http://www.abc.net.au/news/2015-12-11/australia-makes-a-u-turn-on-manus-island-road-promise/7022564>

18. Asylum seeker injured in Manus Island riots resolves legal dispute

ABC News Online

Posted Fri 18 Dec 2015, 11:11am

A case involving an asylum seeker who sued the Federal Government over a riot on Manus Island appears to have been resolved.

The detainee in his mid-30s lost an eye and suffered severe facial injuries during a riot at the detention centre in February last year.

The riot resulted in the death of 23-year-old Iranian man Reza Barati and dozens of others were injured.

Lawyers for the man, known as RN, claimed the Federal Government had failed in its duty of care.

Security firm G4S was also being sued.

The man was seeking damages for pain and suffering.

The Victorian Supreme Court was today told by the detainee's lawyers that an in-principal agreement had been reached and there was just further documentation to organise.

A directions hearing has been listed for February.

<http://www.abc.net.au/news/2015-12-18/detainee-injured-in-manus-island-riots-resolves-legal-dispute/7041308>

19. Government can grant protection visa but refuse refugee's family, court finds

High court rejects Afghan man's application to have his family join him in Australia after minister argues more people apply than can be resettled

The Guardian

Australian Associated Press

Thursday 17 December 2015 13:21 AEDT

The government is entitled to grant a protection visa to an Afghan man but refuse entry to his family, the high court has found.

On Thursday high court judges unanimously ruled there was no error in the decision to refuse the application on grounds that Australia did not have capacity to resettle all humanitarian visa applicants and only those of the highest priority could be successful.

Judges said there was just one criterion for granting a visa for family reunion in these circumstances and that required the minister to be satisfied there were compelling reasons.

The unnamed 21-year-old, a member of Afghanistan's minority Hazara, fled Afghanistan for Iran with his family in 2003. In 2010 he was deported to Afghanistan but his family stayed in Iran.

He travelled to Australia by boat in 2010 as an unaccompanied minor and was granted a protection visa.

Subsequently his mother and three younger brothers applied for entry under a particular visa sub-class for immediate family of those granted refugee protection.

The minister's delegate refused, saying many more people applied for resettlement than could be accepted. In 2013-14, more than 63,000 applied and only 11,000 were accepted.

The delegate did note the family's strong links to Australia, that there was no other country suitable for resettlement and that they were subject to significant discrimination in Afghanistan.

His lawyer argued there was jurisdictional error with the immigration department according the family lowest priority for a number of reasons, including that he arrived on a people smuggler boat.

The high court judges said there was no error in the decision. The minister was entitled to consider the resettlement capacity of the Australian community and the number of places in the humanitarian program.

<http://www.theguardian.com/world/2015/dec/17/government-can-grant-protection-visa-but-refuse-refugees-family-court-finds>

20. Dozens of Sri Lankan asylum seekers who made it to WA still in detention two years later

ABC News Online

By Sarah Taillier

First posted Thu 10 Dec 2015, 12:33pm

Updated Thu 10 Dec 2015, 12:34pm

Dozens of Sri Lankan asylum seekers who arrived undetected in Western Australia more than two years ago are still being processed by the Department of Immigration and Border Protection.

A total of 66 men, women and children were taken into the care of the department after arriving in Geraldton on a tuna fishing boat in April 2013.

While the vessel they arrived on has been donated to a museum, many of those who were on board are still waiting to have their fate determined.

The Department has confirmed that 38 people have been returned to Sri Lanka, one has received a temporary protection visa and 27 are at various stages of the application process or having their case reviewed.

Refugee Action Coalition spokesman Ian Rintoul described the wait time as agonising and soul destroying.

"They are simply in complete limbo; they can't go forward, they can't go back, they can't reunite with their family and in many, many cases they have not got the right to work, they have got no access to legal aid," he said.

"So it's an extremely difficult situation for people, even to get the things together to enable them to make the application, let alone go beyond that if it comes to a question of making appeals... without English, without legal assistance, not know[ing] the legal systems... [it's] very, very difficult."

Mr Rintoul said lengthy waiting times were "very typical" and a deliberate bureaucratic delay tactic by the Federal Government.

"We need proper support in the community, people should be able to have the right to work, they should be able to get legal support for their applications, there should be enough immigration officers and tribunal members so that these whole things can be dealt with properly," he said.

"Beyond that, we need to get rid of the whole adversarial attitude which now informs the whole way the Government and the processes actually address people's applications.

"It never used to be the case, but now built in to the whole deterrence and punitive attitude to people who arrive by boat, is an adversarial attitude.

"The attitude is that 'we disbelieve you' and what you have to do is actually prove a certain case and that also I think gets in the way of actually getting to the truth and processing people's claims quickly."

The Department of Immigration and Border Protection has been contacted for comment.

The office for the Minister for Immigration and Border Protection, Peter Dutton, has also been contacted by the ABC.

<http://www.abc.net.au/news/2015-12-10/dozens-of-asylum-seekers-who-made-it-to-wa-still-in-detention/7015122>

21. MEDIA RELEASE: Long-term Bangladeshi asylum seekers on hunger strike

Friday December 18, 2015

Refugee Action Coalition

Ian Rintoul

mobile 0417 275 713

Eighteen Bangladeshi asylum seekers are on hunger strike at the Wickham Point detention centre in Darwin. Most of those protesting have been in detention for around three years; some for longer than three years.

The hunger strike began on Monday 14 December, with many of them also refusing water.

One of the protesters was hospitalised on the night of Wednesday 16 December and another two were treated by IHMS, the medical provider, inside the detention centre.

While the hunger strikers are all at different stages of having their claims processed, none of them have been offered bridging visas in spite of their long-term detention.

While the Bangladeshis have endured long term detention, many others in Wickham Point have been granted bridging visas. Up to 80 asylum seekers in Wickham Point have been released on bridging visas over the past few weeks, 30 asylum seekers were released on Tuesday.

"The hunger strike has highlighted the plight of the Bangladeshis in Wickham Point and many others whose hopes have been taken away as they languish in indefinite detention," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"Too often applications for bridging visas sit on the Minister's desk for too long. While many asylum seekers are being released before Christmas, others are left waiting for no reason. The lack of transparency only adds to the discrimination and anxiety.

"It's time for the Minister to release the Bangladeshis."

For more information contact Ian Rintoul 0417 275 713

22. For Sayed Abdellatif, the mental scars of detention add insult to injury

The Egyptian asylum seeker suffered physical torture at the hands of Hosni Mubarak's security forces in 1991 but his indefinite detention at Villawood is crippling him psychologically

The Guardian
Sarah Malik and Ben Doherty
Tuesday 8 December 2015 07.53 AEDT

The sensation remains with him: the pain of the pliers biting into his skin, and the smell of his own flesh burning.

It is Egypt, 1991.

Sayed Abdellatif is in a building, somewhere – he does not know where – in Cairo, in the custody of the feared state security investigations service (SSIS), the principal security and intelligence agency of the dictator Hosni Mubarak's regime.

A few hours earlier, the devout 19-year-old had been praying in a mosque when it was raided by members of the SSIS. Everyone inside was arrested, even the children.

Now, sitting in a cell with 15 or 20 other men, Abdellatif does not know why was he was arrested, with what – if anything – he will be charged, or when he might be released.

At regular intervals guards walk into the cell. They blindfold a prisoner, and lead him away.

Finally it is Abdellatif's turn. Bound, and in the arms of guards, he is taken away to be tortured.

In an interview years later with Australian immigration authorities, Abdellatif is able to recall the methods of torture with chilling detail: "They would tie your hands behind your head and dangle you from a bar. They would use lit cigarettes against your body to put the cigarette out against your skin."

Timeline: the extraordinary detention of Sayed Abdellatif

[see timeline on website]

Through the blindfold he could feel heated metal tools being used to burn his hands.

"This part of my thumb [there] was like a plier where they heat it up and pinch the skin, and they put cigarettes [sic] out on my legs."

Each interrogation runs for several hours. The time between is spent in the holding cell waiting, wondering when your time will come again.

Most of the interrogations happen at night, Abdellatif says.

"They would put you in a room and fill it with water, about a foot of water, and so you couldn't sleep, and leave you there, and put live electricity into the water."

Hours become days become weeks. After two months, without warning, Abdellatif is released back on to the streets of Cairo.

But his arrest is only the beginning.

His life is about to descend into a haze of repeated arrests, detention, torture and ultimately exile.

Twice more, Sayed is arrested by the same security forces. He is held for three months each time.

In 1992, he flees Egypt.

TWENTY-THREE years later, Sayed Abdellatif sits in the noisy visitors hall of the high-security wing of Sydney's Villawood detention centre.

Seated at a table near the middle of the room, he says a quiet "Hello" to a few fellow detainees who walk past.

But many he doesn't know. They are just passing through, he says, here for a few weeks before they are moved somewhere else. He is here forever, he fears.

Abdellatif faces indefinite detention despite being found to have a prima facie claim to refugee status – he is a person Australia is obliged to protect – and an assessment from the inspector-general of intelligence and security that made clear he poses no threat to Australia's national security.

Having fled Egypt in 1992, Abdellatif lived in exile across the world, at the fringes of the societies where he sought safety and security. He moved from Albania to the UK, Iran, and through Indonesia and Malaysia before finally reaching Australia in May 2012. Along the way he married and had six children: four daughters, followed by two sons.

The Abdellatifs' claim for protection began unremarkably enough. After a series of interviews and corroborations of his evidence, Australian authorities found Abdellatif and his family to have a prima facie claim to refugee status: that is, they have a well-founded fear of persecution in their homeland.

But when authorities also uncovered a historical – and flawed – Egyptian conviction against Abdellatif, his case is suddenly transformed into a political lightning rod for national security, with the Abbott-led Coalition, then in opposition, using the case to lambast the Gillard government's handling of border security.

Labelling Abdellatif a "pool fence terrorist", Abbott accused the government of failing to notice that a "convicted jihadist terrorist was kept for almost 12 months behind a pool fence".

In 1999, seven years after he left Egypt, Abdellatif had been convicted in absentia in a mass show trial of 107 men in Cairo, a trial that was condemned as unfair by Amnesty and Human Rights Watch, and has since been discredited in his home country as a politically motivated suppression of Islamic opposition.

A Guardian Australia investigation into the trial uncovered further serious irregularities, finding that the three most serious convictions on the Interpol notice were entirely false, and that the crimes had never even been alleged against Abdellatif in his trial.

That investigation resulted in Interpol dropping all convictions for violence against him.

Further court documents later uncovered by Guardian Australia – and which have been provided to Australian authorities – showed that the admissions used to convict Abdellatif on other charges, of membership of an extremist group and using forged documents, were obtained under torture. Abdellatif has denied these charges.

In 2014 Australian immigration department officers recommended to the then immigration minister, Scott Morrison, that Abdellatif and his family should be granted visas and released into the community. That was rejected by the minister.

In June this year the United Nations human rights council found Abdellatif's detention was "illegal", "arbitrary" and "indefinite", and directed Australia to release the family and provide compensation for their wrongful detention.

The current immigration minister, Peter Dutton, has allowed Abdellatif to apply for a temporary protection visa, but his application has been stalled for more than five months, without any progress towards ending the family's continued detention and separation.

Now, further documents obtained by Guardian Australia show the department has been told consistently over three years that Abdellatif's mental health, and that of his family, is being harmed by his continued and indefinite high-security detention.

In confidential reports and his immigration entry interview, Abdellatif detailed to Australian authorities the full extent of his experience under Mubarak's dictatorship.

He told immigration officials he does not know why he was targeted.

“I was 19 years old, a time when your [sic] thinking about your future. The only crime I committed was being in the mosque at that time.”

Mubarak’s military regime was ousted after three decades during Egypt’s 2011 revolution. His secular regime was widely condemned by human rights groups for brutal crackdowns on anyone seen to be part of the country’s Islamic opposition.

“Under the martial laws, the state security would come and arrest a group of people to show they were doing their job,” Abdellatif said.

“It starts as a random thing, then they start a file for you and then arrests will be regular.”

The inspector-general’s report found Abdellatif did not attempt to conceal or lie about his identity or past to Australian authorities at any time.

While in detention in Australia, Abdellatif was examined by a psychologist from the Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS).

A psychologist’s report from his detention in the UK also found the marks on Abdellatif’s body were consistent with a victim of torture.

“He has one scar on his body that is typical of a cigarette burn, and others that are consistent with his story,” the psychologist said.

But his history of torture has left Abdellatif with not only physical scars, but psychological ones: injury compounded by his continuing detention.

“Symptoms have been further exacerbated by the fact that Mr Abdellatif remains in an environment he perceives as punitive and unsafe without a foreseeable resolution,” the STARTTS report told immigration department authorities in its assessment of Abdellatif’s psychological condition.

In detention, Abdellatif suffers nightmares, flashbacks, headaches, panic attacks and uncontrollable shaking. He has been diagnosed with post-traumatic stress disorder, anxiety, and depression.

“It’s like a dark cloud. It’s frightening. Something grips my heart, it’s difficult to breathe,” he told one psychologist.

In detention, Abdellatif feels powerless and unable to protect those who are closest to him, an anxiety most acute around his youngest son. The five-year-old has spent his entire life in detention.

“Mr Abdellatif feels that he is not able to completely fulfil his role and responsibilities as a father of his family while he lives away from them, and that he is not able to offer his protection,” the STARTTS report says.

Separation from his family compounds his sense of loneliness and isolation.

“Mr Abdellatif’s experiences have significantly been exacerbated as a result of the extended duration of his detention and the separation from his family.”

The report finds Abdellatif’s health is being harmed by his detention.

“He would benefit from being released into the community with his family, in order to prevent further deterioration of his health.

“Providing a resolution to Mr Abdellatif’s immigration status and ending his indefinite detention appears to be a vital precondition to his recovery.”

Internal departmental emails indicate the Abdellatif children are also affected by their father’s – and their own – detention.

A psychologist’s email reported to department staff that one Abdellatif son was “withdrawn” and “highly anxious about his father’s welfare” after Abdellatif was removed to higher-security detention.

The psychologist recommended: “In order to prevent further deteriorating of [his] mental state, his father[should] be united with his family.”

In May Abdellatif and his family were offered hope with the possibility of a temporary protection visa. “It was like light coming into a dark world”, he told Guardian Australia during one visit at Villawood.

But his hope is tinged with the uncertainty and despair of a limitless detention, a waiting game that could be ended in weeks, but may take months or years.

“I feel like I’ve become a file and this file has been thrown away,” he told a psychologist in detention.

“They say, ‘We know you’re innocent,’ but we still keep you in detention.”

<http://www.theguardian.com/world/2015/dec/08/for-sayed-abdellatif-the-mental-scars-of-detention-add-insult-to-injury>

23. UN called for asylum seeker Sayed Abdellatif's release six months ago

Exclusive: ‘Arbitrary’ detention of Egyptian asylum seeker, his wife and six children is ‘clearly disproportionate’, UN human rights council tells Australia

The Guardian

Ben Doherty and Sarah Malik

Monday 7 December 2015 07.22 AEDT

Sayed Abdellatif, an Egyptian asylum seeker falsely condemned as a terrorist by political leaders, should be immediately released from his “arbitrary” and “disproportionate” detention, which breaches international law, the UN has told Australia.

Abdellatif, his wife and six children have been held in detention for more than three years without charge.

In a seven-page formal communication sent in June and obtained by Guardian Australia, the UN’s human rights council – which Australia is seeking to join in two years – directed Australia to immediately release Abdellatif and his family. .

“Under international law Australia has a duty to release Mr Abdellatif, his wife and and their six children and accord them an enforceable right to compensation,” the council said.

But Abdellatif and his close-knit family – his wife and children daily endure the trial of wristbands, metal detectors and reinforced doors to see their husband and father in the high-security wing of Villawood detention centre – have said compensation is far from their minds.

“Freedom,” Abdellatif told Guardian Australia quietly amid the chaos of the detention centre visitors area. “We are only thinking about our freedom. We are not thinking about compensation.”

Abdellatif’s detention has exposed consistent and wilful failings within several government agencies. Asio, the Australian federal police and the Department of Immigration and Border Protection have collectively displayed “a lack of coordination, a duplication of effort and a lack of urgency”, in handling the family’s case, Australia’s statutory inspector general of intelligence and security, Vivienne Thom, found.

Abdellatif fled Egypt in 1992, having been tortured under the regime of Hosni Mubarak. He was arrested from a mosque by the state security investigations service as part of a crackdown on Islamic political opposition to Mubarak’s rule.

He has remained in exile from his country since, living as a refugee in Albania, the UK, Iran, Iraq, Malaysia, Indonesia and – finally – Australia.

All his children were born during that exile. His youngest, a five-year-old boy, has never lived a day free, only knowing life in detention in Indonesia and Australia.

Abdellatif and his family arrived in Australia in May 2012. Australia assessed his claim for protection and found that he and his family had legitimate claims to refugee status.

But while the family were in immigration detention in 2013 Australian authorities were alerted to an Interpol red notice that said that in 1999 Abdellatif was convicted – in a mass show trial in Cairo of 107 men – of premeditated murder, destruction of property, and possession of firearms and explosives. He was sentenced to 15 years in prison.

The trial, criticised by rights groups at the time, was later found to have been fraudulent. Evidence against Abdellatif was obtained by “severe torture”, including electric shocks.

But the case became the centre of a political firestorm when the red notice became known publicly. The opposition leader, later prime minister, Tony Abbott labelled Abdellatif a “convicted jihadist” and a “pool-fence terrorist”, in reference to the low-security fencing at the Inverbrackie detention centre in South Australia. George Brandis, now the attorney general but then shadowing that position, said he was “plainly a convicted terrorist”.

The Abdellatifs were moved to the higher security Villawood detention centre in Sydney, where they have remained.

In a two-year investigation, the Guardian has shown:

- Allegations of murder, firearms offences and property destruction were never made against Abdellatif at his Cairo trial and were wrongly attached to the Interpol red notice. After the Guardian’s investigation, which included examining the Egyptian court records and transcripts, Interpol took the extraordinary step of withdrawing those charges from the red notice.

- The remaining convictions against Abdellatif, for “membership of a terrorist group” and “providing forged travel documents”, relied on evidence obtained under “severe torture”. Abdellatif was convicted in absentia, without any chance of defending himself against the allegations. He has denied both charges in a letter to the Guardian.
- The Australian federal police were provided with evidence, in Arabic, that Abdellatif’s convictions for violent crimes were false, and had been withdrawn by Interpol, but took six months to translate the document – then failed to tell Asio or the immigration department of this new information.
- A report by Australia’s inspector general of intelligence and security said Abdellatif had not been convicted of any terrorism-related charges and made clear he was not a threat to national security.
- Scott Morrison, when immigration minister, defied the advice of officials from his own department, who had recommended Abdellatif be allowed to apply for a visa, and refused to allow Abdellatif to make an application.

In June this year, the UN human rights council’s working group on arbitrary detention wrote to the Australian government: “The detention is clearly disproportionate ... the deprivation of liberty of Mr Abdellatif, his wife and their six children is arbitrary,” it said.

“Under international law Australia has a duty to release Mr Abdellatif, his wife and and their six children and accord them an enforceable right to compensation.”

Guardian Australia has made repeated attempts to seek information about Abdellatif’s case from the immigration department. After promising to provide answers to a series of questions, it declined to comment.

Abdellatif’s wife and family have previously been offered community detention but the family have consistently said they do not want to be separated from their husband and father.

Nearly six months after the UN direction, and after more than three and a half years in detention, the Abdellatifs remain incarcerated – Sayed Abdellatif in the high-security wing of Villawood detention centre, his wife and children in the family compound.

This year the department wrote to the family informing them that the immigration minister, Peter Dutton, had “lifted the bar” on their application for a protection visa. The family submitted a visa application in July, which has been acknowledged by the department as a “valid application”. But there has been no communication since.

Abdellatif says he feels that his life and those of his children are being slowly destroyed by their continuing detention and separation. “It’s been six months since the Australian government received [the UN] report but they did nothing, they ignored it completely,” he said.

“No one in the department is [taking] responsibility for our detention. We’re losing our lives by the immigration department of Australian government and no one cares. Who will take responsibility for this wasting of our lives?”

Abdellatif said he was constantly frustrated in his efforts to communicate with the department. He believed it was embarrassed by its handling of his case.

“They keep us in detention because we are found to be innocent,” he said. “They don’t want to say, ‘We were wrong’. They think, ‘We should keep them in detention to avoid embarrassment.’”

His children were suffering and the government was not interested in redressing its past mistakes, he said. “They think, ‘You can prove your innocence, but we are going to destroy you, every one of you.’”

The human rights council is one of the UN’s most powerful bodies, mandated with “the protection and promotion of all human rights around the globe”.

The foreign affairs minister, Julie Bishop, told Guardian Australia in September the government was “strongly committed” to a bid for a seat on the council for 2018-20.

Australia will compete against Spain and France for two seats from its poli-geographic group in 2017.

<http://www.theguardian.com/world/2015/dec/07/detained-asylum-seeker-sayed-abdellatif-losing-lives-no-one-cares>

24. Richard Ackland: Australia's shameful treatment of Sayed Abdellatif

The brutalising of an Egyptian asylum seeker and his family is a scandal and, in a country that hails the liberties advertised in the Magna Carta, hypocritical

The Guardian
Richard Ackland
Tuesday 8 December 2015 17.27 AEDT

The case of Sayed Abdellatif, abundantly detailed in Guardian Australia reports by Ben Doherty and Sarah Malik, reveals not only the appalling circumstances surrounding the detention of this refugee and his family, but the equally appalling inability of the law to remedy what is clearly an injustice.

We call it “immigration detention”, yet effectively it is open-ended imprisonment without charge.

Abdellatif qualified for refugee status but, on alleged security grounds, has no visa – hence his imprisonment in the high-security section of Villawood detention centre for three-and-a-half years, with his wife and six children in the family compound. The family members have opted to stay in Villawood rather than be further separated from Abdellatif.

His fate has been determined by bureaucratic go-slows, incompetence, ministerial bloody-mindedness and a failure of the law to provide remedies.

Unfortunately, his treatment at the hands of the Australian authorities follows a familiar and shameful pattern.

In 1999 Abdellatif was found guilty in absentia by the notoriously partisan Egyptian judicial system on charges brought by the Mubarak regime, some of which were terrorism-related.

He had fled Egypt seven years earlier and has lived as a refugee ever since – in Albania, the UK, Iran, Malaysia, Indonesia and now Australia.

The Australian authorities were alerted by Interpol to the outcome of the Egyptian show trial in 2013, while he was in immigration detention in Australia. Interpol later revised its “red notice” and withdrew the claim that he had been convicted of murder, firearms offences and the destruction of property.

Only after an inordinate delay was the revised Interpol alert passed on to the immigration department and the Australian Security Intelligence Operation (Asio). The convictions for membership of a terrorism group, Egyptian Islamic Jihad, and using forged travel documents was obtained by torture.

Under Australian law evidence obtained by torture is inadmissible and cannot be used against an accused. Abdellatif’s case came to the attention of the UN human rights committee, which wrote to the Australian government saying his detention was “disproportionate [and] arbitrary”.

Doherty and Malik also report that the inspector-general of intelligence and security, Vivienne Thom, found that Abdellatif had not been convicted of terrorism-related offences and that he was not a threat to national security.

Even after the department recommended Abdellatif be permitted to apply for a visa, the then immigration minister Scott Morrison, in keeping with his ruthless determination to shred this aspect of government policy of any shred of human decency, refused to grant him permission to do so.

The delay continues. Even though six months ago the immigration minister, Peter Dutton, reversed Morrison’s decision and said Abdellatif and his family would be entitled to apply for a protection visa, the application has been met with silence.

What Sayed Abdellatif has done, and detainees like him, is to demonstrate the abject barrenness of legal remedies for people the Australian government can brutalise without redress.

The high court has not helped. Its infamous 2004 decision in the Ahmed Ali Al-Kateb case is still law in Australia, with some minor modifications. There, by majority, the court found that asylum seekers who could not be removed to another country could be held indefinitely in immigration detention, without charge.

This “intractable” interpretation of the Migration Act was tweaked last year by the court in the case of Plaintiff S4/2014 v Minister for Immigration, where the court said the executive’s power to detain noncitizens could only apply where the detention did not amount to a “punishment”.

Punishment is a judicial function, so here the court was saying that as long as the detention was for a temporary purpose, such as deciding whether a noncitizen should stay or go, it was a valid exercise of the power.

There have been obiter remarks by some high court judges that the minority judges in Al-Kateb now represent the preferred view, but the “intractable” view of the powers under the Act is still law, as we speak.

In 2012, the high court held that a regulation that prevented the grant of a protection visa to a Sri Lankan refugee because Asio had assessed him to be a risk, was invalid. This was so because the applicable public interest criteria relating to security was inconsistent with the Migration Act.

This was the judgment in which the chief justice, Robert French, opened with the clinical and cold assessment of what was at stake: "This case concerns a regulation made under the Migration Act."

Like so many decisions that run against the government, legislation quickly came into effect to patch the lacuna and restore the power to block, detain and refuse refugee applicants.

Now it is virtually impossible for asylum seekers and refugees with adverse security assessments to have merit reviews determined by the administrative appeals tribunal.

Former federal court judge Margaret Stone had the task of reviewing Asio assessments relating to refugees. She did quite a few of these and as of the end of last year, of the 47 cases, 31 reviews had been completed, with findings in 23 cases that the adverse security assessments were "appropriate".

Of the other eight cases, Asio issued new assessments, resulting in four people being released from immigration detention.

So, 31 reviews resulting in four changed security assessments show that the lid is still tightly nailed on these cases.

The new independent reviewer is Robert Cornall, the former head of the federal Attorney General's Department in Canberra.

Of course, when all else fails there is always the United Nations and the human rights committee that monitors compliance with the International Covenant on Civil and Political Rights. Detainees will still fail, but at least there'll be some embarrassment for the government on the world stage.

The committee is a quasi-judicial body of independent legal experts. It is expected that participating states will implement their obligations under the ICCPR.

In 2013 the UN human rights committee found Australia had committed 143 violations of international law due to the indefinite detention of 46 refugees for four years, all on the basis of adverse security assessments.

The committee found that Australia did not individually justify their detention or inform them specifically why they were a threat to security; did not use less punitive means of addressing the security risks; and did not permit effective judicial remedies for illegal detention.]

The detention itself was found to amount to inhuman or degrading treatment. Professor Ben Saul, who handled these cases for the refugees (called "authors" in the committee's parlance), said it was the largest complaint ever made against Australia to the UN human rights committee.

Australia's response to the committee's findings was predictably dismissive. Saul's remarks on behalf of the "authors" can be found here.

Last month Australia came in for another torrid time at the hands of the other UN human rights body, the Human Rights Council, where 110 countries expressed concern about Australia's treatment of Indigenous people and asylum seekers.

And here we are in the year in which the 800th anniversary of the Magna Carta was lavishly celebrated by the government. In fact, the government regards the Magna Carta as a satisfactory alternative to a fully-fledged Human Rights Act.

The fine sentiments about the historic protections against arbitrary detention must ring very hollow in the ears of Sayed Abdellatif.

<http://www.theguardian.com/world/2015/dec/08/australias-shameful-treatment-of-sayed-abdellatif>

25. Sayed Abdellatif's daughters realise HSC dream but have university hopes dashed

Continuing detention for the Egyptian asylum seeker's two girls – the first Villawood pupils to finish high school – makes further education impossible

The Guardian
Sarah Malik and Ben Doherty
Wednesday 9 December 2015 06.07 AEDT

The contest to arrive at the Year 12 formal in the most spectacular “wheels” is happily embraced by students at high schools across Australia.

For Sayed Abdellatif’s two eldest daughters, it was no contest at all.

The girls arrived at their school formal in a car driven by their very own Serco guards, “like minor royalty”, as the running joke among classmates went.

“Nothing,” the older Abdellatif daughter says, “could be further from the truth”.

“The formal was a struggle,” she says. Special permission was required, strict conditions and curfews imposed; celebrations held under the watchful eye of the omnipresent security detail.

But at least they were allowed to go. “Simple things that are normal for everyone to do, for us it is a struggle.”

The girls are the first students to graduate from high school while incarcerated at Villawood detention centre, a remarkable achievement for two young women who have spent their childhood in the shadowlands of societies all over the world, or held in immigration detention.

The local New South Wales government school they attended, each day under the gaze of their guards, was the first they had ever set foot in in their lives.

For the two eldest Abdellatif daughters – whom Guardian Australia has chosen not to name or photograph because of their age – school was a dream, a chance at a future, and an escape from a fractured past in which they had known neither peace nor stability.

“It made me angry to see kids who had everything ... but they didn’t appreciate it,” the older daughter says. “But it was really challenging, especially learning a whole new language and studying in that language.”

The girls’ HSC results will arrive imminently, but any hopes of furthering their education at university have been dashed.

The eldest daughter says she put in a request, through the immigration department, to go to university. “But immigration said ‘no, you can’t go to university, it’s a personal choice’ [the request is outside the department’s remit]”.

The girls are in Villawood because their father, 44-year-old Egyptian national Sayed Abdellatif, is being held in indefinite detention on a historical Interpol red notice issued in his name, dating from a 1999 mass show trial of 107 men in Cairo. The trial has since been discredited as politically motivated and based on evidence obtained by torture.

A Guardian investigation in 2013 found the major convictions made against Abdellatif – in absentia – were erroneous, and that the allegations were never even made against him in court. That investigation led Interpol to take the extraordinary step of removing those charges from the red notice.

The remaining lesser offences, of membership in a terrorist group (Egyptian Islamic Jihad) and providing forged travel documents, were secured using evidence obtained by torture, court documents show. Abdellatif denies the allegations.

Abdellatif, his wife and six children, the youngest of whom is five, have been in immigration detention in Australia since 2012.

In 2014, the immigration department recommended to the minister that Abdellatif be granted a visa and released into the community; in the same year, an assessment by the inspector general of intelligence and security made clear he was not a danger to national security; and in June this year, the United Nations said his detention was illegal, indefinite and arbitrary, and directed Australia to release Abdellatif and compensate him for his wrongful detention.

However, while Abdellatif and his family have been allowed to submit paperwork in application for visas, there has been no known movement towards releasing them.

Despite repeated questioning from Guardian Australia over several months, the immigration department has consistently refused to comment on his case.

Abdellatif’s wife and six children have been offered community detention, but they have refused to leave Villawood without their father and husband, fearful he will never be released.

They will endure detention together until it is over, they say, with all of its indignities and deprivations.

Sayed Abdellatif cannot leave Villawood.

For his family, every move outside of its high steel fences – to school, to buy groceries, to doctors’ appointments – is made under the conspicuous escort of Serco guards.

This includes their daily visits through rings of security to see Sayed, housed in a separate high-security compound in Villawood.

The eldest daughter says the stress of separation, and the ongoing uncertainty over their futures, has cast a dark shadow over their school year.

She says she almost had a breakdown in the middle of her HSC trials.

“It’s like a rollercoaster. You pretend that everything is OK. Other days you lose it [and] just cry and scream.”

The girls say they can feel their family fracturing under the stress of their detention. Tempers flare often, and sometimes the children scream at each other, or sullenly retreat to their rooms.

“It’s just hard when everyone is in the same situation. [If] one of the family is feeling down, the whole family will follow,” the older daughter says.

The family survives by making jokes to lighten the burden but it doesn’t change the grim reality of a life in limbo.

“We make fun of everything. If you can’t really change it, then no point crying over it. But detention is still detention.”

The contrast between the relative normality of school – notwithstanding the ever-present security detail – and the capriciousness of secure detention is a daily struggle.

“It’s like you have two lives. When you come here [back to the compound] it’s like you are a different person.”

Motivation for school was often difficult to summon, the older daughter says.

“I always thought ‘don’t give up because it will pay off’. But some days I think ‘if it doesn’t get resolved, what’s the point of studying?’.”

And studying in a detention centre was difficult: the girls had only sporadic access to a computer or printers.

The handful of desktop computers that sit in the communal area of Villawood’s family compound – among the young children running noisily amok and the ceaseless blare of televisions – are shared among dozens of detainees, and heavily restricted.

The younger daughter, who studied economics, says some websites she needed for her schoolwork were blocked, including her student emails that allowed her to access her marks and notes from teachers.

“All economics websites are blocked. The RBA and the Australian banks are all blocked. That was very frustrating,” she says.

But school was an escape from those frustrations too, a release from the suffocating pressures of life in detention, and the uncertainties beyond. The two sisters say that often they found solace in schoolwork.

The Abdellatif family’s proudest moment this year was the girls’ graduation ceremony. But the occasion was bittersweet: the immigration department refused to allow Sayed Abdellatif to attend.

“Since my daughters were young, I’ve always dreamed of seeing them wearing graduation gowns,” Abdellatif told Guardian Australia from detention. “I’m very proud of my daughters for their achievements, but I was also so disappointed that I was denied [permission] to join my family to see my girls graduate.”

The girls’ exhilaration at graduating has been tempered by the uncertainty around their future. Even after their HSC, the sisters have been regularly returning to school, seeking the routine and stability it provides.

They dream of going to university next year. The younger one knows already that she wants to be a lawyer.

But their continuing detention makes that an impossibility.

The young women watch their friends make plans for the future: for study, for travel and adventure.

“It’s like you can’t do anything with your life. You can’t plan your life and what you want because someone is controlling it,” the older daughter says.

“You have no freedom. Your life is on hold. The more you think about it the more powerless you feel.”

<http://www.theguardian.com/world/2015/dec/09/sayed-abdellatif-daughters-realise-hsc-dream-university-hopes-dashed>

26. Sayed Abdellatif: human rights groups press government to end detention

Amnesty says the only reason the Egyptian asylum seeker and his family remain in detention is to avoid political embarrassment

The Guardian

Sarah Malik

Thursday 10 December 2015 07.32 AEDT

Human rights groups have condemned the continued incarceration of Egyptian asylum seeker Sayed Abdellatif after a Guardian Australia investigation revealed the United Nations had formally told the Australian government he should be immediately released.

Falsely condemned as a terrorist by political leaders, Abdellatif, his wife and six children have been held in detention for more than three years without charge.

In the first of a three-part series, the Guardian on Monday revealed the UN Human Rights Council in June ruled Abdellatif's detention breached international law, was indefinite and arbitrary, and directed Australia to release him and compensate him for his wrongful detention.

The series also revealed the struggles of Abdellatif's two eldest daughters, the first students to graduate from high school while incarcerated at Sydney's Villawood detention centre, as well as detailing the torture inflicted on Abdellatif by Egypt's State Security Investigation Service (SSI) under former dictator Hosni Mubarak, which forced him to flee his homeland in 1992.

Amnesty refugee campaigns spokesman Graeme McGregor said government intransigence around Abdellatif's case was a result of the negative publicity the story had generated.

"It's outrageous that these children are being denied the opportunity to have a normal adolescence with their father," he said. "It's hard not to believe the only reason Mr Abdellatif is trapped in detention is because of the political embarrassment that surrounds the case.

"We often lose sight of the fact a family that came to Australia to build their life have been denied that opportunity."

The vice-president of the Muslim Legal Network, Rabea Khan, also criticised the family's continued detention despite an assessment from the inspector-general of intelligence and security that made clear Abdellatif poses no threat to Australia's national security. The inspector-general also criticised the government's handling of Abdellatif's case.

"It's disturbing that the Australian government continues to sit on its hands instead of going ahead and releasing this man from detention," Khan said.

"This is yet another example of the government playing political football with the plight of refugees."

In 1999, seven years after he left Egypt, Abdellatif was convicted in absentia in a mass show trial of 107 men in Cairo. The trial was condemned as unfair by Amnesty and Human Rights Watch. It has also since been discredited in his home country as a politically motivated suppression of Islamic political opposition.

A 2013 Guardian Australia investigation into the trial uncovered further serious irregularities, resulting in Interpol dropping all convictions for violence in a red notice against him.

The Abdellatif family has been found by Australia to have a prima facie claim to refugee status. Australia is obliged under international law to offer them protection.

Refugee Action Coalition spokesman Ian Rintoul said Australian authorities had used the red notice as an excuse for not processing Abdellatif.

"All the evidence points that the red notice was placed there wrongly by the Egyptian government as a politically motivated [tool] to victimise Sayed," Rintoul said.

Rintoul said all the evidence showed the family should not be in detention.

"The degree the government has caused Sayed and his family to suffer cannot be overstated," he said.

"They have been forced to deal with humiliation inside detention and the girls at school – and for no reason other than the government would not face up to the fact that they made a terrible mistake in keeping them in detention in the first place."

Human Rights Law Centre legal advocacy director Daniel Webb said Australia's detention regime made detaining people a first resort, and vested extraordinary powers over people's lives in the position of immigration minister.

“Giving relatively unchecked powers over peoples’ basic rights to one politician is a recipe for injustice,” he said.

“The result is a nightmare for the people – like Sayed’s family – who get caught up in the system, locked up with no appeal rights, not knowing if or when they’ll ever be released.”

The government has maintained a resolute silence on Abdellatif’s case, despite being offered several opportunities to comment.

Guardian Australia has repeatedly approached the government for a response.

For the latest series, Guardian Australia first provided written questions to the immigration department on 22 October. After initially agreeing to provide answers by 30 October, a department spokesman has since refused to answer any questions and directed all queries to the office of the minister, Peter Dutton.

Dutton’s office has not responded to any inquiries.

<http://www.theguardian.com/world/2015/dec/10/sayed-abdellatif-human-rights-groups-press-government-end-detention>

27. Nine month pause on UNHCR referrals

For the past nine months the federal government secretly stopped adding United Nations-approved refugees to its resettlement waiting list.

SBS News

Source: AAP

10 Jul 2015 - 6:24 AM

UPDATED 10 Jul 2015 - 7:20 AM

The federal government has been blocking United Nations-approved refugees from its resettlement waiting list for the past nine months, according to a high level source.

The government instigated a pause on accepting new referrals from the UN's refugee agency from October last year, and which was due to be lifted on January 31, according to documents obtained by AAP under freedom of information laws.

But now a high level source familiar with the matter has told AAP the suspension actually remained in place until June 30 and the United Nations High Commissioner for Refugees is still awaiting official confirmation that the decision's been reversed.

Former immigration minister Scott Morrison initiated the referral ban, which wasn't publicly revealed. "While the decision has been communicated to UNHCR headquarters, the minister has asked expressly that it not be made public and as a result should be treated with appropriate sensitivity," an immigration department official wrote in an email when the pause was put in place.

Mr Morrison announced last November Australia would not take any more asylum seekers who had applied for resettlement through the UNHCR office in Indonesia after July 1, 2014. At the time he said the processing ban didn't extend to UNHCR applicants in other countries.

According to a department talking points document, a pause on adding to the offshore humanitarian program waiting list was necessary because it was already under significant pressure with 75,000 unfinalised applications - including from 50,000 people with relatives in Australia seeking family reunions.

Recent violence in Iraq and Syria had led to high demand and there had also been an increase from Burmese and African applicants, the department said. Australia resettled a total of 13,750 refugees in 2014. Comment is being sought from now Immigration Minister Peter Dutton and the UNHCR.

<http://www.sbs.com.au/news/article/2015/07/10/nine-month-pause-unhcr-referrals>

28. Doubts raised about whether Australia told UN of decision to ban refugees

Documents suggest Indonesia and UN refugee agency were not consulted before ban imposed on anyone who registered with UNHCR from 1 July 2014

The Guardian

Australian Associated Press

Friday 11 December 2015 13.09 AEDT

Secret federal government documents cast doubt over whether Australia told Indonesia and the United Nations about a retrospective ban on taking refugees from official channels.

In November last year Australia announced it would no longer accept refugees who applied for resettlement through the UN'S refugee agency in Indonesia.

The ban applied to anyone who registered with the UNHCR from 1 July 2014.

An undated draft talking point document, released by the department of immigration under freedom of information, suggests Jakarta and the UNHCR were not consulted before the changes were made public.

"It has always been our intention to discuss these measures with the government of Indonesia and the UNHCR before any announcement was made," the talking points say.

It was regretted information about the measures had "entered the public domain before these discussions could take place".

But another document said the Australian embassy in Jakarta briefed Indonesian officials in September and November last year before an official ministerial announcement on 18 November.

The department insists the first document was a draft and was not used.

According to the UNHCR, there were 11,186 refugees and asylum seekers in Indonesia in December 2014.

The documents show the federal government cut the refugee intake – for those who were registered with the UNHCR before the deadline – to 450 in the 2014-15 financial year.

The figure was 150 fewer than the previous two years.

The documents blamed an increase in places allocated to Syrians and Iraqis from the Middle East for the cut in refugees in Indonesia.

"This measure is designed to reduce the movement of asylum seekers to Indonesia and encourage them to seek resettlement in countries of first asylum," they say.

Australia accepted more refugees from Indonesia than any other resettlement nation. In 2013 New Zealand resettled 78 refugees, Sweden seven and the US five. More than 186 refugees were resettled by other countries last year.

<http://www.theguardian.com/world/2015/dec/11/doubts-raised-about-whether-australia-told-un-of-decision-to-ban-refugees>

29. Companies Involved In Offshore Detention Frozen Out By City Of Sydney

New Matilda
By Max Chalmers
December 15, 2015

A growing campaign to stop institutions from doing business with companies that abuse human rights has claimed a major scalp. Max Chalmers reports.

Companies profiting from the offshore detention of asylum seekers could be prevented from doing business with the City of Sydney after the Council resolved to review its investment and procurement policy and bring them into line with the No Business in Abuse campaign.

In a meeting last night, the Council voted to adopt a pledge not to support companies, institutions, or organisations that profit from abusive practices towards people seeking asylum.

Moved by Greens Councillor Irene Doutney (pictured right), the successful motion will not impact current contracts, but could cause headaches for companies working in the offshore detention industry when new tenders are released.

Of particular interest will be the implications for Wilson Security, subcontracted by detention centre operator Broadspectrum (formerly known as Transfield) to provide security services in offshore centres. Wilson also provides substantial carparking and security services in Australia and the company has had a number of contracts with the City of Sydney, including an estimated \$2.4 million deal to manage the Kings Cross Car Parking Station which is due to be reviewed in 2017.

Doutney told New Matilda that most members of the Council – dominated by Clover Moore's progressive independents – were appalled by the abuses occurring in detention, and that she expected the motion would make it difficult for the Council to renew contracts with companies like Wilson in the future.

"I just think it's really important for institutions, particularly councils, to take a stand on these sort of things," Doutney said. "People will say 'it's not Council business', but I think anything to do with human rights is Council business. It's really important to take a stand and, being City of Sydney, maybe other councils will now look favourably on the pledge."

Doutney said the motion would not have an immediate impact but would put pressure on the Council not to sign contracts with or invest in companies linked to detention in the future. She said the Council already avoids investments in fossil fuels, tobacco, and nuclear.

The City of Sydney's move comes at the end of a year that has seen Broadspectrum in particular come under pressure for its role in offshore detention, with the No Business in Abuse campaign occurring in tangent to a divestment movement. In August, super fund HESTA announced it was divesting, withdrawing \$18 million from the company formerly known as Transfield.

The No Business in Abuse campaign said Leichhardt Council and Yarra City Council had also signed on.

"The City of Sydney is one of Australia's largest councils, and their decision last night provides unstoppable momentum to the NBIA campaign which has expanded to target the clients of Broadspectrum and Wilson, including councils, schools, hospitals and big resources companies," Shen Narayanasamy, Executive Director of No Business in Abuse and Human Rights Campaign Director at Getup, said in a press release.

Narayanasamy said the Wilson Group currently had over \$3 million worth of contracts with the City of Sydney. If the Council holds its resolve, that number is likely to head towards zero in the coming years.

The Wilson Group could not be reached for comment.

<https://newmatilda.com/2015/12/15/companies-involved-in-offshore-detention-frozen-out-by-city-of-sydney/>

30. MYEFO budget update: \$1 billion blow out on immigration detention costs

The Age
December 15, 2015 - 6:07PM
Nicole Hasham

The cost of Australia's immigration detention system has blown out by more than \$1 billion as the Turnbull government forks out for charter flights, accommodating asylum seekers and funding the governments of Nauru and Papua New Guinea.

The mid-year economic and fiscal outlook (MYEFO) shows the government will spend an additional \$499.7 million over two years from 2016-17 to manage so-called "illegal maritime arrivals" who are in Australia while their immigration status is resolved.

The money will help manage the "legacy caseload" – about 30,000 asylum seekers mostly living in the community. They arrived before July 2013, when former prime minister Kevin Rudd announced that those who arrived on unauthorised boats would not be resettled in Australia.

An additional \$342 million will be spent over two years to resettle refugees that had been kept in offshore detention centres at Nauru and Papua New Guinea's Manus Island, and to remove those found not to be refugees.

The governments of Nauru, Papua New Guinea and Cambodia, where Australia's offshore refugees are resettled, will be paid to "build their capacity to deliver settlement services to refugees and to support the operation of regional processing centres".

The government will also divert an extra \$213 million over four years to "enhance" the management of immigration detention, including improved risk screening, and maintaining the Christmas Island detention centre to accommodate high-risk detainees.

Recent laws allowing for the mandatory cancellation of visas for foreigners sentenced to at least one year's jail, or convicted of sexual offences against children, has caused the Christmas Island detainee population to balloon.

The money will also be spent on increased insurance premiums and charter flights to transfer detainees to allow "the most efficient use of detention facilities". As Fairfax Media has reported, the government spent \$20 million on charter flights last financial year.

A department spokesman said offshore detention required "ongoing investment ... as more people move from the regional processing centres and transition into settlement arrangements, their needs also change."

The government also intends to save \$225 million over four years by making more newly arrived migrants wait two years before receiving welfare payments.

From January 2017, the waiting period for newly arrived migrants will apply to family members of an Australian citizen or a permanent resident, which the government says is in line with arrangements for other new residents.

Refugees or their family members will remain exempt from the waiting period. The change affects applicants for Newstart and Youth Allowance, Austudy, carer payments, sickness allowance and other payments. It will not apply to the aged or disability support pension.

<http://www.theage.com.au/federal-politics/political-news/myefo-budget-update-1-billion-blow-out-on-immigration-detention-costs-20151215-glnydh.html>