

Project SafeCom News and Updates

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1. David Isaacs: Nauru and Manus Island are Australia's Guantanamo Bay
2. How refugee and Nauru detainee Nabi Baqiri became a fruit-picking millionaire
3. Vast majority of boat arrivals in past 40 years given refugee protection
4. Australia among 30 countries illegally forcing return of refugees, Amnesty says
5. Judge faces judicial review over 'biased' immigration rulings
6. Resettled refugee's plea: 'Send me back to Manus'
7. Salvation Army tells asylum seeker he will 'never live in Australia'
8. Behrouz Boochani: Life on Manus: island of the damned
9. MEDIA RELEASE: Protests over food & points as Manus Island tensions rise
10. Government defends healthcare on Manus as sick refugees 'too scared to leave'
11. MEDIA RELEASE: 300 more join PNG Manus detention Supreme Court challenge
12. MEDIA RELEASE: Another Fezal? Fears for welfare of refugee detained in Perth
13. Ben Doherty: Moving Baby Asha: both sides claim victory but there is no solution here
14. Refugee advocates welcome Government's 'compromise' after 10-day protest
15. Dutton says Government won't be 'blackmailed' into changing immigration policy
16. Peter Dutton accused of 'dirty politics' after report suggested mother deliberately burnt baby Asha
17. Police dismiss claims Baby Asha deliberately hurt by mother in order to leave Nauru
18. AMA President Brian Owler lashes Department of Immigration over health services to asylum seekers
19. Asylum seeker, 70, pleads with Peter Dutton not to go back to Nauru
20. Detention centre workers suffering their own trauma in dealing with asylum seekers
21. Nauru detention centre guards carry special knives to save hanging asylum seekers

1. David Isaacs: Nauru and Manus Island are Australia's Guantanamo Bay

The Age

February 29, 2016 - 7:41PM

David Isaacs

If I liken the immigration detention centres on Nauru and Manus Island to the US facility on Guantanamo Bay, even passionate advocates for those seeking asylum, such as human rights lawyer Julian Burnside dismiss my concerns: "Oh we're not as bad as that." But I would argue that we are indeed as bad as that, possibly worse.

Many people fleeing persecution to seek asylum have been subjected to psychological trauma in the countries they are fleeing and in the often highly traumatic journeys they take to reach "freedom". However, people seeking asylum who are subjected to prolonged immigration detention are significantly more likely to suffer severe mental health problems than people seeking asylum who are not detained. Furthermore, the incidence of mental health problems increases with duration of incarceration.

The United Nations defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

Since prolonged detention without trial is unlawful under international law, Australia's immigration detention policy clearly fulfils the key elements of the UN definition.

Arguably, there are four things that make Guantanamo so bad: lack of due process for imprisoning people there, lack of accountability (limited information, no transparency), indefinite imprisonment without due process (seemingly arbitrary legal processing, lack of clear end-point to imprisonment) and severe physical and mental maltreatment.

Nauru and Manus share the first three characteristics with Guantanamo. Nauru and Manus, like Guantanamo, are "black sites", out of sight and mind of the public, shrouded in secrecy, with severe restrictions on reporters. The Australian Border Force Act means employees including doctors, lawyers, teachers and guards who report the truth face two years imprisonment. Yet, for an Australian offshore detention policy to be successful in deterring people-smuggling – the stated intention – none of these four things are necessary. Therefore, even if you accept the government's justification for the Australian asylum seeker policy, the current treatment is unethical.

Guantanamo is arguably worse in one respect: we know men are systematically tortured physically using techniques like water-boarding. But Nauru is worse than Guantanamo in one hugely important respect: it includes children. When we surveyed Australian paediatricians, more than 80 per cent said immigration detention of children is child abuse. Successive Australian governments have outdone the US government in cruelty by torturing and abusing innocent children, all with the immoral aim of deterring other innocents.

Furthermore, those imprisoned on Manus and Nauru are not terrorists; indeed, they are not guilty of any criminal offence, since seeking asylum is not a crime. Although the occasional innocent man was interned at Guantanamo, most knew what to expect when they went to war. In their autobiographies, Primo Levi and Nelson Mandela both attempted without rancour to understand the motives of their captors; when they took up arms to fight injustice, they both knew the consequences if caught. On Nauru and Manus Island, in contrast, the injustice is being perpetrated against the very people seeking asylum. There can be few worse things than to be imprisoned unjustly and kept there indefinitely without right of appeal. Australia tortures innocent men, women and children who come begging for mercy. No wonder we are reviled internationally.

When I worked on Nauru in December 2014, the predominant emotion was of utter despair and hopelessness. What would you do if you were imprisoned unjustly and indefinitely without right of appeal? In the current culture of victim-blaming, if you get depressed and self-harm or attempt suicide, you are accused by the government of seeking preferential treatment. If you subsequently kill yourself, you had pre-existing mental health problems. If you get angry enough to riot, you are accused of violent ingratitude, with no mention of the extreme provocation that causes normally placid people to get angry enough to resort to violent protest.

Gillian Triggs and the Australian Human Rights Commission have tirelessly and courageously exposed the harms done to children in immigration detention. The harm is also to adults, of course. But the very term "human rights" implies an obligation, which risks being somewhat confrontational. Australia's reprehensible treatment of people seeking asylum is as much a question of human decency as human rights. No civilised country should behave like this to fellow human beings.

We treat refugees with respect and generosity. We treat people seeking asylum with contempt and cruelty. We talk of showing compassion, and in the same breath tell the meek to go back to where they came from. Australia is traditionally the land of the fair go, but in the words of president of the Australian Medical Association, Brian O'wler, current asylum seeker policy is tearing at the moral fabric of our society. We, the public, need to prevail on all our politicians to listen to our pleas to find a new moral direction. Please help us re-discover our soul.

David Isaacs is a consultant paediatrician in a university teaching hospital in Sydney, where he has run a refugee clinic since 2005, and is clinical professor at the University of Sydney.

<http://www.theage.com.au/comment/nauru-and-manus-island-are-australias-guantanamo-gay-20160228-gn5qtg.html>

2. How refugee and Nauru detainee Nabi Baqiri became a fruit-picking millionaire

The Age
February 27, 2016
Alana Rosenbaum

Nabi Baqiri is paying for a tractor part and chainsaw to use in his Shepparton orchard. The former refugee hands over a cheque and asked the sales assistant to fill in the date and transaction amount.

"I don't know how to write," he explains.

"Don't joke with me. I don't have time," the sales assistant replies, coolly.

Nabi persists: "No really, I don't know how to write."

As Australia grapples with the morality of offshore detention of asylum seekers and wrestles with fears of being overwhelmed by needy refugees, this is the story of how an illiterate Afghan boy ended up as an Australian fruit-picking millionaire.

It's the start of the harvest season and Kaarimba orchard, north of Melbourne, hums to the sound of heavy machinery.

A fleet of cherry pickers and tractors is parked at reception and beyond that, a seemingly infinite criss-cross of vegetation. At 182 hectares, the property is big, even by Goulburn Valley standards. But Kaarimba is known less for its size than the identity of its co-owner, Nabi Baqiri, a former Nauru detainee from Afghanistan.

The manager warns me against looking for Baqiri; "Too many hiding spots," he says.

But I drive along the unsealed roads nonetheless, until I see Baqiri's ute parked beside the cherry orchard.

Full story at <http://www.theage.com.au/national/x-20151215-glnsdw.html>

3. Vast majority of boat arrivals in past 40 years given refugee protection

Data shows 80% protection rate markedly different from determinations made in Nauru or Manus Island centres

The Guardian
Helen Davidson
Monday 29 February 2016 15.32 EST

More than 80% of asylum seekers who have arrived in Australia by boat over the last 40 years have been given refugee protection, new analysis has revealed, with suggestions asylum seekers are not getting fair assessments on Manus Island.

The data, taken from publicly available federal government statistics and analysed by the Refugee Council of Australia also shows a marked difference between the rate of successful determinations made in the Nauru or Manus Island processing centres.

The RCOA's report compiled a number of sources looking at boat arrivals during particular time periods affected by different political eras, and found there were 69,602 boat arrivals between January 1976 and June 2015.

Of those arrivals 30,400 people, or 81%, were given some form of protection, including permanent and temporary protection visas.

Paul Power, the executive director of the RCOA, said the organisation wanted to "paint a realistic picture" of boat arrivals and refugee status as both sides of the debate often relied on flawed or incorrect information.

"This is needed in the public discussion," Power told Guardian Australia.

"We've consistently heard politicians, like [former foreign affairs minister] Bob Carr, argue that many of the people coming are economic migrants and, yet even for the people he was speaking about at that point, the final outcomes have been that the majority are refugees.

“This has been one of the policy dilemmas for the Australian government. If the great majority of people coming by boat were people who had no claim for refugee status, then the policy is able to deal with it very easily and people are returned home.”

He also noted those on the opposing side of the debate often cited 2008-2012 figures which showed much higher refugee determinations of more than 90%.

Under offshore processing policies either side of that period, the rates of refugee protection status were measured at about 70%.

More than 32,000 cases of people who arrived by boat in the last 40 years remain unresolved and, while data on when those people arrived is not available, “all the anecdotal evidence suggests the vast majority are people who arrived during or after August 2012” when the “no advantage” policy was enacted, Power said.

“If you look at the number of people who arrived by boat since 2012, subtract the people who have been recognised as refugees on Nauru and Manus ... then it’s very close to the number.”

The research also showed a huge disparity between determinations made on Nauru – about 85% granting refugee protection – and Manus Island – only 58%.

Daniel Webb, the director of legal advocacy at the Human Rights Law Centre said the gap was “either a pretty strange statistical anomaly or [showed] the assessment process in PNG is not fair and accurate.”

The United Nations high commissioner for refugees has previously criticised PNG’s process for determining refugee status, finding a limited capacity in officials to conduct assessments and a lack of clear or adequate legal and regulatory framework.

Webb pointed to comments made in 2014 by the then prime minister, Tony Abbott, and his PNG counterpart, Peter O’Neil, that it was likely “a good majority” of claims would be rejected.

“It’s hard to have faith in a process when both prime ministers appeared to pre-empt its outcome,” he said.

“When you walk through that Manus detention centre, and you see the desperate conditions people are being left to languish in, it’s pretty clear the whole arrangement isn’t actually about processing people but about pressuring them to return.”

<http://www.theguardian.com/australia-news/2016/mar/01/vast-majority-of-boat-arrivals-in-past-40-years-given-refugee-protection>

4. Australia among 30 countries illegally forcing return of refugees, Amnesty says

Policy of turning back boats has set worrying example for other countries to push boats back to sea, Amnesty’s human rights report for 2015 finds

The Guardian
Ben Doherty and Calla Wahlquist
Tuesday 23 February 2016 19.08 EST

Australia is one of at least 30 countries that “illegally forced refugees to return to countries where they would be in danger” last year, Amnesty International has found in its human rights report for 2015, arguing Australia’s boat “turnbacks” policy has acted as an example for other countries in the region to force asylum seeker boats back to sea.

While global attention was focused on refugees migrating from conflict zones in the Middle East and Africa into Europe, forced migration across south-east Asia remained one of the most prominent rights abuses in the region.

“People smuggling and human trafficking in the Bay of Bengal exposed thousands of refugees and migrants to serious abuse on board boats,” the report said. “Some people were shot on the boats, thrown overboard and left to drown, or died from starvation, dehydration or disease.

“People were beaten, sometimes for hours, for moving, begging for food or asking to use the toilet.”

In May 2015 as many as 8,000 people were left stranded on boats at sea because south-east Asian countries such as Thailand, Malaysia, and Indonesia refused to let them land and, in some cases, towed their vessels back to sea.

Asylum seekers on board fought each other to death over dwindling food and water supplies, observers said, and the UN warned the vessels would become “floating coffins” if they were not allowed to land.

The Philippines broke the impasse by offering to accept several thousand refugees, and spurring other countries to allow boats to land on the condition they would be resettled in third countries within a year.

Most of those asylum seekers have not been resettled.

Amnesty's Australia national director, Claire Mallinson, said Australia's policy of boat-turnbacks – forcibly returning asylum seekers in boats to their countries of transit or origin – was providing an example, and a justification, for other countries to do the same. Boat-borne asylum seekers have been forced back by Australian officials to Indonesia, Sri Lanka and Vietnam.

“Last year we saw Thailand, Indonesia, Malaysia refusing to allow boats to land, or towing boats back to sea,” Mallinson said.

“In essence, what these countries are doing are copying Australia's bad practice, and this raises real concerns for the region and the world. If you take that policy to its full conclusion, where boats are being stopped from landing, or where countries are closing their borders, then nobody would be safe, nobody could seek protection anywhere.”

Amnesty's annual report into the state of the world's human rights found that at least 30 countries – including Australia, Netherlands, Russia and Saudi Arabia – illegally forced refugees to return to countries where they would be in danger in 2015. Other countries may be involved in the practice undetected.

The UN secretary general, Ban Ki Moon, has convened a high-level meeting for September to address the world's growing refugee crisis and Mallinson argued Australia could be at the forefront of helping to establish a framework for providing assistance and protection to the world's 60 million displaced.

“Australia has a proud record of defending human rights,” she said. “It helped form the UN, it helped draft the universal declaration on human rights, but before it can be that constructive player again, it needs to get its own house in order.”

“All over the world, people can't believe this is a country that sends people to offshore detention, or is considering removing babies to Nauru.”

Mallinson said developed countries such as Australia should bear more of the responsibility for hosting refugees; 80% of the world's refugees are hosted in developing nations, usually those adjacent to the countries they have fled.

The report also condemned Australia's treatment of its Indigenous peoples and called on the Turnbull government to set justice targets to reduce the over-representation of Aboriginal and Torres Strait Islander people in prisons.

Aboriginal people make up 3% of the population but 27% of the prison population.

Roxanne Moore, Indigenous rights manager for Amnesty Australia, said the high incarceration rate was the single biggest human rights issue facing Aboriginal and Torres Strait Islanders and needed a nationally led response. But the Indigenous affairs minister, Nigel Scullion, has dismissed suggestions of including incarceration rates in the Close the Gap targets, saying it should be led by the states and territories.

This month the Northern Territory set a target of reducing the incarceration rate of Aboriginal and Torres Strait Islander adults and children by 2030. Aboriginal people make up about 30% of the general population in the NT and 86% of the prison population.

Moore said the Western Australian government's decision to expand mandatory sentencing for burglary offences would disproportionately put more Aboriginal people, particularly Aboriginal young people, in jail.

She said the extent of the impact was not known because the WA government did not release transparent data.

<http://www.theguardian.com/law/2016/feb/24/australia-among-30-countries-illegally-forcing-return-of-refugees-amnesty-says>

5. Judge faces judicial review over 'biased' immigration rulings

The Guardian

Paul Farrell

Sunday 28 February 2016 23.12 EST

Court hears Alexander Street should have excused himself because his rulings overwhelmingly favoured the department

A federal circuit judge who continually ruled against immigration applications should have excused himself from hearing the cases because it appeared he was biased, the federal court has heard.

Federal circuit court judge Alexander “Sandy” Street is facing a judicial review application, in part over his handling of a string of immigration matters.

A statistical analysis presented in court outlined that Street had ruled against 254 out of 256 immigration applicants between 1 January 2015 and 19 June 2015.

Barrister Jay Williams told the chief justice, James Allsop, Justice John Griffiths and Justice Susan Kenny there was “a one in 10 chance before other judges and a 1 in 100 chance before this judge” of having an immigration ruling overturned.

"An informed observer would find there is a possibility of a reasonable apprehension of bias ... 99.21% of applicants were thrown out on the first court date," he said.

He also said that was a "multitude of judgments over a long period of time where serious criticism has been made".

"Despite the serious criticism coming from the full court this behaviour continues," he said.

But Neil Williams SC, appearing for the Australian Government Solicitors, told the court the statistical analysis was flawed.

"The so-called statistical evidence is indeed not any such thing. A professional statistician would not draw inferences of this kind," he said.

Jay Williams responded and said the government could have called a statistician to give evidence, but they had chosen not to.

The full court has reserved its decision until a later date.

<http://www.theguardian.com/australia-news/2016/feb/29/judge-alexander-street-judicial-review-immigration-rulings>

6. Resettled refugee's plea: 'Send me back to Manus'

The Age
February 23, 2016 - 1:14PM
Michael Gordon

One of the first refugees to be resettled in Papua New Guinea has pleaded to be returned to Manus Island, saying life in limbo is better than living with fear, loneliness and poverty in the city of Lae.

"I don't have freedom. I want to go back to Manus," Loghman Sawari, 20, told Fairfax Media after spending more than two months in PNG's second-largest city.

Mr Sawari has told how he was terrified by an armed "rascal" and reduced to tears by bullying in the town before being befriended by a homeless youth and taken to a Seventh Day Adventist Church.

Unskilled, with no secondary education, poor English and no money, Mr Sawari has concluded he has no prospect of trying to build a life in Lae and wants to return to the relative safety of the transit centre.

"Here I don't have anyone," he said. "Manus is better than here."

Mr Sawari was 17 when he was sent to Manus Island and was among the first to move from the detention centre to the transit centre in Lorengau. Suffering depression, he attempted suicide earlier this year and was taken to the police station as punishment.

He left the transit centre two months ago and begin his resettlement with a labouring job that included accommodation. But Mr Sawari says many of the promises made when he left the centre were not honoured and, when he became sick, his medical bills were deducted from his already small wage.

He also says that without the promised access to wi-fi, he did not have enough money to buy food after using his money to ring his mother in Iran.

There was also an altercation with other migrant workers at the company that led him to consider self-harm and leave.

It was then that homeless man Jacob found Mr Sawari scared on the street and took pity on him. "I'd like to help to help him but I have no money," he said.

It was Jacob who took Mr Sawari to Bob Butler, the chief financial officer of the Seventh Day Adventist church, who offered safety and shelter. While living on the street, Mr Sawari said he saw more than 50 young homeless people. "They don't have a father, no mother," he said.

"He seemed to have a good caring attitude," Mr Butler said of Mr Sawari. "He was concerned about the street boys that looked after him.

"They were concerned about him. They said, 'If he was out on the street, we're OK, but Loghman won't survive'."

Mr Butler describes PNG as a land of opportunity for those with skills, but adds: "For people that don't have education, qualifications or an entrepreneurial bent, life is going to be tough because there are eight million people competing for the (unskilled) jobs."

"If you're a local you've got family and the wantok system (of obligation to family) and the village and land, you will survive, but if you don't have those roots here, you can only survive on what your mind and hands can do.

"It's early days but I'd like to see his English improve to the point where he could go to a trade school or a college and learn. I think he'd like that."

Mr Sawari says he wants to learn and improve his skills, but has no capacity to do so in Lae.

More than 60 refugees remain at the transit centre at Lorengau, while more than 900 are in their third year at the detention centre. More than half of those in detention have been found to be refugees.

Mr Sawari is one of six who left the transit centre. Fairfax Media has asked both the Australian and PNG governments how many of the six are in work but has not received any answers.

"The Papua New Guinea (PNG) government is responsible for the settlement of refugees in PNG and any settlement services provided to refugees," a spokesman for Immigration Minister Peter Dutton's department said.

"You may wish to directly approach the PNG Immigration and Citizenship Services Authority for comment." Questions to the authority have drawn no response.

The Turnbull government is responsible for meeting the costs of detention and resettlement.

The refugees were told they would receive assistance to "establish themselves in their new homes", including a 12-month health insurance policy and access to trauma and torture counselling, and would be able to bring family members to join them in Papua New Guinea.

Mr Sawari says he spoke to an immigration official last week who undertook to come and see him, but has not yet had the meeting.

<http://www.theage.com.au/federal-politics/political-news/resettled-refugees-plea-send-me-back-to-manus-20160222-gn0url.html>

7. Salvation Army tells asylum seeker he will 'never live in Australia'

The Age
February 23, 2016 - 1:10PM
Richard Baker and Nick McKenzie

The Salvation Army has effectively urged a Tamil asylum seeker on Manus Island to go home because: "You will never live in Australia".

A Salvation Army risk and compliance officer, who is only identified as "Andrew", wrote to a Tamil man on the charity's letterhead in January 2014 saying: "You can expect to remain in this facility for a very long time whilst this process is undertaken.

"You may be given an opportunity to be re-settled in PNG but I am not sure when or if this may occur. The only other option available to you is to seek repatriation with the assistance to IOM (International Organization for Migration) to your country of origin.

"If you choose not to go home you will spend a very, very long time here. You have been told lies by people smugglers."

The Salvation Army has declared publicly its opposition to offshore detention and received more than \$70 million under a contract to provide humanitarian services on Manus Island and Nauru between 2012 and 2014. A spokesman acknowledged the letter was written by one of its staff "in consultation" with the Immigration Department.

He said the group's contract with the department required it to communicate official information to detainees, including the time frames associated with the processing of their asylum seeker claims.

The message could have been communicated more sensitively, the spokesman said, but it accurately reflected the government's July 2013 policy decision not to re-settle boat arrivals in Australia.

"The Salvation Army agrees that the content of the letter, read in isolation, is incredibly harsh, however, there was no malicious or cruel intent held when this letter was written," the spokesman said.

An Immigration department spokeswoman said the contract with the Salvation Army contained no requirement for the Department to "vet, oversee or help draft" correspondence to transferees.

The Tamil man was part of a group known as "OPK" which attempted to enter Australia by boat in mid-2013.

"Perhaps in some part, the content of the letter reflected a choice between two incredibly difficult situations, firstly, where transferees would be left in limbo - not knowing what would happen to them or still hoping that they would be resettled in Australia - or alternatively, communicating the incredibly difficult message that post 19 July 2013, transferees would not be resettled in Australia and according to the government policy there would be absolutely no exceptions," the Salvation Army spokesman said.

"In communicating the latter, it was hoped that this could at least give the transferees some certainty about their future and some choice (although a very bleak choice) as to whether they would remain at the centres or return to their country of origin if they preferred to do so."

Asylum seekers have also alleged that they were beaten by private security guards during an operation to end a January 2015 Manus Island hunger strike, and have told Fairfax Media in a series of letters that they were jailed in the nearby Lorengau police cells for up to 21 days.

Leaked files from Broadspectrum, the company contracted to run the Manus Island and Nauru centres, support some of the claims of injury and placement in the police cells.

The company's files show detainees sought medical treatment after complaining of nerve pain in their arms, which they claimed was the a result of having their wrists tightly bound by plastic restraints during the hunger strike.

One detainee wrote in a letter that he was kicked in the head by security guards while he was in the Lorengau police cells and was left shirtless during his 21 day stint in the cells. Another said the cells were filthy and that "the toilet sewage would come to where we slept".

An Iraqi asylum seeker has claimed in a letter that he was beaten about the head with a stick by security staff, resulting in damage to his eyesight and the loss of teeth.

The letters do not specify whether the security staff who committed the alleged assaults were Australians or local PNG employees.

The leaked Broadspectrum files show that many complaints against security staff are found to be unsubstantiated due to a lack of evidence.

The files show that another detainee complained of being beaten in the chest, abdomen and face during the January 2015 hunger strike before being handcuffed and thrown into a vehicle.

His alleged beating took place despite some security staff trying to advocate on his behalf that he had not been causing trouble.

An official complaint about the man's case lodged in July by the International Committee of the Red Cross last year reveals he was then jailed in the Lorengau police cells for up to 17 days before he received any medical treatment.

At the time of the operation to end the hunger strike, Immigration Minister Peter Dutton denied excessive force had been used but admitted a degree of force had been necessary.

Some asylum seekers say they suffer on-going health issues as a result of their treatment.

<http://www.theage.com.au/national/salvation-army-tells-asylum-seeker-he-will-never-live-in-australia-20160222-gn0yxn.html>

8. Behrouz Boochani: Life on Manus: island of the damned

The Saturday Paper
Feb 27, 2016
Behrouz Boochani

February 18, 5.38pm: Here in this prison, everything is abnormal and different from all the villages, cities and continents. The prisoners sleep until afternoon. Life commences with the tumult of noisy queues for toilets. Every day, dozens of imprisoned refugees wake up from their sweaty and sticky sheets as the scorching sun of the tropics sits in the middle of the sky.

These grimy and unbearable toilets are an undeniable part of the identity and history of the Manus prison, and the existence of these toilets is one of the images that, undoubtedly, have been imprinted forever on the mind of every prisoner here. They are a symbol of filth and great cruelty. They have become a centre of insanity and horror in the minds of prisoners. On several occasions, in the dead of dark night, blood has gushed from the bodies of pale young men in the toilets. Fear is struck into the soundless prison by these scenes. Self-harm is a part of life at Manus prison. From time to time, people are found who have lacerated a part of their bodies with blue-handled razors, a result of being kept under intense pressure. Looking at the blood, the extract of their agony, a temporary peace reigns in the minds of these people. In fact, these men endure their pain with a kind of violent and bloody bemusement.

Whatever it is, self-harm has become a horrible habit for Manus prisoners, some of whom have spent 31 months in a space 80 metres by 70 metres. Whenever someone self-harms, all the prisoners gather in front of the toilets and create a situation similar to war-zone front lines. Shouts, groans and swears go up, and for hours the prison experiences a nightmarish atmosphere. These toilets have always been like a tool for torture and agony, whether with the endless lines formed in front of them or when the water inside them is cut off and a nauseating stench hits the whole prison, filth everywhere. The water of these toilets had been cut on purpose in the six months before the incidents of February 2014, when Reza Barati was killed. In the middle of the night, the electricity had been also cut, causing dozens of people to wake distraught and anxious as the fans stopped working and the heat increased. For prisoners, the only relief from the heat was to wander the yard at night.

The difference between the long queues for toilets and the cold showers – there is no hot water for taking a shower – and the rest of the queues is that the prisoners lose their temper and cannot stand still in these lines. Every time there is a person who desperately and urgently needs to relieve himself, he injects his anger and stress into others. The queues are long, tormenting, irritating and humiliating. If we want to describe life in the Manus prison, we could sum it up in just one sentence: “A prisoner is someone who needs to line up in order to fulfil even the most basic needs of every human being.”

Every day there is a chain of hungry men of various height, weight, colour and age, waiting in curved lines under the sweltering sunshine, which boils the brains. In front of the queue at lunchtime, there are some jailers with indifferent and stern faces. They have one responsibility: to tick off the numbers and then after a few minutes allow the prisoners in groups of five to collect their food. Sometimes shorter, sometimes longer, these queues are constantly repeated: for buying cigarettes, for receiving medication and painkillers, for using the telephone, internet and even for getting a razor or lighter. Life without queues in Manus prison is beyond imagination – inconceivable – although, with the decline of the prisoner population, the situation is better.

Full story at <https://www.thesaturdaypaper.com.au/opinion/topic/2016/02/27/life-manus-island-the-damned/14564916002937>

9. MEDIA RELEASE: Protests over food & points as Manus Island tensions rise

PROTESTS OVER POINTS AND FOOD AS TENSIONS RISE ON MANUS ISLAND AS COURT CHALLENGE LOOMS

Tuesday March 1, 2016
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Around 9.00am this morning (Tuesday, 1 March), people found to be refugees staged a protest at the canteen in Oscar Compound.

The protest stopped the opening of the canteen, and local staff were withdrawn to the gates of Oscar Compound, as staff faced a crowd of refugees fed-up with being denied "privileges" like excursions or access to the canteen as a way of trying to force them to leave the detention centre and live outside in the so-called transit accommodation in East Lorengau.

Refugees, or "double positives" , as they are known in the detention centre are tired of the injustice.

Asylum seekers and those who have been rejected obtain 50 points each week -- 25 from involvement in certain activities and 25 from the Immigration Department.

Points can be used at the canteen, run by Broadspectrum, to obtain such things as phone cards, shampoo and cigarettes. Fifty points gets you six packets of cigarettes.

Those who are found to be refugees get no points.

Refugees are given the choice to accept the unfair treatment or agree to leave the centre. There are only around 50 refugees who have been willing to leave the detention centre and live at the transit accommodation at East Lorengau.

Tensions are rising as the injustice has continued as the months drag on. Conditions at the East Lorengau detention centre are also deteriorating as refugees there are subject to a curfew and have recently been told they now have to pay for their own prescriptions.

A major standoff erupted later, at lunchtime in Delta Compound over the food. More than half the 200 detainees in Delta Compound have been found to be refugees. There have been increasing complaints over the food over the last weeks as food presented is out of date and is the same day after day.

More than 30 security guards are now in Delta Compound after a confrontation between detainees and the detention manager who told the detainees to put their complaint in writing before have to be escorted from the compound.

The deteriorating food and the increasing pressure on refugees to leave the detention centre comes as Broadpectrum seem to be cutting costs as the PNG Supreme Court hearing regarding the constitutionality of the detention centre and the issues of alleged human rights abuses of the detainees, draws closer.

At a status conference yesterday (Monday 29 February), a hearing before Chief Justice Sir Salamo Injia, set down the matter for 4 April in order to set the date for the hearing in the next sittings of the Supreme Court between 25 and 29 April.

"The conditions of detention on Manus Island are intolerable. The situation is not very different in East Lorengau. Many refugees fear for their safety since Reza Berati was killed in Mike Compound on February 2014," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"Most detainees are prescribed sleeping pills or sedatives to deal with the torture inflicted on them. Denying points to refugees is another form of the torture that is part of the offshore detention regime. It has to stop."

For more information contact Ian Rintoul 0417 275 713

10. Government defends healthcare on Manus as sick refugees 'too scared to leave'

Mohammad Albederee, who can barely walk, is facing intense pressure to leave Manus Island detention centre where he has access to medical treatment

The Guardian
Australian Associated Press
Thursday 25 February 2016 21.41 EST

The immigration department has defended the level of healthcare and medication available to refugees on Manus Island amid reports some who are severely ill are too scared to leave its detention centre.

Iraqi man Mohammad Albederee, who was granted refugee status this week, faces intense pressure to leave the centre where he has access to healthcare through the International Health and Medical Services clinic.

Albederee, 31, has survived for 10 months on fluid injections, sweet tea and salt because he is unable to keep food down after being on hunger strike in protest against the lack of medical treatment for kidney and shoulder problems after an alleged assault by guards.

He can walk a few steps only on crutches and his weight has dropped from 74kg to 48kg, refugee advocate Jeanie Walker says.

The father of three fears his access to free healthcare and medication will dry up if he leaves the detention centre.

Papua New Guinean authorities want to move him to a temporary accommodation centre for refugees at nearby Lorengau.

"He won't get any help there, currently he has people carrying him to the bathroom, shaving him and washing him," Walker said. "The [authorities] just want him to die elsewhere, not at the detention centre."

Walker claims refugees at Lorengau are forced to buy their own medication and many were relying on the generosity of private Australians to fund their prescriptions.

Albederee had a broken hand and lumps on his other hand that need surgery, she said.

He also had a shoulder injury and kidney problems after an alleged assault by guards at the detention centre last year.

A spokeswoman from the immigration department said refugees were given 28 days of medication when they left the detention centre and that a health services provider had a weekly clinic at the Lorengau transit centre staffed by a doctor and registered nurse.

The spokeswoman said refugees had access to the PNG public health system and were provided with free medication when treated at the Lorengau hospital.

"If the medication is not available at the Lorengau hospital, refugees are able to purchase it from the local chemist using their allowance," she said.

The spokeswoman pointed out there were people with positive refugee status still living at the detention centre.

<http://www.theguardian.com/australia-news/2016/feb/26/government-defends-healthcare-on-manus-as-refugees-too-scared-to-leave>

11. MEDIA RELEASE: 300 more join PNG Manus detention Supreme Court challenge

ALMOST 300 MORE ASYLUM SEEKERS JOIN PNG CONSTITUTIONAL CHALLENGE TO MANUS DETENTION

Friday February 26, 2016
Refuge Action Coalition
Ian Rintoul
mobile 0417 275 713

PNG lawyer, Ben Lomai, will today (Friday, 26 February) file another 287 submissions from Manus Island asylum seekers to join them to a PNG Supreme Court constitutional challenge to the Manus Island detention centre and the denial of their human rights.

This second tranche of submissions takes the total number of asylum seekers joined to the case to around 600.

A third tranche is expected to be filed in March and will effectively mean all of the asylum seekers will be a party to the action to enforce their rights under the PNG constitution.

Besides the constitutionality of the agreement to establish the detention centre, asylum seekers are seeking orders regarding their imprisonment without charge; being denied access to lawyers; denied due legal process; subjected to abuse and torture, etc.

A 'status conference' on Monday 29 February in Port Moresby is expected to set a date for the Supreme Court hearing of the challenge.

The constitutionality of the Memorandum of Understanding between PNG and Australia, that initially established the detention centre, is also being considered by the Supreme Court in a matter brought by the Opposition leader Beldan Nemah.

A decision in that matter is expected to be handed down very soon.

The PNG Constitutional Challenge has drawn a lot of attention in light of the recent Australian High Court decision finding that offshore detention on Nauru was legal under Australian law. That decision also affected 34 asylum seekers from Manus Island who were attached to the case.

In the aftermath of the Australian High Court finding, a "Let Them Stay" campaign is demanding that the Turnbull government allow all 267 asylum seekers attached to that court case be allowed to remain in Australia.

For more information contact Ian Rintoul 0417 275 713

12. MEDIA RELEASE: Another Fezal? Fears for welfare of refugee detained in Perth

ANOTHER FEZAL CHEGENI? FEARS FOR WELFARE OF PERTH REFUGEE IN INDEFINITE DETENTION

Wednesday February 24, 2016
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

A 36 year-old Kurdish asylum seeker, Sardar Zahiri, who has been in closed and community detention since 2011, is on the 19 day of a hunger strike at the Perth detention centre.

He was brought from Christmas Island with injured discs in his neck following an attempted suicide, two months ago. The man has made about 12 other suicide attempts.

Sardar was placed in community detention in 2012. It is believed that Sardar was found to be a refugee in 2012. But he was not granted a visa because of an outstanding court matter regarding an incident in the Darwin detention centre.

Then, in 2013, Sardar, was given an 18 month good behaviour bond as a result of property damage in an incident in Darwin detention centre. Despite being found to be a refugee, Sardar was taken back into closed detention as a consequence of that conviction.

"We are extremely concerned for the welfare of Sardar. The similarities between his history and treatment at the hands of the Immigration department is chilling, with the treatment that led to the death of fellow Kurd, Fezal Chegeni on Christmas Island is chilling," said Ian Rintoul, from the Refugee Action Coalition.

"Sardar is extremely mentally distressed. He is already very weak from the hunger strike. But it is the only way he can bring attention to his impossible situation.

"The Immigration Minister is holding Sardar in indefinite detention on the basis of a relatively trivial conviction. Such detention is a form of torture and violates any understanding of the normal rules of justice. Sardar has been given a life sentence and has been robbed of his mental and physical health. It was precisely this treatment that led to the death of Fezal.

"Sardar must be released. There must be an urgent review of ALL such cases of people being held in detention on the basis of criminal convictions and breaches of so the so-called code of conduct.

"There must be an urgent review of the Ministerial powers that allow extra-judicial punishment to be inflicted on asylum seekers. It is a disgrace that such a review was not ordered in the aftermath of Fezal's death.

"While all eyes are presently focused on the cruelty and lack of safety on Nauru, there is also unconscionable cruelty being inflicted by the Minister in detention centres on the mainland."

For more information contact Ian Rintoul 0417 275 713

13. Ben Doherty: Moving Baby Asha: both sides claim victory but there is no solution here

Taking Asha out of hospital and into detention in Australia spares the infant an immediate return to Nauru but leaves her – and government policy – in limbo

The Guardian
Ben Doherty
Monday 22 February 2016 02.36 EST

The release of Baby Asha into community detention in Australia was the most pragmatic solution available to end the deadlock at Lady Cilento hospital.

It has brokered a situation where both sides can claim a measure of victory: those supporting the family are assured she is not being moved to Nauru; the government can claim its policies are unaltered.

But the solution is none at all. It is a temporary fix, masking a deeper, systemic fracture still unaddressed.

Asha may stay in Australia many months, possibly years, but is her family to exist permanently in the shadowlands of community detention, without any hope of finding a place, or a way, to build a life?

Meanwhile the government maintains the infant and her family will, at some stage, be returned to Nauru, because policy mandates it.

Now that Asha is removed from hospital, her transfer will only require the approval from International Health and Medical Services – which runs healthcare for asylum seekers for the Australian government – that she is fit to fly, according to senior sources in the department.

People are moved across the country by the immigration detention regime all the time, often against their will. People are sometimes woken in the middle of the night, restrained if their guards feel they should be, and put on chartered planes if they won't submit to a commercial flight.

Asha's removal to Nauru would be undoubtedly controversial but would dominate media attention only for a short time, and the government may see this controversy as outweighed by the benefits – both domestically politically and in its regional messaging – that Australia's resolution to stop boat arrivals is undimmed.

The immigration minister, Peter Dutton, is walking a difficult line on this issue, offering, simultaneously, almost contradictory messages to different audiences.

On the one hand, he is seeking to argue that the government will act compassionately and adhere to the clinical recommendations of doctors, who argue, almost universally, that children should not be in detention.

At the same time, to maintain a politically successful policy position, and to defend that policy's deterrent effect on smuggling networks overseas, the minister must insist that nothing has changed in regards to offshore processing.

Immigration detention is heavily politicised in this country, and broadly misunderstood. Dutton has said several times he wishes to be the minister who frees all children from detention.

This is a laudable aim, and one within his bailiwick. Immediately. Today. With the stroke of a pen. But it has also been within the ambit of every immigration minister before him since detention was introduced by Gerry Hand in Paul Keating's Labor government.

Detention is not a natural state of being for children, or for anybody. People are not arriving in Australia and putting themselves in detention. Nor do they have to go there.

People are in detention because governments have chosen to put them there.

People are in detention because of a policy of mandatory detention, a policy that has, in the 24 years it has existed, been transmogrified from a form of administrative detention (mandatory detention originally had a legislative time limit of 273 days) to one of active deterrence, where harmful, aversive incarceration is visited upon a group of people alleged to have committed no crime, in order to prevent others from similarly not committing any crime.

No part of this structural issue has been addressed in the week-long debate over Asha, nor in the resolution to the deadlock over her.

Asha's release into community detention has been celebrated by her supporters and the doctors who treated her. At the same time the government is pointing to an unadulterated policy position. But nothing has really been resolved.

Some involved in the asylum debate in Australia have argued that the if outspoken doctors, refugee advocates and certain media outlets were quieter in their public protestations about the situations of Baby Asha and others like her – such as the 267 enjoined to the M68 case – then the government would more able to act compassionately, quietly resolving their cases outside of the glare of public attention.

The argument has come not only from the secretary of the immigration department, but from media commentators as well – defenders of a free press and open government, usually.

It is a dangerous proposition.

For a government to incarcerate people in secret, letting them out only when it chooses, and all the while expecting the media and civil society to supinely ask no questions, is anathema to a free society.

Democratic governments don't have the option of saying, "Trust us, we're the government."

Throughout history, as the British writer CP Snow argued, "far more, and far more hideous, crimes have been committed in the name of obedience than have ever been committed in the name of rebellion".

Protest, the right to oppose government practice, to question its policy, is a democratic right, indeed a necessity. And it makes a difference.

If everybody had shut up about Baby Asha – if the doctors hadn't demanded their clinical recommendations be observed, if protesters hadn't stood their ground – she would be on Nauru now.

<http://www.theguardian.com/australia-news/2016/feb/22/moving-baby-asha-both-sides-claim-victory-but-there-is-no-solution-here>

14. Refugee advocates welcome Government's 'compromise' after 10-day protest

ABC News Online

By Alle McMahon and Lucia Stein

Posted Mon 22 Feb 2016, 3:35pm

Refugee advocates have welcomed the Government's "compromise" in placing an asylum seeker baby in community detention, after a 10-day protest outside a hospital in Brisbane.

One-year-old baby Asha was transferred from Lady Cilento Children's Hospital to community detention this morning, after being treated by doctors who refused to discharge her back into offshore detention.

Chief executive of the Asylum Seeker Resource Centre (ASRC) Kon Karapanagiotidis said that was a "fair compromise".

"Community detention is a fair compromise. It is far, far, far better than being in an immigration prison," he said.

"The mum and the baby — and hopefully the father will be joining them soon — are in a community housing situation and also in medical care and able to contact their lawyers. We see that as a fair compromise."

Immigration Minister Peter Dutton said on Sunday that it was always the Government's intentions to move baby Asha into community detention.

But Mr Karapanagiotidis said that was never communicated to the family.

"It is a result, it is not business as usual. Dutton was trying to run the line that this was standard operating procedure but the reality is it is not," he said.

"If he had intended to do this in the first place, that is what would have been said to the mother on Saturday morning, instead of cutting off phone access to the mother and telling her she was going to be moved.

"If the minister's intention was to release that child into community detention with the mother, why did he wait until there was this extraordinary community backlash and pressure? Why wouldn't he have done that in the first place?

"This was a minister having to back down because of community backlash pressure, and at the very least, a tacit knowledge that there was a clinical decision that had been made by doctors and he had to follow that — that Nauru was not safe."

Mr Dutton told the ABC that the Government would stick to its policy of returning asylum seekers to offshore detention once medical and legal issues had been resolved, saying it would not be "blackmailed" into making changes.

But Mr Karapanagiotidis said people would be ready to mobilise if that happened.

"The minister is saying this baby will eventually be sent to Nauru and the response from the community has been 'no the hell they will not'," he said.

"There are people in the community that will be keeping a watchful eye and will be ready to mobilise at a moment's notice should there be even a breath or a hint that there's any attempt to move the family to a detention centre or to Nauru."

Pizzas donated to protesters from all over the country

Baby Asha's case captured the attention of the nation when protesters began rallying outside the Lady Cilento hospital in support of the staff.

Over the 10-day protest, Mr Karapanagiotidis said protesters received a tremendous amount of support from the community, but none more so than on Saturday night.

At 7:30pm last night, 500 protesters at the hospital were getting hungry standing watch for baby Asha.

Mr Karapanagiotidis sent out a tweet asking for a pizza and, to his and everyone else's surprise, over 250 pizzas were delivered to the hospital over the course of the night.

The pizzas were donated from people all over Australia, including Brisbane, Darwin, Adelaide, Sydney, Perth, Hobart and Melbourne, the ASRC wrote on their Facebook page.

Mr Karapanagiotidis said it was "just beautiful" what people had done.

"It was just beautiful. I think it was people desperate to do something, people wanting to be connected, people nationally wanting to do their bit to show their solidarity and support," he said.

"It was really touching and boosted people's morale and let people know around Australia that people were watching and people were concerned and people wanted to help."

The pizza was shared with emergency staff at Lady Cilento and three carloads were also delivered to local homeless shelters in Brisbane.

"You can care about people seeking asylum and you can care about the staff in the hospital and you can care about our homeless — they're not in competition with each other, you can care for everyone at the same time," Mr Karapanagiotidis said.

"When a few trickled in I was having to ration them to begin with ... but in the end they were coming in 10 at a time.

"Everyone got to have pizza that night."

<http://www.abc.net.au/news/2016-02-22/refugee-advocates-welcome-'compromise'-for-baby-asha/7188684>

15. Dutton says Government won't be 'blackmailed' into changing immigration policy

ABC News Online

By political reporter Stephanie Anderson

Posted Mon 22 Feb 2016, 2:13pm

Immigration Minister Peter Dutton says the Government will not be "blackmailed" by asylum seekers committing self-harm, after he faced criticism in the wake of the Baby Asha saga.

A censure motion against Mr Dutton failed in the House of Representatives today after the Coalition and Labor used their numbers to quash the motion.

The comments were made in response to questioning over the treatment of a one-year-old asylum seeker girl, who had been brought to Australia for medical treatment after suffering burns on Nauru.

The child, known as Baby Asha, and her family have since been transferred into community detention.

Mr Dutton confirmed that the baby and her family would be returned to Nauru after medical and legal issues were resolved, prompting questions in Parliament today.

He said that the Government would "not be held to ransom" on the issue.

"We will not be blackmailed into changing this policy, because this policy has resulted in lives being saved," he said.

Mr Dutton said he was not going to preside over a situation where, in a bid to secure Australian citizenship, "we have people self-harming to come to hospitals in this country".

Independent MP Andrew Wilkie and Greens MP Adam Bandt later moved a censure motion against Mr Dutton, alleging that he was "implying that Baby Asha was deliberately harmed as a means for facilitating asylum seeker access to Australia".

Mr Bandt described the comments as disgusting, but Mr Dutton denied he was directly referencing the Asha case.

Mr Dutton further stated that he would not "cop sanctimonious lectures from the Greens".

"This cooked-up situation in Parliament today needs to be seen for what it is," he said.

"We are not going to tolerate these lectures from the Greens. That's why the censure motion should be rejected."

Labor's immigration spokesman Richard Marles said Labor would oppose the motion, due to its over-egged language.

It was defeated with Mr Wilkie, Mr Bandt and independent MP Cathy McGowen voting in favour.

<http://www.abc.net.au/news/2016-02-22/government-will-not-be-blackmailed-says-immigration-minister/7190206>

16. Peter Dutton accused of 'dirty politics' after report suggested mother deliberately burnt baby Asha

Sydney Morning Herald

February 23, 2016 - 10:24AM

Nicole Hasham

ASHA's MEDICAL RECORD: <http://www.scribd.com/doc/300093195/Asha-medical-records>

Supporters of asylum seeker baby Asha have released hospital records stating the baby accidentally poured a bowl of hot water over herself, after media reports suggested the mother may have deliberately injured her child to get to Australia.

The advocates have accused the Turnbull government of playing "dirty politics" by leaking details of an investigation by Queensland Police and other sensitive information to the media to damage the reputation of the child's mother, after the government faced huge public pressure to let the family stay in Australia permanently.

Immigration Minister Peter Dutton has been contacted for comment.

Doctors at Brisbane's Lady Cilento Hospital had refused to discharge the one-year-old girl, who goes by the pseudonym Asha and was facing return to Nauru. The hospital said she would not be released until a suitable home environment was found.

On Sunday Mr Dutton said the family would be released into community detention, but would eventually return to Nauru.

The Courier Mail on Tuesday reported that the baby's mother was interviewed by police after a guard claimed she admitted the girl was purposely burnt to get to Australia.

The newspaper reported that the mother refuted the allegations when interviewed by police at the hospital on Friday, and that Queensland Police confirmed the investigation had been finalised.

The allegations against the mother are at odds with Lady Cilento Hospital records stating the child spilt hot water on her chest and that there is "no evidence that the burn injury is non-accidental".

"The injury occurred when [the child] pulled a bowl containing recently boiled water off a table onto herself," states the document, which advocates said the family wanted publicly released.

"[Asha] lives in a tent with no kitchen facilities except for a kettle. [Her] mother boils all the water she consumes to ensure it is safe for drinking."

There has long been concern about inadequate facilities in accommodation tents at Nauru, which do not have running water.

Getup human rights director Shen Narayanasamy accused the government of playing "dirty politics" and making discredited allegations similar to those made during the children overboard affair, and against Save the Children staff last year.

She said the media report contained information that could only have been supplied by the government.

The report said the Department of Immigration and Border Protection planned to return the family to Nauru as soon as possible, and considered them to be economic refugees from Nepal.

On Monday Mr Dutton, a former Queensland police officer, said he knew of the investigation but would not comment further.

Comment has been sought from his office and the department over whether the government supplied information about the family or the police investigation to the media, and if it referred the case to police.

Ms Narayanasamy said Mr Dutton was in possession of medical reports "which clearly state Baby Asha's injuries were accidental".

"This family has been in hospital for three weeks surrounded by people trained to pick up any hint of abuse. The only abuse doctors picked up was that the baby was at risk if she was sent back to detention in the care of the minister," she said.

She questioned why a response had not been sought from the mother for the media report, adding "these people have been denied fair comment".

<http://www.smh.com.au/federal-politics/political-news/peter-dutton-accused-of-dirty-politics-after-report-suggested-mother-deliberately-burnt-baby-asha-20160222-gn0wif.html>

17. Police dismiss claims Baby Asha deliberately hurt by mother in order to leave Nauru

Suggestion the Nepalese woman harmed her child on purpose in order to gain entry to Australia appears to have come from comments by Peter Dutton

The Guardian
Helen Davidson and Ben Doherty
Monday 22 February 2016 22.45 EST

Allegations baby Asha was deliberately harmed by her mother as a way to get the family off Nauru and into Australia have been refuted by medical records and dismissed by police and advocates.

The suggestion that the Nepalese woman deliberately harmed her one-year-old child appeared to have grown from comments made by the immigration minister, Peter Dutton, in parliament, a subsequent attempt by crossbenchers to censure him and media reports on Tuesday of a police investigation.

The Queensland police investigation, sparked by a child protection notification reportedly from a guard, has since been closed and no charges have been laid.

On Monday Dutton suggested the government was the target of attempted blackmail by asylum seekers seeking healthcare.

Dutton had been asked a question in parliament referencing baby Asha and, within his answer, was the following statement: "I'm not going to conduct a situation, not going to preside over a situation where we have people self-harming to come to hospitals in this country because they believe that is the route out into the Australian community for Australian citizenship."

He immediately followed the statement with comments about baby Asha, prompting accusations he was implying Asha had been deliberately harmed by her mother.

The Tasmanian MP Andrew Wilkie moved to censure Dutton for his comments, telling parliament the accusation that people self-harmed to gain citizenship was "one of the ugliest things I have heard in this place in my time serving here".

The motion was seconded by the Greens MP Adam Bandt and supported by the independent MP Cathy McGowan. However, it was defeated when Labor voted with the Coalition because, Labor's immigration spokesman, Richard Marles, said, Dutton's comments had been "over egged" by Wilkie.

Dutton defended his comments and said he made no judgment about Asha's injuries.

On Tuesday the Courier Mail reported a guard had alleged Asha's mother had "confessed" to purposefully harming Asha to get them out of Nauru.

It is not known exactly what, if any, statement made by Asha's mother – who speaks English as a second language – led to the actioning of a child protection notification by the guard.

Queensland police confirmed to Guardian Australia it had received a child protection notification but would not say when it was received. The spokeswoman said an investigation was conducted and finalised.

An asylum seeker advocate, Natasha Blucher, said Asha's mother had been interviewed by police last week. Blucher, a former Save the Children worker who had been cleared of accusations she and others incited asylum seekers to self-harm, said the questions largely centred around whether Blucher had coached her to burn Asha.

Blucher was not subsequently questioned and the investigation has since closed.

Blucher, who has known Asha's parents for about two years, said Asha's mother would be "absolutely distraught" at the suggestion she had harmed her daughter.

"If anything, she has been very protective of the child in a difficult environment," Blucher said. "She's done everything she possibly can to keep her safe."

Hospital records of Asha's treatment, seen by Guardian Australia, show there was no evidence anybody else was involved in her injury.

Asha, who is a year old, sustained a "superficial, partial thickness" burn to her chest in an accident with recently boiled water that was cooling in the tent in which she lived.

"The injury occurred when [Asha] pulled a bowl containing recently boiled water off a table onto herself," the medical record said. "[Asha] lives in a tent with no kitchen facilities except for a kettle. [Asha's] mother boils all the water she consumes to ensure it is safe for drinking.

"There is no clinical evidence that the burn injury was non-accidental."

Daniel Webb, who is acting for the family, said the government needed to get perspective on the issue.

"Last night was this family's first night of freedom in two-and-a-half years," he said. "It's incredibly sad that they have to wake up to such hurtful things being said about them. Asha's mother will be really confused and upset."

Shen Narayanasamy, the human rights campaign director for GetUp, accused Dutton of ignoring the medical evidence.

"Dutton is in possession of medical reports which clearly state Baby Asha's injuries were accidental," Narayanasamy said.

"It's rotten politics and we will ensure the family is able to fully explore their defamation options against this minister and his Border Force."

Dutton had since repeated his question time comments, telling Channel Nine: "We are not going to allow people smugglers to get out a message that if you seek assistance in an Australian hospital, that somehow that is your formula to becoming an Australian citizen."

Advocates have drawn comparisons between the allegations and the 2001 "children overboard" accusations.

At the time – which was shortly before a federal election the Coalition would go on to win – ministers in the Howard government insisted that asylum seekers arriving in Australian waters by boat had deliberately thrown their children into the sea in a “planned and premeditated” attempt to force the navy to take them to Australia.

The defence minister at the time, Peter Reith, released photographs of children in the sea wearing life jackets, asserting the pictures were evidence the government’s stated version of events was “absolute fact”.

The then prime minister, John Howard, said: “I express my anger at the behaviour of those people and I repeat it: I can’t comprehend how genuine refugees would throw their children overboard ... I certainly don’t want people of that type in Australia, I really don’t.”

It was found by a subsequent parliamentary inquiry that the version of events presented by the government was untrue: that no children were thrown into the water in the incident; that the pictures presented were taken a day after the alleged incident was said to have taken place (when the asylum seeker boat broke up and sank under tow from the navy and almost all passengers ended up in the water); and that military chiefs had explicitly told government officials no children were thrown overboard in the incident.

The Greens senator Sarah Hanson Young said the government had “form” when it came to making false accusations and allusions.

“The children overboard affair and the recent unfair sacking of 10 Save the Children workers on Nauru shows why we should be suspicious of what this government says,” she said. “When it comes to who to trust out of Peter Dutton or the medical professionals who are trying to protect children on Nauru, I know who I’ll back every time.”

Dutton’s office has been contacted for comment.

Asha and her family are still on the Australian mainland, according to the department of immigration, but their exact location since being moved into community detention is unknown. Dutton has said that once “legal and medical” issues are resolved, all families will be returned to Nauru. Lawyers and advocates said they had been unable to contact the family for up to three days, before making contact Monday night.

<http://www.theguardian.com/australia-news/2016/feb/23/police-dismiss-claims-baby-asha-deliberately-hurt-by-mother-in-order-to-leave-nauru>

18. AMA President Brian Owler lashes Department of Immigration over health services to asylum seekers

Sydney Morning Herald
February 21, 2016
Deborah Snow

Australian Medical Association president Brian Owler has savaged the Department of Immigration and Border Protection for what he says has been its intimidation of doctors who speak out about the plight of asylum seekers.

He has called for the establishment of a national statutory body, independent of government, to “investigate and report to Parliament on the health and welfare of asylum seekers and refugees”.

He also wants the repeal of amendments to the Border Force Act, which dangle jail penalties over doctors and nurses who speak out about conditions inside the detention centres.

A Sydney meeting of about 350 AMA members and other health workers heard passionate speeches on Sunday morning from Professor Owler and three other prominent health professionals who had assessed children on Nauru, Christmas Island and at the Wickham Point immigration detention facility, near Darwin.

Paediatric nurse Alanna Maycock told the meeting she had met a 6-year-old girl on Nauru with “marks around her neck where she had tried to hang herself with fence ties”. A boy aged 15 had sewn his lips together. And one woman had been menstruating for two months, using material from her tent to staunch the bleeding because of inadequate access to sanitary items.

“There is a dark chilling feeling when you go to Nauru of lawlessness,” she told the meeting. “Guards can behave as inappropriately as they wish because there are no repercussions for their actions.”

The meeting of angry medicos came against the dramatic backdrop of the baby Asha saga, playing out in Brisbane, where staff had refused to discharge a young child receiving treatment for burns because of fears she would be sent back into detention.

Professor Owler revealed that he'd texted Opposition Leader Bill Shorten around 7pm on Saturday night, having heard guards might forcibly remove the child from Brisbane's Lady Cilento hospital. Mr Shorten then rang Prime Minister Malcolm Turnbull and, by Sunday afternoon, Immigration Minister Peter Dutton announced that baby Asha would not be returning to Nauru, but would be released into "community detention".

Mr Dutton insisted that had been the government's plan all along and that activists had "hijacked" the debate around the child. But Professor Owler said there were still concerns for the remaining children on Nauru and another 80 in Australia.

He said all Australians should "examine their conscience about what this country is doing to these children – what's being done in their name – and call on our politicians to come up with a better way of responding to this problem."

Relations between the AMA and the Department of Immigration and Border Security appear to have hit a new low, with Professor Owler accusing the department of displaying "zealot-like behaviour" on asylum seekers.

"I have been yelled at at meetings and people have taken offence to what I have said, that's fine," he said. "But I have never encountered the sort of attitude that does not even seem to understand an alternative point of view, that wants to shut people away, that has been intimidating our own doctors."

"When are these people [in the department] going to grow up and stop putting on military uniforms and giving themselves medals?"

He said the department's "ridiculous" insistence on being the arbiter of when asylum seeker patients should be transferred for medical care had been a contributing factor in the death of a 24-year-old [Iranian Hamid Khazaei] held on Manus, who died in 2014 from complications of a leg infection.

"That patient should never have died," he said.

While some medicos want to boycott the provision of medical services to asylum seekers as a form of protest, Professor Owler said that would close down the little oversight there already was of the detention centres.

Professor David Isaacs, a Sydney paediatrician, told the meeting that prolonged involuntary detention "fulfilled the criteria for torture" and drew comparisons with the notorious US prisons at Guantanamo Bay and Abu Ghraib.

Ms Maycock said she had been "petrified" for her family in speaking out about conditions on Nauru, but then decided she had no choice.

She had been horrified to find shower blocks without doors at the Nauru detention centre, only "flimsy curtains" for women and children, who had to perform their ablutions in sight of male guards.

Professor in Child Health Elizabeth Elliott reported finding 10 mothers with infant children under 24-hour suicide watch when she went to Christmas Island in 2014.

Human Rights Commission chief Gillian Triggs and Greens leader Richard Di Natale, a former medico, were among those who attended the AMA forum.

<http://www.smh.com.au/federal-politics/political-news/ama-president-brian-owler-lashes-department-of-immigration-over-health-services-to-asylum-seekers-20160221-gmzj34.html>

19. Asylum seeker, 70, pleads with Peter Dutton not to go back to Nauru

The Iranian woman – the oldest in immigration detention – suffers chronic pain and frequent fevers and is among 267 people slated for return to the island

The Guardian
Helen Davidson in Darwin and Ben Doherty in Sydney
Friday 26 February 2016 17.54 EST

The oldest woman held in Australia's immigration detention system, a 70-year-old Iranian, has pleaded with immigration minister, Peter Dutton, not to send her and her two adult children back to Nauru. Her son says her health is deteriorating and he fears she will die in detention.

The family is among the 267 people slated for a return to offshore processing in the wake of the high court decision earlier this month that confirmed offshore detention was legal. The three were brought to Darwin from Nauru a year ago for the elderly woman to receive medical treatment.

Their worsening mental and physical health – particularly that of the mother and daughter – is detailed in dozens of medical documents seen by the Guardian.

International Health and Medical Services (IHMS) reports state the mother is suffering “detention fatigue” and gets upset to the point of hysteria when asked about Nauru. Medical records note chronic pain, nightmares, frequent fevers, leg problems, and poor eyesight. A 2015 document noted: “she hits herself constantly to try and deal with the pain.”

Another described her as: “a very slight woman of 68 with very slow gait, she was very emotional during the consult and feels she will just be left to die in the camp or go blind.”

According to the IHMS notes, much of the woman’s anxiety stems from a lengthy separation from her son shortly after they arrived on Christmas Island nearly three years ago.

The family arrived on the evening of 19 July 2013, just hours after the Rudd Labor government ruled that no boat arrivals would ever settle in Australia. The policy was not in place when they left Indonesia.

The family claims the son was later tricked into going to Manus Island and was not permitted to say goodbye to his mother and sister.

“They took me to the single men’s camp and my mum and sister went to the family camp,” he told the Guardian through an interpreter.

“After 10 days they called us [men together] and said: ‘You, you and you, go to Manus.’ I said I am with my family on Christmas Island. They said: ‘Trust me, if you go to Manus all your family will go too.’”

The mother and sister claim they were initially not told where he was. They say they were only able to speak with him on the phone once in four months, “despite false promises by DIBP (Department of Immigration and Border Protection) and Serco,” one doctor on Christmas Island wrote in his notes.

His mother told a caseworker she did not want to be seen as a troublemaker by making a complaint.

The department of immigration said it would not comment on individual cases, but “where families are separated, regular contact by telephone and internet is facilitated”.

The spokeswoman added: “where reunion of immediate family members can be facilitated in a regional processing country, the department will take action to make appropriate reunion arrangements.”

In a letter seen by the Guardian, a former Salvation Army case worker said she raised concerns multiple times that the man should be with his family instead of on Manus Island.

Months later the family was reunited on Nauru.

“When I saw my mum I was so surprised because I could see the changes in her appearance, in her health,” the son said. “For six months she had been crying for me and she was completely changed and had lost so much weight.”

He said the family tried to keep their heads down in Nauru, despite the disturbances and self-harm happening around them.

The family was transferred to Darwin’s Wickham Point immigration detention centre last year for the mother to receive medical care.

“Definitely the situation got better but it’s still a detention centre,” he said. “It’s still stressful (and) still you can see the fences. Now it’s 13 months we have been in Darwin, and for the 13 months every day and every night my mum cries out and hits herself.”

Once they arrived in Darwin his sister told him she had tried to take her own life after allegedly being assaulted by a guard. Her attempted suicide and ongoing mental health issues continue to worry her family.

“Even right now my sister is so scared of going back to Nauru,” he said. “My mum is scared she will be destroyed.”

In September a letter written by refugee caseworkers on behalf of the family pleaded with the immigration department and minister Dutton to grant the family a discretionary exemption from transfer back to Nauru or Manus. It cited “a real risk of serious or significant harm in Nauru” and ongoing medical treatment required for the mother’s “acute mental and physical problems.”

The daughter faced a real risk of danger following alleged sexual harassment by a guard when they were last detained on the island, the letter added.

The son also faced harassment and harm from a detainee who had made threats against him, it said. He claimed to have been harassed by other detainees for not taking part in protest action and for reporting to authorities a Facebook group which included threats to damage the camp facilities.

The former director of mental health for IHMS, psychiatrist, Dr Peter Young, has reviewed the family's medical records. He told the Guardian that continued indefinite detention and uncertainty about the future was harming all three of them.

"The records show this family is displaying significant symptoms as a result of their being in detention, and these are being exacerbated by serious medical complaints simply not being followed up," Young said.

He added that doctors had consistently advised that the family was being harmed by being separated and by being held in detention, and stated that the family should be released into the community.

"The advice of the doctors was that these people were being harmed by being in detention, and that they should be released, but that was simply never acted upon.

"It's a very difficult and frustrating situation for medical professionals to be in, because if their advice is not listened to, it severely limits the good they can do for people."

While much of the public attention has been focussed on the babies and children in the group of 267 asylum seekers facing imminent removal to Nauru, Young said the elderly also suffered in detention.

"There are a whole range of groups of people who suffer particular vulnerabilities in a detention situation. The elderly are definitely one of those, along with people with developmental difficulties, or autism spectrum disorder; these groups suffer significantly acutely."

Earlier this month human rights lawyers said the federal government was showing signs of preparing for fast-track removals of the 267 asylum seekers who face deportation after the high court ruling, including the Iranian family.

Lawyers from the Human Rights Law Centre said a number of legal representatives for the asylum seekers had received letters from the federal government saying the previous promise of 72-hours' notice of deportation would soon "cease to apply."

"I'm glad some of the children are going now to the community detention," the Iranian man said from inside Wickham Point detention centre.

"But my main concern is probably the immigration office or Australian government has forgotten my mum completely. I think now it's really enough for a 70-year-old lady to be detained in a detention centre for three years."

<http://www.theguardian.com/australia-news/2016/feb/27/asylum-seeker-70-pleads-with-peter-dutton-not-to-go-back-to-nauru>

20. Detention centre workers suffering their own trauma in dealing with asylum seekers

The Age
February 26, 2016 - 4:21PM
Nicole Hasham

Jessica* and her colleagues were heading into town for dinner one night when a commotion at the Nauru detention centre stopped them short.

A few metres up, a young female asylum seeker was on a roof, pacing and threatening to jump.

"She was wandering around really agitated and talking in [her native] language," Jessica recalled.

As security guards discussed how to stop the impending tragedy, she simply felt anaesthetised.

"I just went into block-out mode," she said.

"Every time something happened or I heard a [disturbing] story it just hit me in the chest and I just shut it out, I wasn't allowing anything to penetrate."

Now back in Australia, the former Save the Children teacher is suffering post-traumatic stress disorder. A lunch with friends leaves her drained. The once-extroverted high school teacher who went to Nauru to "do something to help" is now withdrawn, receives therapy and cannot work.

She remembers the screams of asylum seekers cutting the sticky Pacific air, and "seeing the lights go out" in their eyes of children she taught.

"You just saw them progressively deteriorate ... and that's incredibly distressing," she says, fearing the long-term effect on their lives.

Jessica is among a host of former detention centre workers who say they suffered psychological harm while working in facilities in Australia and at Nauru and Manus Island.

While the mental health issues suffered by asylum seekers is well-documented, the trauma and other conditions their teachers, carers and captors experienced has garnered less attention.

Former workers have told Fairfax Media of nightmares, strained marriages and destroyed careers. One who thought he had seen it all as a former military worker said the horrors of Nauru were "mind blowing ... if I had the time again I wouldn't have gone there at all".

A lawyer says many affected workers are left in legal limbo – mired in lengthy, complex claims for compensation as Australian insurers and employers deny responsibility for the psychological damage, which often occurred in overseas detention centres.

The exact number of former workers suffering mental harm is difficult to pinpoint. The symptoms can take years to emerge, there are numerous channels through which compensation can be sought and the department does not have oversight of claims involving contractors.

In the four years to late 2015, seven claims were lodged with Comcare, the federal workplace insurer, for psychological injuries incurred in onshore detention centres. Three claims were accepted at a cost of more than \$250,000.

The Department of Immigration and Border Protection said it knew of seven other claims received by the Commonwealth involving psychological injuries to workers at onshore immigration detention in that period, but no money had yet been paid.

Two law firms – Maurice Blackburn and Shine Lawyers – are acting in a total of 17 cases involving mental harm to detention centre workers, and a further 10 cases are under investigation.

It is understood state-based workers' compensation agencies are also handling such claims.

Some damages claims are heard by the courts, such as the case of Martin Humphrey Hill, who was hired as a Nauru security guard in September 2012 by subcontractor Wilson.

Hill claimed he was given a brief induction that included travel arrangements and weather conditions at Nauru. On his first deployment a few days later, Hill says he responded to a riot in which detainees were armed with makeshift weapons, saw asylum seekers detained in isolation cells and cut down a detainee who had tried to commit suicide by hanging.

On his second stint, he responded to a second suicide attempt by a detainee, fended off another riot, witnessed detainees on a hunger strike and was "required to respond to violent and sexual assaults" between detainees, according to his statement of claim to the Supreme Court of Queensland. The case was heard last September and a judgment is pending.

Hill said he suffers permanent anxiety, distress, fear and agoraphobia. He is suing Wilson, contractor Broadspectrum, formerly Transfield, which provides major services at offshore detention centres, and the Commonwealth – claiming each should have known there was a real risk of psychiatric and other injury for employees at Nauru. A defence had not been filed at the time of writing.

Hill's experience is echoed by another former Wilson worker, Jon Nichols, who says he is being treated for post traumatic stress disorder and other mental harm following deployments to Nauru over almost two years until last June.

"Seeing people slash themselves with razor blades, cutting people down and performing CPR on them because they've hung themselves after a conversation with a lawyer – all of those sorts of things are what's triggered me to be in the position I am now," Nichols says.

Like other scarred former staff, he can no longer work full time, and fears he will lose his Brisbane home.

The married father of four is heavily medicated to ward off nightmares and bouts of anger and aggression. His wife is "very bitter towards Nauru because it took away her husband".

Of the alleged attempted hanging, Nichols says: "Honestly I thought he was dead ... I'd never been involved in anything like that in my life. In the limited training that was provided to us by Wilson, I certainly wasn't prepared for that." He is seeking compensation from Wilson Security, which is part of the Wilson group.

Nichols, 40, gave evidence at a Senate inquiry into Nauru last year, in which he claimed to have witnessed the aftermath of waterboarding of detainees by guards. Wilson dismissed his evidence as "preposterous".

Departmental guidelines provided to Nauru workers, obtained by Fairfax Media, state that all staff should know how to "cut down a transferee who is hanging".

So-called "cut-down knives" are available at the camp and carried by staff in a belt pouch.

Where possible, the department says at least two staff should help someone found hanging – one to support their weight and the other to cut the noose.

"If only one staff member is available, he or she must not waste time and must endeavour to cut the noose whilst giving some support to the body," the guidelines state.

Another former Wilson worker told of a female colleague who saw an asylum seeker attempt to hang themselves and "couldn't handle it".

"She never had a background in policing or the army or anything like that. She was just a nice person. She witnessed it and she never came back."

He recalled "the mutilation" of asylum seekers, including one boy who sewed his lips together.

"It was quite a thick thread, thick as twine. There was blood, it would have been extremely painful. He couldn't speak but he was groaning and moaning and other people in the tent were screaming," the former worker said.

He was "fairly shocked", despite his former military experience.

"It dredges up things you'd forgotten about [from the military], things that you'd buried or put away – it's back in your face again," he said. "You become emotionally involved with these people."

Several former Wilson workers told Fairfax Media that staff were offered counselling following major incidents, but often declined the offer for fear the information would get back to their employer.

Maurice Blackburn principal Alison Barrett said detention centre workers suffering psychological injuries had lost income and faced hefty medical bills, as well as being "very fragile emotionally".

"The uphill battle they are facing to try and get their basic entitlements just adds to the difficulties," she said, adding that compensation in such cases was "not a straightforward process".

She said some older employment contracts for detention centre workers contained no compensation provisions at all – instead referring to travel insurance policies that generally did not cover income loss or medical treatment in Australia.

More recent contracts are somewhat improved but many affected workers are still confused about their rights and face long waits to have claims accepted.

She said government and private insurers have rejected some claims outright, and some workers have been told to pursue claims with the governments of Nauru or Papua New Guinea.

"We've got issues around who is going to put their hand up to take some level of responsibility for people's losses," Ms Barrett said.

The department said it "takes seriously its obligations to provide a safe workplace" but could not comment on matters before the court. "We encourage a positive culture of reporting and awareness so we can take early steps to identify risk and where injury does occur, provide rehabilitation and support," it said.

A spokesman for Save the Children said staff at Nauru dealt with "the terrible human consequences" of Australia's offshore detention policy and it was not surprising some suffered ongoing emotional impacts, for which they received support.

A Wilson Security spokeswoman said it had "a proven record with an independently assured programme in place that addresses employee health and safety in the workplace. We meet all our obligations and have taken every action possible to ensure that current and former staff are appropriately protected".

Broadspectrum said looking after the wellbeing of its staff was "embedded in our core values. Our global management system and safety culture are distinctive features and characteristics of which we are very proud".

Serco, which manages the onshore detention network, did not provide comment. Jessica said even with the best of care in Australia, her mental health issues will take time to conquer. She fears for asylum seekers and refugees at Nauru, especially children, who she says have not received the same level of treatment.

"There is a huge sense of survivor guilt ... that I got out but I've left these people behind and they are still suffering," she said.

* Not her real name

<http://www.theage.com.au/federal-politics/political-news/detention-centre-workers--suffering-their-own-trauma-in-dealing-with-asylum-seekers-20160225-gn3buk.html>

21. Nauru detention centre guards carry special knives to save hanging asylum seekers

Canberra Times
February 26 2016 - 2:27PM
Nicole Hasham

In a pouch on their belt, guards at the Nauru detention centre carry a knife. Not just any knife, but one intended to cut down asylum seekers hanging lifeless from nooses.

Such is the regularity of suicide attempts by those held in Australian-funded immigration detention centres, where a host of former workers have reported post-traumatic stress disorder and other psychological harm as a result of the horrors they witnessed.

Many have sought compensation from the Commonwealth or firms contracted to provide detention centre services including Wilson Security and Broadspectrum. Former workers for Save the Children, which no longer operates at Nauru, have also pursued compensation for mental harm.

Official guidelines provided to workers at Nauru, obtained by Fairfax Media, state that all staff should know how to "cut down a transferee who is hanging".

So-called "cut-down knives" are issued to staff as necessary, to be secured in a belt pouch. Workers are responsible for maintaining and checking the knife.

Upon finding someone hanging, staff are told to radio through a call for help. If two staff are present, one should support the person's weight "to relieve pressure from the noose, whilst the other staff member cuts the rope from around the transferee's neck", taking care to cut away from the knot.

If a staff member is on their own, they must "not waste time" and try to support the body at the same time as cutting the noose. Once the body is lowered to the ground, workers must attempt resuscitation until paramedics arrive.

The guidelines were supplied to a range of detention centre staff at Nauru, including case workers, teachers and security guards.

They were prepared by immigration officials in mid-2013, when Labor was in power. It is understood they were also supplied to workers under the current Coalition government, including those who are now seeking compensation for psychological harm.

Save The Children said the Department of Immigration and Border Protection issued guidelines for dealing with self-harm incidents. It said welfare staff had qualifications in how to respond to such events and debriefing sessions were held afterwards.

A spokesman for Serco, which runs onshore detention centres, said staff were trained in self-harm and suicide awareness, including "how to use a rescue knife".

Numerous former Nauru workers told Fairfax Media their training for such situations was inadequate.

"They say right, if you go in a room and there's a body hanging there, you deal with it," said one former Wilson Security guard, recalling no more than two hours training in such procedures.

"It's not nice to cut people down. You see people hanging and you've got to go in there and do something."

Another source said training improved after 2013, but detainees attempted to thwart efforts to cut them down by making thicker nooses from plaited rope or bed sheets.

Fairfax Media has learnt of numerous cases of mental harm suffered by former detention centre workers including post-traumatic stress disorder, depression, anxiety and agoraphobia.

In a damages claim being heard in the Supreme Court of Queensland, former Wilson Security worker Martin Humphrey Hill says on his first deployment to Nauru in 2012, which began just days after he was hired, he was forced to cut down a detainee who was hanging.

The Department of Immigration and Border Protection did not dispute the authenticity of the guidelines. A spokesman said service providers at offshore detention centres were "provided a broad range of guidance" and "must ensure that all staff are appropriately trained and qualified to deal with any situations that may arise".

It did not respond to questions over what guidelines are currently issued, which workers were given knives or the psychological support available.

<http://www.canberratimes.com.au/federal-politics/political-news/nauru-detention-centre-guards-carry-special-knives-to-save-hanging-asylum-seekers-20160225-gn44c0.html>