

# Project SafeCom News and Updates

Sunday, 17 April 2016

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## 1. George Monbiot: Neoliberalism – the ideology at the root of all our problems

Financial meltdown, environmental disaster and even the rise of Donald Trump – neoliberalism has played its part in them all. Why has the left failed to come up with an alternative?

The Guardian  
George Monbiot  
Friday 15 April 2016 21.00 AEST

Imagine if the people of the Soviet Union had never heard of communism. The ideology that dominates our lives has, for most of us, no name. Mention it in conversation and you'll be rewarded with a shrug. Even if your listeners have heard the term before, they will struggle to define it. Neoliberalism: do you know what it is?

Its anonymity is both a symptom and cause of its power. It has played a major role in a remarkable variety of crises: the financial meltdown of 2007-8, the offshoring of wealth and power, of which the Panama Papers offer us merely a glimpse, the slow collapse of public health and education, resurgent child poverty, the epidemic of loneliness, the collapse of ecosystems, the rise of Donald Trump. But we respond to these crises as if they emerge in isolation, apparently unaware that they have all been either catalysed or exacerbated by the same coherent philosophy; a philosophy that has – or had – a name. What greater power can there be than to operate namelessly?

So pervasive has neoliberalism become that we seldom even recognise it as an ideology. We appear to accept the proposition that this utopian, millenarian faith describes a neutral force; a kind of biological law, like Darwin's theory of evolution. But the philosophy arose as a conscious attempt to reshape human life and shift the locus of power.

Neoliberalism sees competition as the defining characteristic of human relations. It redefines citizens as consumers, whose democratic choices are best exercised by buying and selling, a process that rewards merit and punishes inefficiency. It maintains that "the market" delivers benefits that could never be achieved by planning.

FULL STORY AT <http://www.theguardian.com/books/2016/apr/15/neoliberalism-ideology-problem-george-monbiot>

## 2. Bill McKibben: The links between big polluters and politicians

The Saturday Paper  
Apr 16, 2016  
Bill McKibben

This week, 193 world governments will begin putting pen to paper on the world's first agreement to keep global warming below 2 degrees. This agreement is a huge symbolic blow to the fossil fuel industry, but it will remain symbolic unless politicians cut their ties with the culprits behind this climate crisis – the fossil fuel industry.

Right now, the impacts the Paris accord is designed to stop are unfolding at a terrifying rate. Record-breaking temperatures robbed the Arctic of its winter. The Great Barrier Reef is perishing in front of our eyes. February was the hottest month recorded to date. Last year, bushfires in Western Australia raged so fiercely that they created their very own weather system.

We always knew this would happen if we didn't wean ourselves off fossil fuels. It was always assumed we had more time – that the impacts of climate change would be felt in a hypothetical future. But recent evidence shows we're out of time – the planet is now entering uncharted territory. Much of what will happen next is already out of our hands.

Despite the crisis unfolding around it, the current Australian government seems determined to ignore the role it has to play in preventing the planet from cooking.

Six months ago, Australia agreed to the Paris deal. Yet, since then, Australia has reapproved one of the world's largest coalmines, opened a new research centre for the fossil fuel industry, cut funding for renewable energy, cut funding for climate research. The bewildering list goes on and on.

FULL STORY AT <https://www.thesaturdaypaper.com.au/opinion/topic/2016/04/16/the-links-between-big-polluters-and-politicians/14607288003136>

## 3. Flint Taylor: Homan Square is Chicago's new 'House of Screams'

In the 1970s and 80s, torture at one Chicago police station earned it a sinister nickname. Is history repeating itself?

The Guardian  
Flint Taylor  
Wednesday 13 April 2016 21.30 AEST

When your local police station is nicknamed the “House of Screams”, you know you’ve got a problem. That’s what a Chicago police station in the south side was known as several decades ago, when police detectives, working with the now notorious Jon Burge, routinely took young African-American men into custody there. Now, a new House of Screams exists in Chicago. It’s called Homan Square.

Back in the 1970s and 80s, men were often kept sequestered from their family and lawyers for hours and days while Burge and his colleagues interrogated them, using tactics that included electric shock, suffocation, brutal beatings with batons and other instruments, “Russian Roulette” with a handgun and death threats.

The station had numerous interrogation rooms on the second floor, with old-fashioned steam radiators that would burn the skin, a garage with dingy holding cells and a dark, foreboding basement. Men were tortured in all of these locations, as well as at a remote torture site. Confessions were obtained, false police reports were filed, perjured testimony was routinely offered, and scores of men, many of them innocent, were sent to prison – some to death row – as a result. At least one man, Jessie Winston, died under questionable circumstances.

Prosecutors, judges and a politically powerful mayor joined in promoting a broad-based cover-up, repeatedly denying that there was anything untoward happening. The torturers were commended and promoted, while a complicit police disciplinary agency exonerated the torturers in each and every investigation.

An investigative journalist wrote extensive exposés setting forth the mounting evidence uncovered by the torture victims’ lawyers, evidence which established that the torture was systemic. Activists demonstrated, but the local mainstream media, for the most part, ignored the scandal, and the cover-up continued for another 20 years.

Sound familiar? This past year, in the shadow of the Laquan McDonald police shooting scandal, investigative reporters from the Guardian and their lawyers have exposed, in numerous articles, that Chicago’s history of torture and cover-up is repeating itself, this time at Homan Square.

As the Guardian has documented, Homan Square, named after a notorious Chicago slumlord Samuel Homan, was, until recently, a secret site where thousands of people of color have been – and apparently still are – held and interrogated for hours, “off the books”, often without being under arrest.

They are handcuffed to a wall in dark and foreboding rooms and cells, with inconsistent access to food, drink or access to bathroom facilities. The Guardian’s continuing investigation reveals that when this sensory deprivation does not yield sufficient cooperation, the police interrogators all too often employ physical brutality that meets the United Nations Convention Against Torture’s definition of torture.

Cases of tasing, which is a very real form of electric shock, suffocation, anal rape, beatings with batons, threats with a weapon and questionable deaths while in custody are now all on the public record. And, once again, we see police officers committing perjury and innocent victims being charged with crimes that they did not commit.

<http://www.theguardian.com/commentisfree/2016/apr/13/homan-square-chicago-police-station-house-of-screams>

## **4. Police powers: prevention orders could set up 'rival justice system' in NSW**

Bar Association warns against proposal that would ban employment and restrict movement of people without them being found guilty of an offence

The Guardian  
Paul Farrell  
Thursday 14 April 2016 06.13 AEST

New police powers that could see citizens in New South Wales face bans on their employment, restrictions on movement and curfews without ever having committed an offence would set up a “rival criminal justice system” and should be scrapped, the New South Wales Bar Association has warned.

The NSW government has sought to introduce new powers called serious crime prevention orders.

The bill would give police similar powers to those they have to seek and impose control orders on terrorism suspects – but they could be applied to all citizens in NSW who are alleged to have some proximity or involvement to a serious crime, without a person ever being found guilty of an offence.

They would allow orders to be made on any citizen restricting their movement, who they associate with, who they work for and whether they can access the internet.

Even when a person is acquitted of a criminal offence police could still seek such an order.

The penalty for breaching an order could be up to five years’ imprisonment or a \$33,000 fine for an individual, or \$165,000 for a corporation.

In a scathing submission the NSW Bar Association criticised the government's limited consultation with legal groups and its attempt to rush the bill through NSW parliament.

"No evidence has been cited as to the ineffectiveness of the administration of criminal justice by a process of trial for 'reducing serious and organised crime' in New South Wales," the submission said.

"The bill effectively sets up a rival to the criminal trial system and interferes unacceptably in the fundamental human rights and freedoms of citizens of NSW."

It said the government had failed to explain why the powers should be expanded in a manner "so contradictory to long-settled principles concerning the adjudication of criminal guilt by a fair trial".

The police minister, Troy Grant, has said that the measures would provide law enforcement agencies with a more effective means of reducing serious and organised crime by targeting business dealings and restricting suspects' behaviour.

Under the new provisions, the NSW police, the NSW Crime Commission and the NSW director of public prosecutions could seek orders from a judge, who must be satisfied there are "reasonable grounds" it would protect the public by restricting or preventing serious crime-related activity.

But the bar association said it was unclear why the laws were needed. While they could be applied to individuals who had been convicted of a serious criminal offence, they would also be applicable to behaviour that was considered "serious crime-related activity" without an offence needing to be proven.

The orders could also be sought on the basis of hearsay and other forms of tendency evidence that would normally be inadmissible in a normal criminal trial.

The bar association warned that the laws posed an unacceptable interference with citizens' right to freedom of expression, association and privacy. They also noted that the orders were of "doubtful constitutional validity".

"Whatever be the fate of the legislation it can be said with confidence that very grave issues are raised by its prospect and that our high court will give them the attention they deserve," the association said.

<http://www.theguardian.com/australia-news/2016/apr/14/police-powers-prevention-orders-could-set-up-rival-justice-system-in-nsw>

## **5. Josh Bornstein: Alarmism, economic idiocy, and Orwellian appointments: three years of political disaster**

Can the relentless incoherence and incompetence of the government be attributed to a particular blend of capitalism and religion that has found favour in the US?

The Guardian  
Josh Bornstein  
Wednesday 13 April 2016 14.28 AEST

How to explain the trainwreck that is the last three years of the federal government? The debacle poses a challenge that will dog journalists, policy wonks and historians for decades to come. The explanations for its dysfunction and sustained underachievement are complex, but there are at least two distinct theories worth considering.

In Malcolm Turnbull's second ministerial reshuffle in February, Alex Hawke was promoted to the office of assistant minister to the treasurer. In 2005, the then young Liberal office holder prophesied that conservative politics in Australia would move increasingly towards an American model. Hawke explained that: "The two greatest forces for good in human history are capitalism and Christianity, and when they're blended it's a very powerful duo."

Can the relentless incoherence and incompetence of the current government be attributed to a particular blend of capitalism and religion that has found favour in the US? Perhaps. British author Will Hutton argues that a malaise has swept the political right throughout the west and that it has given up on the Enlightenment and in doing so has rejected "tolerance, reason, democratic argument, progress and the drive for social betterment as cornerstones of society."

FULL STORY AT <http://www.theguardian.com/commentisfree/2016/apr/13/alarmism-economic-idiocy-and-orwellian-appointments-three-years-of-political-disaster>

## 6. AFP admits extreme surveillance on reporter, setting off media freedom row

ABC Radio CAF - PM

Peter Lloyd

Thursday, April 14, 2016 18:30:00

MARK COLVIN: Last year the Government asked Australians to trust its new metadata laws and promised extra protections for journalists to protect their sources.

Now the Australian Federal Police have admitted scouring the metadata of a journalist's phone and emails, meaning the details of who he spoke to or wrote to without a warrant.

Their aim was to identify and prosecute the journalist's sources.

The police were acting at the behest of the Immigration Department boss, Mike Pezzullo.

He wanted to know who leaked a story to the Guardian that revealed a Customs vessel had entered far deeper into Indonesian waters than previously disclosed.

The Media Union says Australians should be angry and worried.

Peter Lloyd.

PETER LLOYD: The Guardian's National Security writer Paul Farrell follows the Federal Police on twitter.

Until a few days ago, he could only guess at the lengths the AFP goes to monitor anyone he was talking to and emailing.

PAUL FARRELL: The police were going through potentially my phone records and potentially my email records, it's just a really chilling thought. I have no idea whether they've used this data in subsequent investigations or whether they've secured this data in a safe way.

I mean they literally know a huge amount about my personal life now.

PETER LLOYD: Paul Farrell had upset powerful people before. But two years ago, the Head of the Immigration Department Mike Pezzullo had the authority to get the police to take steps that seem sinister and disturbing.

PAUL FARRELL: It actually first emerged about six months after we broke the story in October 2014, and it came up through senate estimates curiously, when there was a question on notice response that had it.

I was actually really shocked. I remember looking at those documents and thinking, this is extraordinary. There's a police investigation into this story I've done.

And over the next year and half I decided to do a lot more reporting on that and I got a lot more documents about a whole bunch of other leaked investigations into asylum seeker investigations.

And then eventually I requested under the Privacy Act details of police files they held on me.

PETER LLOYD: It's not clear if the federal police even intended to reveal the examination of Paul Farrell's metadata.

They included the phrase for it, subscriber check, in a mandatory submission to the Privacy Commissioner after the Guardian's complaint.

PAUL FARRELL: A subscriber check is a very well know phrase in law enforcement circles and any sort of crime commission documents and federal police documents that are online will very clearly disclose that that's exactly what it means. It's a metadata request.

PETER LLOYD: Do you reckon they meant to put that in there or was that a mistake?

PAUL FARRELL: I really do wonder whether it was deliberate or whether perhaps someone did make a little bit of a mistake, because I was quite surprised that they would make that admission, because that's essentially the kind of information that they were refusing to release to me.

PETER LLOYD: Either way, the media union says it's a low water mark in the presumed freedoms of Australia's media workers.

Paul Murphy is CEO of the Media Entertainment and Arts Alliance.

PAUL MURPHY: It's just an absolute disgrace. It comes on top of the revelation earlier this year that the AFP had a 200 page file on Paul Farrell in relation to his legitimate public interest reporting. It's yet another example of how press freedom is in decline in this country.

Look I don't hold the AFP entirely to blame here. Unfortunately this is part of a growing situation in Australia where the first reaction to a legitimate public interest news story is not to examine the content of it, to examine the public policy implications of it.

The first reaction is how did this come to light, how can we prevent this sort of information coming to light in the future.

PETER LLOYD: When the AFP ran its checks on Paul Farrell, it didn't need a warrant. Since last year, it does. But so what, says Paul Farrell.

PAUL FARRELL: And I hope it's actually a game changer in Australia because I think that journalists and news organisations collectively need to do so much more to push back against some of these threats.

PETER LLOYD: Even with their snooping, it seems the police failed to find the source.

Neither the Attorney-Generals department nor Mike Pezzullo's media office responded to PMs questions on whether they stand by the decision to mount a witch hunt.

The media union's Paul Murphy is writing to the Prime Minister to demand the Government revisit legal protection for reporters abandoned a year ago.

As for the public servant, Mike Pezzullo.

PAUL MURPHY: They are public servants, they should be answerable to the Government. The Government has to be held to account in this situation.

MARK COLVIN: Paul Murphy from the media union ending Peter Lloyd's story. The AFP has said in a statement that it failed to find the Guardian's source.

<http://www.abc.net.au/pm/content/2016/s4443273.htm>

## **7. Federal police admit seeking access to reporter's metadata without warrant**

AFP asked for 'subscriber checks' relating to Guardian Australia journalist Paul Farrell in attempt to identify his sources

The Guardian  
Amanda Meade  
Thursday 14 April 2016 11.12 AEST

The Australian federal police have admitted they sought access to a Guardian reporter's metadata without a warrant in an attempt to hunt down his sources.

It is the first time the AFP has confirmed seeking access to a journalist's metadata in a particular case.

The admission came to light when the AFP told the privacy commissioner it had sought "subscriber checks" and email records relating to the Guardian Australia journalist Paul Farrell, and the correspondence was sent to Farrell by the office of the Australian information commissioner.

Earlier this year Guardian Australia reported that the AFP had accrued a file of at least 200 pages on Farrell in an attempt to uncover and prosecute his confidential sources.

The file contained a heavily redacted dossier of operational centre meeting minutes, file notes, interview records and a plan for an investigation the AFP undertook into one of his reports.

The new correspondence was sent to Farrell after he lodged a complaint under the Privacy Act to gain access to parts of the AFP files that had been redacted. The privacy commissioner accepted the complaint and began an investigation.

In the course of the investigation, the AFP provided submissions to the privacy commissioner that were passed to Farrell, including an admission that the AFP had sought "subscriber checks" relating to him.

The AFP's submission said: "You will see that exemptions have been claimed under s47E(d) and s37(2)(b) on some folios. These exemptions primarily relate to e-mail and other subscriber checks relating to Mr Farrell, and examination of meta data associated with some electronic files."

A “subscriber check” is a request to telecommunications companies for access to information they may hold on a particular person. It can only be made under the Telecommunications (Interception and Access) Act 1979.

A spokesman for the AFP declined to comment on whether the agency may have violated Farrell’s privacy by accessing his metadata, citing telecommunications laws.

“The provisions of the Telecommunications (Interception and Access) Act 1979 (TIA Act) strictly regulate the disclosure of information,” an AFP spokesman said.

“Outside of specific exceptions, none of which apply in these circumstances, it may constitute an offence under the TIA Act for the AFP to provide information in answer to these queries.”

The AFP have undertaken a number of investigations targeting journalists’ sources, many related to stories about asylum seeker operations. The investigations have drawn criticism from press freedom groups, and raised concerns that journalists’ phone and web metadata may have been accessed in the course of these investigations.

It is not clear what form of email checks were undertaken by the AFP, or whether officers sought warrants to access this information. Generally the content of emails would be accessible only with a warrant.

The access requests to telecommunications companies were made in 2014, before amendments were passed requiring the AFP to seek warrants to access a journalist’s information.

The AFP has previously confirmed generally that it had accessed journalists’ metadata but said such requests were “rare”.

The AFP told Guardian Australia in February it had not accessed any journalists’ data since October 2015. “The AFP has not accessed or applied to access the metadata information belonging to any journalist since 13 October 2015, when new legislation came into effect.”

The CEO of the journalists’ union, the Media Entertainment and Arts Alliance, Paul Murphy, said he was appalled by news that the AFP had sought access to Farrell’s metadata.

“It comes down to this: journalists writing legitimate news stories in the public interest now have police trawling through their private metadata all because a government agency is embarrassed about a leak,” Murphy said. “In the process, the rights of journalists are trampled on.

“The public’s right to know what governments do in our name is being overridden by public servants seeking to cover up a scandal in order to persecute and prosecute a whistleblower. It makes a mockery of open and transparent government. This news, coming as it does just weeks before UNESCO World Press Freedom Day on May 3, shows the contempt being shown for the principles of press freedom.”

<http://www.theguardian.com/world/2016/apr/14/federal-police-admit-seeking-access-to-reporters-metadata-without-warrant>

## **8. Edward Snowden on police pursuing journalist data: the scandal is what the law allows**

NSA whistleblower responds to admission by Australian federal police that it investigated leaks to a Guardian journalist by requesting his metadata

The Guardian  
Spencer Ackerman and Oliver Laughland in New York  
Sunday 17 April 2016 08.15 AEST

Edward Snowden has condemned Australian law enforcement for collecting the communications records of a Guardian journalist without a warrant.

The world’s most prominent whistleblower, who disclosed dragnet surveillance unprecedented in its scale by the National Security Agency and its allies, singled out for critique the Australian government’s contention that it broke no laws in its leak investigation of Paul Farrell, a Guardian reporter who in 2014 exposed the inner workings of Australia’s maritime interception of asylum seekers.

“Police in developed democracies don’t pore over journalists’ private activities to hunt down confidential sources,” Snowden told the Guardian.

“The Australian federal police are defending such operations as perfectly legal, but that’s really the problem, isn’t it? Sometimes the scandal is not what law was broken, but what the law allows.”

Throughout 2015 the Australian parliament enacted a series of controversial laws that curbed privacy and freedom of expression rights.

Geoffrey King, director of the Committee to Protect Journalists' Technology Program, said the AFP's actions were "obviously outrageous".

"This should not be happening. But it is the inevitable result of mandatory data retention and mass surveillance, which is neither necessary nor proportional to any threat," King said. "It doesn't line up with the values that we all adhere to, to good counter terrorism strategy, and it certainly doesn't line up with a free and open society where journalists can do their jobs."

FULL STORY AT <http://www.theguardian.com/australia-news/2016/apr/17/edward-snowden-on-police-pursuing-journalist-data-the-scandal-is-what-the-law-allows>

## **9. 'We are the forgotten people': the anguish of Australia's 'invisible' asylum seekers**

Nearly 29,000 asylum seekers are in Australia on temporary 'bridging visas'. These people may be free from detention but – with many denied education, healthcare and the right to work – they remain locked in desperate poverty and with no idea what their futures hold.

A Guardian Australia investigation  
The Guardian  
by Ben Doherty and Abdul Karim Hekmat  
Wednesday 13 April 2016 10.07 AEST

### ***Life and death on a bridging visa***

July nights were freezing. The barbecue, though, was warm, a bulwark against the cold of the descending dark.

Balan, a Tamil asylum seeker, had turned his mind already to the night ahead. He knew he could not afford to run a heater. He and his housemates needed to watch every dollar and winter was the hardest time. The last electricity bill had run to hundreds of dollars they didn't have.

Quietly, as the shared meal came to an end, Balan gathered up the coals from the barbecue in a tin and carried them to his room. There he slept on the floor, next to the coals as they burned down. To keep the heat in, he closed the door behind him.

As he slept, the room filled with carbon monoxide.

In the morning, Balan's brother, worried by his failure to appear for breakfast, pushed open the door. Balan had obviously realised at some point in the night that he needed to get out. He had made it halfway to the door before he collapsed.

The coals were still warm. But Balan was dead, killed by carbon monoxide poisoning.

The privation that contributed to Balan's death didn't occur in the straitened circumstance of a refugee camp, or on the borderlands of a war-torn region.

It happened in Sydney, to a man living legally in Australia on a bridging visa.

FULL STORY AT <http://www.theguardian.com/australia-news/2016/apr/13/we-are-the-forgotten-people-the-anguish-of-australias-invisible-asylum-seekers>

## **10. Behrouz Boochani: Manus Island's appalling health care record**

Manus Island claims to have a properly equipped hospital, but for detainees requiring more than just a painkiller, the facilities are grossly inadequate.

The Saturday Paper  
Apr 16, 2016  
Behrouz Boochani

In the dead of a silent night, heavy and dark, when the Manus prison smelled like death, residents of the corridor in Delta 2 woke up to the yelling of a terrified young man. "I went blind," he screamed. "I went blind." Aimlessly, the man was running towards fences in the prison.

Arian, 20, is a Kurdish man who has been imprisoned on Manus for three years. Every night he wakes up in fear of losing his eyes, and for a few minutes, he spreads that fear everywhere. Panic sweeps through the crowd. He has suffered pterygium



for a long time and, day in, day out, he sees and feels that he is going blind. Now, he is just one step before blindness. Each day he is here, his nightmare gets closer to reality.

There is another bed, right under Arian's. One ominous morning, the man in that bed, Amoo Absul, woke to find five of his teeth had fallen out. This incident brought to 14 the number of teeth he has lost since he arrived on Manus. Like an old man, he rubs his hollow upper gum against his lower gum; his palm is filled with black teeth. Amoo Absul, an Iranian man in his 30s, has been in searing dental pain for nearly three years. He has lost his teeth one after another and now he has to endure the suffering caused by hunger. These are but two examples of the patients in Manus prison, men whose bodies, whose wellness, are the victims of a lack of medical facilities.

Everything, however, started from a damned night for me as a person who sleeps in front of these two men who suffer severely. As usual, I was walking and smoking near the fences. All of a sudden, a monster made of iron collapsed on my head. I did not understand anything more at that moment. Later, I realised that a basketball pole had fallen and struck me on the skull.

I was in shock. How was I alive and why am I alive, I was thinking. I went to International Health and Medical Services (IHMS) for about two weeks and saw doctors several times. I felt they did not really want to help me because they did not have any medical equipment to test my head. They were only guessing whether I was okay or not. I used a lot of painkillers at that time.

They put my name on a list to go to Port Moresby and told me I must wait. I know the people on that list and they are never given any treatment – even some are sent to Port Moresby hospital and are returned to Manus without treatment. After two weeks I stopped asking IHMS for help. Now I have headaches and I use Panadol constantly. I can get my tablets from the gate every day.

FULL STORY AT <https://www.thesaturdaypaper.com.au/news/politics/2016/04/16/manus-islands-appalling-health-care-record/14607288003132>

## **11. Iranian refugee father convicted of attempted suicide in Nauru resettlement facility**

ABC Pacific Beat  
By Michael Walsh  
Posted Fri 15 Apr 2016, 8:40am

A refugee in Nauru has been convicted of attempted suicide after an incident at one of the country's refugee resettlement areas.

Sam Nemati pleaded guilty to the charge, which is recognised as a crime in Nauru and, despite being the sole parent of an eight-year-old girl, spent two weeks locked up in February before receiving bail.

Nemati had been held in an Australian-funded detention centre in Nauru for nearly two years before being resettled in the community.

In late January this year, Nauru police went to the Nibok resettlement area to remove Nemati and his daughter Aysa because they had moved there from another facility without the permission of service provider Connect Settlement Services.

Nemati said Aysa did not like their old centre and wanted to move to Nibok where there were other children she could play with.

"Daughter ... in the Nibok camp, happy because she has friends, five, six friends live in Nibok," Nemati said.

Police tried to negotiate with Nemati, asking him to leave the property, but his English was poor, and the officers did not bring a translator.

When Connect officials arrived to remove Nemati's belongings, he became distressed and attempted to take his own life.

After subduing Nemati, police took him to the island's hospital for treatment — later that day he was charged with attempted suicide.

Nauru's former resident magistrate, Peter Law, said the case was unusual.

"It's a very rare charge to bring to the court and there's a reason for that," Mr Law said.

"My own personal view is that a charge of that nature has several alternatives, which should be considered."

## ***Suicide law based on old Queensland laws***

Nauru's attempted suicide law comes from the Queensland Criminal Code, which is the basis for all criminal law in the country.

While Queensland repealed the section on suicide attempts decades ago, those laws were never amended in Nauru, and it remains a criminal offence.

Mr Law said it was strange that more obvious charges were not pursued instead.

"Prosecuting authorities and defence lawyers should be looking at alternative charges to attempted suicide," Mr Law said.

"There very well could have been other charges available such as trespass, failure to comply with the lawful direction of a police officer.

"I'm just a little bit surprised that they'd pursue a charge of this nature."

After pleading guilty to the attempted suicide charge, Nemati was convicted, and sentenced to 12 months' good behaviour.

Prosecutors had wanted him jailed for two months for the offence, in order to deter others in the tiny island nation from, in their words, attempting suicide "to get what they want" in disputes.

Barri Phatarfod from Doctors For Refugees said the justice system was not the right place to tackle the issue of suicide.

"It's entirely inappropriate to make it a criminal offence to attempt suicide ... it just shows that the [Australian] Government's statement that the people in Nauru are going to be cared for by the same standards that we care for people in Australia is just an outright lie," Dr Phatarfod said.

"Nowhere in Australia do you ever see anyone being charged for attempting suicide."

Due to multiple adjournments, Nemati was held in custody for two weeks before his bail hearing.

During this time, he said he received no mental health counselling.

"No, no doctor come and see me," Nemati said.

"Only one after suicide going to hospital, no, no doctor see me."

## ***Police, father provide conflicting reports on child's care***

Nauru police and Nemati have given conflicting accounts of how Aysa was cared for in those two weeks.

The Nauru Police Force told the ABC Aysa was cared for by relatives, with help from Nauru's Child Protection Unit.

But Nemati said he did not have any relatives in Nauru.

"Me I've family? No me don't have family. Only friends. Me and Aysa together. Don't have another family," Nemati said.

He said Aysa was left by herself before being taken in by his friends, and rejected statements that the Nauru Government or Connect were involved in her care.

"Only just my child, searching searching, saved after two days, saved [by] my friend," Nemati said.

"No help [from] the Government, no help [from] police, no help [from] Connect."

Dr Phatarfod was critical of the way authorities responded to Aysa's needs after the incident.

"This young daughter was effectively dumped by Connect. There's no other way of looking at it," Dr Phatarfod said.

"Once they decided to prosecute her father, the goal was on making an example of the father and showing him that he can't self harm and get away with it, and there was absolutely no thought given to the daughter.

"It's an absolute dereliction of care, it's just appalling the way they treated her."

## ***Australia says refugees subject to Nauru laws***

In a statement, the Nauru Government said that while the charge was uncommon, it agreed with the prosecutor's push for a jail sentence.

The Government said it was concerned that self-harm was being used as a "method of protest", and it wanted to stamp out the practice.

Madeline Gleeson from the Kaldor Centre for International Refugee Law said that faced with increased mental health issues among asylum seekers, and limited capacity to deal with those illnesses, it was not surprising that Nauruan authorities had turned to the justice system.

"In Australia, there are alternatives to the criminal justice system and jail for people who are deemed to be a threat to themselves, and they're vastly more appropriate alternatives at that," Ms Gleeson said.

"And many would argue it's unrealistic to expect an island that has not traditionally dealt with such matters before to suddenly be able to respond in a way that Australia would deem appropriate."

When asked about the case, Australia's Department of Immigration and Border Protection said all refugees in Nauru were subject to that country's laws, and it would not be appropriate for the department to comment on Nauru's legal processes.

<http://www.abc.net.au/news/2016-04-15/iranian-nauru-refugee-convicted-of-attempted-suicide/7328236>

## **12. Refugee on Nauru convicted, fined for attempting suicide**

The Age  
April 15, 2016 - 11:35AM  
Nicole Hasham

A refugee at Nauru has been convicted for attempted suicide in a move island authorities say is designed to "stamp out" the practice.

A Nauru government spokesman confirmed the man, Sam Nemati, was fined \$200. The spokesman said he was jailed for two weeks then bailed.

A statement by the Nauru government's information office dated April 12 said the man, the father of an eight-year-old girl, pleaded guilty to the charge, which is a "criminal offence".

Prosecutors had sought to have the man jailed for one to two months "to deter other would-be offenders who resort to self harm to avoid lawful actions against them or to get what they want".

"We are concerned that this method of protest is being used and want to stamp out this practice," the statement said, adding such a charge was "uncommon".

It said the man attempted suicide after a "disturbance" at the Nibok refugee settlement on January 21.

It was clear the defendant had "taken over a room at number 4 Nibok settlement without any approval or authority," authorities said, adding that his daughter was cared for by relatives and a child protection unit while her father was in custody.

The ABC reported that Mr Nemati had been held at Nauru's Australian-funded detention centre for almost two years before being resettled in the community.

It reported that in January, Nauru police went to the Nibok settlement to remove the man and his daughter Aysa because they had moved there from another facility without permission. Mr Nemati reportedly said his daughter wanted to move to Nibok where there were other children she could play with.

Greens immigration spokeswoman senator Sarah Hanson-Young on Friday took to Twitter to describe the charge as "sickening".

As Fairfax Media reported in January, incident logs from the Department of Immigration and Border Protection covering one year, obtained under freedom of information laws, painted a picture of depression, desperation and violence at Australia's domestic and overseas detention camps and in the community. The data shows that in the year to July 2015 there were 188 incidents of self-harm involving asylum seekers at Nauru, about one every two days.

<http://www.theage.com.au/federal-politics/political-news/refugee-on-nauru-convicted-fined-for-attempting-suicide-20160415-go72i2.html>

### **13. Refugee on Nauru convicted of attempted suicide to 'deter' others**

Self-harm prevention advocates condemn 'extraordinarily regressive' moves by Nauruan government in sentencing man

The Guardian  
Helen Davidson  
Friday 15 April 2016 16.46 AEST

A single father living as a refugee on Nauru has been charged and convicted for attempting to take his own life, after prosecutors sought to use his case as a deterrent to people holding protests.

Medical and mental health professionals have criticised the move as victim-blaming, retrograde, and a backwards step in international efforts to decriminalise suicide.

The Iranian man, Sam Nemati, and his eight-year-old daughter had been resettled in Nauru on temporary refugee visas after being detained for two years under Australia's offshore immigration processing regime, the ABC reported on Friday.

In late January Nemati and his daughter moved accommodation to Nibok Lodge, where Nemati said his daughter would have other children to play with, but authorities sought to remove them because he had moved "without approval or authority".

According to the ABC, Nemati became distressed after officials began removing his belongings and he attempted to take his own life.

He was taken for medical treatment, but the following day Nemati was charged with attempted suicide under the country's criminal code. He was held in custody for two weeks, and pleaded guilty.

Nemati was given a 12 months good behaviour bond, but a statement from the Nauruan government said prosecutors had sought jail time of between one and two months "to deter other would-be offenders who resort to self-harm to avoid lawful actions against them or to get what they want".

"We are concerned that this method of protest is still being used and want to stamp out this practice," it said.

The statement said prosecutors made no reference to their request being specifically aimed at the refugee community, but asylum seekers on Nauru have held daily rallies for over three weeks now.

FULL STORY AT <http://www.theguardian.com/world/2016/apr/15/refugee-on-nauru-convicted-of-attempted-suicide-to-deter-others>

### **14. Australian refugees: Greens to propose increasing intake to 50,000 a year**

The party is also calling for a 'skilled stream' that will allow refugees to rebuild disrupted lives while contributing to the country's economy

The Guardian  
Ben Doherty  
Saturday 16 April 2016 09.48 AEST

The Greens have proposed increasing Australia's annual refugee intake to 50,000, including 10,000 through a "skilled refugee" stream to bring into the country refugees with skills deemed to be in short supply.

The policy, to be announced on Saturday, would shut the Manus and Nauru offshore detention centres, and also proposes a "dignity package" for asylum seekers waiting to have refugee claims processed in Malaysia and Indonesia, designed as a disincentive for people to try to reach Australia by boat.

The policy will be launched by the Greens leader, Richard Di Natale, and the party's immigration spokeswoman, Senator Sarah Hanson-Young, in Melbourne.

Hanson-Young said the "skilled refugee" stream would allow refugees to rebuild disrupted lives, while also contributing to Australia's future prosperity.

"For too long, the national political debate has portrayed migrants and people seeking asylum as a problem instead of an opportunity.

"Modern Australia was built by generations of hardworking, self-started people who came to our country in search of a better life. People want to protect their families and to give their children access to an education and a life free of violence. We should be allowing them to get on and do that in Australia."

The Greens are proposing using money saved from closing offshore detention camps to assess people's claims before they reach Australia. They say \$2.9bn can be saved by closing Nauru and Manus, and \$500m of that money could be dedicated towards processing refugee claims across the region.

The "regional solution" proposed is similar to the Comprehensive Plan of Action and Orderly Departure Program of the 1970s, '80s and '90s: US-led refugee resettlement programs that together resettled 2.5 million southeast Asian refugees across the world.

"Using the savings from closing the offshore detention camps to build a genuine regional solution – which assesses people's claims for asylum where they are before flying them to Australia safely – will save thousands of lives," Hanson-Young said.

Australia's humanitarian migration intake is now 13,750 people a year, and there are plans to increase this to 18,500 by 2017-18.

In 2012, the intake reached a peak not seen since the 1980s, when it rose to 20,000.

The Greens' policy would limit immigration detention in on-shore centres to 30 days. When mandatory detention was introduced by the Labor government in 1992, a time limit of 273 days was imposed. This limit was abandoned in 1994.

The average time in immigration detention now stands at 464 days.

<http://www.theguardian.com/australia-news/2016/apr/16/australian-refugees-greens-to-propose-increasing-intake-to-50000-a-year>

## **15. Greens back rise in refugee intake to 50,000, new 'skilled' visa**

Sydney Morning Herald  
April 15, 2016 - 11:45PM  
Michael Gordon

Australia's refugee intake would increase to 50,000 a year, including 10,000 via a new "skilled refugee" category, under a policy to be announced by the Greens.

The policy would provide a "dignity package" for asylum seekers waiting for their claims to be processed in Indonesia and Malaysia to discourage them from attempting to come to Australia by boat.

It would also shut down the offshore detention centres on Manus Island and Nauru, saving an estimated \$2.9 billion over four years, most of which would be re-invested into "a fairer system that helps more people".

The policy will be launched in the usually safe Labor seat of Batman in Melbourne on Saturday by Greens leader Richard Di Natale, the party's immigration spokeswoman, Sarah Hanson-Young, and its candidate for the seat, social worker Alex Bhathal.

The Greens are targeting Batman as a potential gain in the double dissolution election that is expected on July 2.

Senator Hanson-Young rejected the expected criticism from the Coalition and Labor that the policy will encourage people smugglers to resume their trade between Indonesia and Christmas Island.

"This policy gives people a viable alternative," she said. "If we give people a viable alternative, they will take it. They don't want to have to pay people smugglers. They would prefer to work directly with the Australian authorities."

Senator Hanson-Young has also called on Malcolm Turnbull to allow a woman, allegedly raped on Nauru while suffering an epileptic seizure, passage to Australia for a termination.

"My heart breaks for this young woman, and the government should be offering her every level of possible care, not dumping her in Port Moresby," she said.

The case was another example of why centres on Nauru and Manus should no longer be used to hold refugees and asylum seekers indefinitely, she said.

"This just proves again that these places are gulags and we can't continue to leave people languishing there, particularly women who are not safe on the island."

Under the policy, Australia's intake would rise from 13,750 to 50,000 a year; \$500 million would be provided over four years to support organisations such as the United Nations refugee agency in the region; and "dignity packages" would be given to asylum seekers.

The packages would help the asylum seekers access healthcare, education, English classes and work permits.

The Greens would also push for a royal commission on children in detention, abolish the Australian Border Force and restore the former role of the Immigration Department, and abolish temporary protection visas.

<http://www.smh.com.au/federal-politics/political-news/greens-back-rise-in-refugee-intake-to-50000-new-skilled-visa-20160415-go7l3f.html>

## 16. New species of Manus Island rat named after detainees in 'solidarity' gesture

Team including Tim Flannery dub previously unknown species, which weighs nearly half a kilogram, *Rattus detentus* – Latin for 'detained'

The Guardian  
Ben Doherty  
Thursday 14 April 2016 08.04 AEST

Manus Island's newest "detainee" may have been on the island hundreds of thousands of years.

*Rattus detentus*, an ancient, isolated and previously unknown species of the genus *Rattus* – a rat – has been so named for the Latin "detained", "in reference to the isolation of ... Manus Island and to the recent use of the island to detain people seeking political and/or economic asylum in Australia".

The animal has been described for the first time, in the *Journal of Mammalogy*, by an international team of scientists including a former Australian of the Year, the mammalogist and palaeontologist Prof Tim Flannery.

*Detentus* is known to live only on Manus Island, and only in two areas.

It is an "island giant", according to Flannery, larger than almost any rat across the Melanesian archipelago. A typical *detentus* weighs nearly half a kilogram, with short, very coarse fur and a short tail.

Over millennia of isolation on Manus, *detentus* has adapted to conditions. It has powerful front incisors but small molars, suggesting it uses its front teeth to break open hard nuts. *Detentus* is, according to Flannery, an early branch of the *Rattus* genus found across the Melanesian archipelago.

Before confirmation *detentus* existed, Flannery said scientists had suspected there was a large rat endemic to the island. He said it had been exciting and "an immense privilege" to be able to discover and name the new species. "I've been looking for this rat for 30 years," he said.

Labelling the *detentus* a new species was based on three specimens collected on Manus Island in the Admiralty group of islands, Papua New Guinea, between 2002 and 2012.

The specimens were compared with subfossil specimens from the Pamwak archaeological site on Manus, which "confirm the species as a long-term resident of Manus Island".

The decision to name the new species *detentus*, the scientists wrote in their paper, was made "in reference to the isolation of this Melanesian *Rattus* lineage on Manus Island and to the recent use of the island to detain people seeking political and/or economic asylum in Australia".

Flannery suggested the name to his colleagues, who immediately agreed. "It's not very often as a scientist that you get to make a statement like this, but I wanted to express my sympathy and my solidarity for the people held in the detention centre on Manus," he said. "I wanted to say to them, in this small way, 'You are not forgotten.'"

Sightings of *detentus* are rare; it is possibly seriously endangered. Residents report it has previously been seen across Manus and sometimes on adjacent Los Negros Island (the two islands are connected by a bridge) but efforts by zoologists to find further evidence of it have been fruitless.

"That really rang alarm bells for us, that it couldn't be found by people who are expert in this field," Flannery said. "Perhaps in times past it was common, but it's rare now."

*Detentus* might be threatened by its forest habitat being converted to farmed land, feral cats, or by the spread of introduced rat species, which might carry disease.

<http://www.theguardian.com/australia-news/2016/apr/14/manus-island-giant-rat-rattus-detentus-detainees>

## 17. Westpac bank to exit Nauru after Pacific state gains entry into IMF, World Bank

ABC Pacific Beat Exclusive

by Pacific affairs reporter Liam Fox

First posted Thu 14 Apr 2016, 2:32pm

Updated Thu 14 Apr 2016, 2:36pm

One of Australia's biggest banks has told the Nauru Government it will no longer do business with it or any of its entities.

The Westpac bank has also told its Australian customers who do business with the Nauru Government that they will have to close their accounts by the end of the month.

Early last month Westpac sent letters to customers who had business with the Nauru Government.

The customers were informed they would have to close their accounts by the April 30 as the bank was no longer doing business with the Government or any of its entities.

A source who has seen the letter, and who wants to remain anonymous, said Westpac acted after concerns were raised by the bank's anti-money laundering and counter-terrorism financing experts.

The ABC understands the bank wrote to the Nauru Government informing it of its intentions.

A Westpac spokeswoman did not deny the bank was withdrawing from the tiny Pacific nation but declined to comment citing privacy concerns.

### ***Westpac sensing 'something pretty wrong', says expert***

Former Nauru president, opposition MP Marcus Stephen expressed shock at the move by Westpac bank.

"We have been with Westpac since day one when we were under Australian administration and I believe there would be a lot of people that would be affected by this," he said.

Mr Stephen has called on the Government to tell people what is going on.

"It's really disappointing to hear that this has happened," he said.

"I think the Government has a lot of explaining to do not only to the Parliament but to the people and explain why this has happened.

"To my knowledge this is the first time that an Australian bank has taken such strong action.

"Nauru was on an international money laundering blacklist in 2001/2002 and even then the action wasn't as strong.

"It must be a sign that Westpac feels that there's something pretty wrong going on in Nauru."

Money laundering and tax evasion expert from Griffith University, Professor Jason Sharman, said while Westpac's move was directed at the current government, Nauru had a long history questionable financial dealings.

"Nauru really got itself into trouble setting up somewhere between 200 and 400 shell banks around about 15 years ago and some of them were implicated in a very big scandal to do with the Bank of New York," Professor Sharman said.

"As a result Nauru was really stigmatised and subject to international sanctions at that time."

### ***Nauru gains entry to IMF, World Bank***

News of Westpac's move came only a few days after Nauru became a member of the International Monetary Fund and World Bank.

Nauru Finance Minister David Adeang was in Washington this week to sign the admission documents and posed for a photo with the IMF's managing director, Christine Lagarde.

In a statement, President Baron Waqa trumpeted his country's entry into the two organisations.

"This shows just how far my administration has come in showing the world that we are now a fiscally mature and responsible economy, free of the burdens of past governments," Mr Waqa said.

The Nauru Government has been contacted for comment on Westpac's move but is yet to respond.

"I think the immediate question will be well what does Westpac know that we don't and Australian banks tend to be a risk-averse bunch," Professor Sharman said.

"So particularly when you have one bank pulling out because of the provisions of Australian anti-money laundering law it immediately creates pressure on other banks and financial institutions to start asking hard questions about their links or even just pre-emptively severing them in what's been called de-risking."

The Bendigo Bank is the only Australian bank with a physical presence in Nauru after opening a local agency last year.

It has declined to comment on Westpac's move.

In a statement, Bendigo Bank said was monitoring strategies in place to prevent, detect and react to suspicious activity.

<http://www.abc.net.au/news/2016-04-14/westpac-set-to-exit-nauru/7326892>

## **18. Westpac cuts all ties to government of Nauru**

Bank acts over concerns raised by internal anti-money-laundering and counter-terrorism financing experts

The Guardian

Helen Davidson

Thursday 14 April 2016 16.32 AEST

Westpac is ending all association with the government of Nauru and its entities, and has informed those affected to close their accounts by the end of the month.

The ABC's Pacific Beat program reported on Thursday that the bank had acted after concerns were raised by internal anti-money-laundering and counter-terrorism financing experts.

A spokeswoman for Westpac was unable to confirm or deny the report due to customer confidentiality.

Guardian Australia has independently confirmed the story.

Guardian Australia understands the decision relates to the Nauruan government and its specific entities, and will not affect regular customers who make banking transactions to Nauru. The bank has no physical presence on the island nation.

The bank has scaled back its operations in the Pacific region over recent years, but the decision to break ties with the Nauruan government appears to have taken the country by surprise.

A former president, Marcus Stephen, told Pacific Beat he had asked the government to explain the situation to its citizens.

The Nauruan government has been contacted for comment.

Sprent Dabwido, former president of Nauru, said the news was not unexpected.

"It's ... not a total surprise when you have a government that is reckless in handling the finances of a nation," he told Guardian Australia.

"I can't blame them because most of the dealings of this government are never straightforward, never black and white," he said.

Dabwido said the news was hard to reconcile with recent legal changes.

"It is not only embarrassing, it is a big shame that this news pops up now. How do we explain it to our people, when we have the anti-money-laundering act, we've closed our offshore banking, and then suddenly this shows up again," he said.

"I really feel the government has a lot of explaining to do to the people."

In 2014 the Nauru government's Westpac accounts were temporarily frozen while a US hedge fund, Firebrand, chased it for about \$31m related to bonds it had defaulted on. The high court later dismissed the company's case and found Nauru's accounts could not be garnisheed.

More recently the government has faced allegations of attempting to rig the coming election, with public concerns raised by two former presidents.

Since the end of the Firebrand court case, the Nauruan government has repeatedly trumpeted an improving economic outlook for the country.



This week it announced the establishment of a “sustainable sovereign trust fund”, to be chaired by the minister for finance and justice, David Adeang, and funded by a one-off grant from the Asian Development Bank, annual contributions from the Australian and Taiwanese governments, and “ongoing establishment support from valued partners”.

The Nauruan government said it expects the fund to reach \$32m by the end of this financial year.

On Wednesday the country became the 189th member of the International Monetary Fund. Adeang was in Washington to formally sign on for his country.

“This shows just how far my administration has come in showing the world we are a fiscally mature and responsible economy, free of the burden of past governments,” the president, Baron Waqa, said.

<http://www.theguardian.com/world/2016/apr/14/westpac-cuts-all-ties-to-government-of-nauru>

## **19. Nauru calls report Westpac has cut ties with it 'politically motivated fabrication'**

Government posts Twitter response to report bank will cease doing business with it and its entities and that accounts will close at end of month

The Guardian  
Helen Davidson  
Friday 15 April 2016 12.14 AEST

The government of Nauru has dismissed reports Westpac has cut ties with it as “a politically motivated fabrication”.

On Thursday it was reported Westpac had informed the Nauruan government it would cease doing business with it and its entities. ABC’s Pacific Beat said accounts would be closed at the end of the month, citing a letter sent to some customers.

Westpac did not deny the report, but told Guardian Australia it could not comment because of confidentiality. The government of Nauru did not respond to requests for comment.

However, on Thursday afternoon it accused the ABC and Guardian Australia of publishing a “politically motivated fabrication”. The response was posted on the government’s Twitter account, often used to respond to media reports after they have been published.

In a subsequent statement, the Nauruan government confirmed Westpac had withdrawn services, but also suggested the end of the business relationship had been the government’s own decision.

“The Government of Nauru has made a decision to strengthen its business and financial relationship with its chief financial partner, Bendigo Bank,” it said.

“The business relationship Nauru had with its former banking partner was severed when the bank withdrew financial services to not only Nauru, but nearly all of the Pacific small island states.”

“Unfortunately this has become the norm with a number of smaller higher risk and low turnover nations worldwide as large banks chase profits and abandon services to long established customers.”

Bendigo Bank has been contacted for comment.

Westpac has not had a physical presence in Nauru, and in July 2015 the bank finalised the sale of its banking operations in Samoa, the Cook Islands and Tonga, to the Bank of South Pacific. Proposed sales of operations in Solomon Islands and Vanuatu did not go ahead at the time, and it retained its presence in Fiji and Papua New Guinea.

A spokeswoman again declined to comment, based on confidentiality.

Nauru’s statement also pointed towards a report by the Asia Pacific Group on Money Laundering, which said the country “faces low risks of money laundering and terrorism financing”.

The report, published in 2012, noted Nauru had criminalised both acts, but “some domestic predicate offences are missing”.

“There is no criminalisation of funding terrorist organisations or individual terrorists, other than those prescribed by the Nauru government. At the time of the onsite visit and the period immediately thereafter, no organisation or individual had been prescribed.”

On Thursday Sprent Dabwido, president of Nauru from 2011 to 2013, told Guardian Australia Westpac’s decision was not unexpected.

"It's ... not a total surprise when you have a government that is reckless in handling the finances of a nation," he said.

"I can't blame them because most of the dealings of this government are never straightforward, never black and white," he said.

<http://www.theguardian.com/world/2016/apr/15/nauru-calls-report-westpac-has-cut-ties-with-it-politically-motivated-fabrication>

## 20. Refugee battles for abortion after rape on Nauru

The Age  
April 14, 2016 - 8:15PM  
Bianca Hall

The young African refugee known only as S99 was in the midst of a violent epileptic seizure when she was set upon and raped on Nauru.

She was semi-conscious during the rape and is unable to identify her attacker. Now, she is nine weeks pregnant and desperate to have an abortion.

Since her rape, the young woman has attempted suicide. She continues to suffer from anxiety and post-traumatic symptoms. She can't sleep, and she has received no ongoing psychological care.

Abortion is illegal on Nauru and the woman - who has been accepted as a refugee by the island nation - is seeking an abortion on Australian soil, arguing it has a responsibility to provide her with the medical care she needs.

But instead of bringing her to Australia for the termination, Australian authorities last week transferred her to Papua New Guinea where, according to the country's criminal code, a woman who attempts to "procure her own miscarriage" faces a maximum seven years' imprisonment.

Clouding the situation is a PNG policy that says abortion is lawful only if the mother's mental or physical health are at stake.

On Wednesday last week, Australian authorities woke the woman and told her she would be immediately transferred to PNG. She was taken to a hotel in the PNG capital of Port Moresby, told she would be taken to a medical appointment the next day, and left alone. Then, she called her lawyer, George Newhouse.

"I want a termination, but not here," she told Mr Newhouse, according to a document filed with the Federal Court.

"I am very concerned about having it in PNG, because I am scared about the level of care because of my epilepsy, my female genital mutilation and because I could go to jail if it isn't legal; I want to have a termination in a safe place."

According to S99's understanding of her Muslim faith, her abortion must be carried out before she is 16 weeks pregnant. It is a deadline she is desperate to meet. But not in PNG.

The facts of her rape have not been disputed by the Australian government. What it disputes is her right to come here and the circumstances of her transfer to PNG.

Two years ago, Australia sent the woman from Christmas Island to Nauru, where she has since been accepted as a refugee. She now lives an uncertain life in Nauru on a temporary settlement visa.

The Department of Immigration and Border Control and the Commonwealth of Australia argue this means she is not Australia's responsibility.

The woman's lawyers filed an emergency injunction in the High Court last week preventing Australia from taking any action to have the woman's pregnancy terminated in PNG, or transferring her back to Nauru.

On Thursday, that case moved to the Federal Court.

Stephen Donaghue, QC, representing the Department of Immigration and Border Control and the Commonwealth of Australia, told the Federal Court that Australia could not be considered responsible for the woman's care.

"This plaintiff was found to be a refugee in Nauru about 18 months ago; she hasn't been detained ever since then, she's been living in the Nauruan community [and] she's been getting some level of services by way of medical services," Mr Donaghue said.

"She's not in any way, in our submission, under the control of the Commonwealth in the way that an immigration detainee traditionally should be.

"Having gone to PNG, she's not detained by the Commonwealth."

Mr Donaghue said the woman had signed a form agreeing to go to PNG for a termination, although this is disputed by her lawyers.

Barrister Ron Merkel, QC, told the court the woman had always made it clear she wanted to have her termination in Australia, as she would need specialist care and feared she might be prosecuted if she underwent an abortion in Port Moresby.

He said, Australia had assumed responsibility for S99's care when it transferred her to PNG.

Last year, the case of Abyan - a Somali woman also allegedly raped on Nauru - caused national outrage after she begged Australia for an abortion and was flown here after weeks of prevaricating, before being deported without having undergone the procedure after she asked for more time.

The High Court issued an emergency order last week that Australia not move S99 anywhere but to Australia, and not do anything that would cause her pregnancy to be terminated in PNG.

Justice Mordecai Bromberg extended that order, and set a trial date of April 28.

<http://www.theage.com.au/federal-politics/political-news/refugee-battles-for-abortion-after-rape-on-nauru-20160414-go67o6.html>

## **21. Fears for Nauru refugee's safety after couple jailed for abortion in PNG**

Sydney Morning Herald  
April 15, 2016 - 7:02PM  
Bianca Hall

A PNG couple were last year jailed for five years for causing the death of their unborn child, in a case that raises serious questions about Australia's decision to send a Nauru rape victim there for an abortion.

On Friday, Fairfax revealed the case of "S99", a young African refugee who was raped while she was in the midst of a violent epileptic seizure on Nauru.

Now, she is nine weeks pregnant and desperate to have an abortion.

The woman, whom Australia transferred from Christmas Island to Nauru two years ago, was granted refugee status by the island nation some 18 months ago.

But abortion is illegal on Nauru and the woman has sought a termination in Australia, arguing it has a responsibility to provide her with the medical care she needs.

Despite denying that Australia has any duty of care towards her, Australian authorities flew her to PNG to undergo a termination last week.

This is even though the PNG criminal code specifies that a woman who attempts to "procure her own miscarriage" faces a maximum seven years' jail.

Now, the woman is refusing to undergo the procedure in PNG, and her lawyers have successfully asked Australia's High Court and Federal Court (where the case is now being heard) to block Australia doing anything with the woman until the matter goes to trial later this month.

The woman's lawyer, Ron Merkel, has raised the spectre that Australia could be in breach of PNG's laws by sending S99 to have an abortion in Port Moresby.

He told the High Court of Australia last week: "it would appear if the Commonwealth were involved in that activity, it is probably illegal and she herself would be committing a criminal offence ... not only is her health at risk ... by what is being proposed by the Commonwealth, but she runs the risk of committing a criminal offence."

Last year, the PNG legal fraternity and women's groups were alarmed when a PNG couple were sentenced for killing their unborn child.

In a case understood to be the first prosecution for abortion in PNG, but one that could establish case law in the matter, Leoba Devana was sentenced in October to five years' jail for terminating her third pregnancy at about 16 weeks.

She was convicted of the unlawful killing of an unborn child.

Her husband received a similar sentence for helping buy the drugs to induce abortion through the back door of a local clinic.

Neither Immigration Minister Peter Dutton nor opposition immigration spokesman Richard Marles responded to a request for comment.

Greens senator Sarah Hanson-Young called on Prime Minister Malcolm Turnbull to offer the African woman safe passage to Australia for a termination.

"My heart breaks for this young woman, and the government should be offering her every level of possible care, not dumping her in Port Moresby," Senator Hanson-Young said.

"The trauma that this woman has been put through must be unimaginable. This is happening over and over again on Nauru and it must be stopped immediately."

In a statement, Labor immigration spokesman Richard Marles said the opposition was "deeply concerned" by the case.

"The Australian government must make it clear this woman will be provided with medical treatment, including access to a termination, if that is her request in Australia."

Last year, the case of Abyan, a Somali woman also allegedly raped on Nauru, caused national outrage after she begged Australia for an abortion and was flown here after weeks of prevaricating, before being deported without having undergone the procedure after she asked for more time.

The High Court issued an emergency order last week that Australia not move S99 anywhere but to Australia, and not do anything that would cause her pregnancy to be terminated in PNG.

In the Federal Court on Thursday, Justice Mordecai Bromberg extended that order, and set a hearing date of April 28.

<http://www.smh.com.au/federal-politics/political-news/fears-for-nauru-refugees-safety-after-couple-jailed-for-abortion-in-png-20160415-go75la.html>

## **22. 'Fast-track' process for asylum seekers to result in lengthy delays as court challenges mount**

ABC Radio CAF - AM  
By the National Reporting Team's Natasha Robinson  
Posted Sat 16 Apr 2016, 2:54am

A so-called 'fast-track' process for thousands of asylum seekers who arrived by boat under the previous Labor government is mired in red tape and set to result in lengthy delays as court challenges begin to mount.

More than 25,000 asylum seekers who arrived by boat between August, 2012 and January, 2014 had their claims for refugee status frozen under the Coalition Government's "no advantage" policy that attempted to deter boat arrivals.

Asylum seekers were placed on bridging visas with no work rights after being released from immigration detention.

They were told they were unable to make protection visa applications until invited by the Government.

In December 2014, the Government passed legislation that implemented a 'fast-track' system of processing the 25,000 boat arrivals, who would be subject to a new, narrower definition of refugee status.

Those claims would be reviewed "on the papers" by a new body within the Immigration Department rather than a tribunal.

The fast-track processing system began operations in July last year when the new review body, known as the Immigration Assessment Authority (IAA), came into effect.

The ABC has now obtained figures that reveal that nine months on, only 38 cases have been reviewed by the IAA.

Now a group of Sydney-based barristers are beginning to mobilise to challenge the new fast-track legislation in the already-overstretched Federal Circuit Court — the exact situation the fast-track system was designed to avoid.

### ***Justice for Refugees project to coordinate legal claims***

The Refugee Advice and Casework Service is coordinating the Justice for Refugees project that will coordinate legal claims that challenge IAA decisions on the basis of procedural fairness.

The first negative decision of the IAA is already the subject of judicial review in the Federal Circuit Court in Sydney.

Katie Wrigley, the principal solicitor at the Sydney-based Refugee Advice and Casework service, said whenever there were new laws, they remained to be interpreted by the courts.

"We will see over the next few years — we're predicting there will be strong demand for judicial review," Ms Wrigley said.

"We've never seen this kind of delay in Australia for asylum seekers.

"This group of people are subject to completely new laws that apply to them that have never applied to asylum seekers in Australia, a completely new process."

Instead of having failed asylum claims reviewed during a hearing at the Refugee Review Tribunal, those denied protection visas under the fast-track process have their failed claims reviewed only on the paperwork.

Ms Wrigley said that was problematic.

"Our concerns relate to the fact that the person is not there physically to answer any question that a decision-maker may have, so they're really prevented from re-examining a person's credibility," she said.

### ***Fast-track process progressing satisfactorily***

However, a spokesman for Immigration Minister Peter Dutton said the fast-track process was progressing satisfactorily.

"After its disastrous time in Government and its failure to secure Australia's borders ... Labor in Opposition then delayed the Coalition's legislation to deal with the 30,000 illegal maritime arrivals who had not been processed under Labor," the spokesman said.

"Consequently measures to establish the fast track process only came into effect mid-last year and processing began in July.

"A considerable number of cases from the legacy caseload are now being dealt with."

<http://www.abc.net.au/news/2016-04-16/fast-track-process-asylum-seekers-lengthy-delays-court-challenge/7331296>

## **23. Turnbull Government confirms over 28,000 asylum seeker cases unprocessed**

ABC News Online

By political reporter Stephanie Anderson

First posted Tue 12 Apr 2016, 8:28am

Updated Tue 12 Apr 2016, 11:11am

Federal politicians have swapped barbs on immigration as the Turnbull Government confirms tens of thousands of asylum seekers who arrived under the former Labor government remain unprocessed.

Immigration Minister Peter Dutton confirmed that of the 30,000 asylum seeker legacy cases that arrived in Australia under Labor, more than 28,000 remain in the country.

Figures from the Department of Immigration and Border Protection indicate that 28,290 people are yet to have their cases processed, while about 1,700 have been forced to leave or have left voluntarily.

Mr Dutton blamed the former Labor government for the backlog and told News Corp it would take more than a decade "to clean up".

But the Opposition's Immigration spokesperson, Richard Marles, has pushed the blame back on the Government, describing Mr Dutton as "a dangerous combination of inefficiency and incompetence".

In a statement, Mr Marles said there had been a spike in waiting times under the Coalition — more than double the processing time under Labor.

"Peter Dutton should explain why people are spending longer in detention now than under Scott Morrison or Labor," he said.

The figures have emerged amid criticism of the Government's handling of the Syrian and Iraqi refugee resettlement program.

The latest figures, confirmed last week, stated that 187 refugees had been resettled in Australia as part of the Coalition's pledge to take in 12,000 people left displaced by violence in Syria and Iraq.

The process — initiated by former prime minister Tony Abbott last year — has come under fire in comparison to countries such as Canada, which has resettled more than 26,000 refugees in the same period.

Labor senator Lisa Singh suggested last night the Government was deliberately stalling the program because it was unpopular among voters, and she labelled the process "embarrassing".

"I really don't see what the delay is, other than perhaps a political delay, as to why we can't play our part," she said.

"We are the only Western country that has only settled such a tiny amount."

### ***Government cannot dump people in a migrant hostel: Stone***

Social Services Minister Christian Porter has previously cited security processes as the reasoning for the lengthy process, but Senator Singh — a vocal refugee advocate — said that "really doesn't make sense".

"Canada has done upwards of 26,000," she said. "What makes it so different for Canada compared to Australia when it comes to doing security checks?"

"They obviously have some system that allows them to do it a lot faster."

But Liberal MP Sharman Stone defended the Government's handling of the resettlement program, and said both security screening and resettlement processes took time.

Dr Stone said the Government could not "simply dump people in Australia in a migrant hostel and say 'go to it'".

"I think all of us would wish it was faster ... but we'd also be remiss if we imported people into Australia who were not genuine in their desire or want to be resettled," she said.

"We're also settling another 13,000, besides the 12,000 who are through our pre-existing humanitarian stream, many of whom are Iraqis and Syrians but are coming from Africa and other places."

<http://www.abc.net.au/news/2016-04-12/government-confirms-over-28000-asylum-seeker-cases-unprocessed/7318924>

## **24. Funding to help 11,000 asylum seekers prove they are refugees**

The Age  
April 17, 2016 - 12:15AM  
Nick Toscano

More than 10,000 asylum seekers will have a better chance of avoiding deportation back to potentially life-threatening persecution in their homelands, with key legal centres set to help more cases.

Asylum seekers living in the community while awaiting processing – known as the "legacy caseload" – have just one opportunity to make their claim for protection under a controversial fast-track system introduced in 2014.

They also face more stringent limits on their right to appeal negative decisions.

Victorian Legal Aid said the federal government's overhaul of the processing system had exposed nearly 30,000 people who arrived between 2012 and 2014 to the risk of unfair decision-making that could have them returned to countries where they would not be safe.

A new two-year initiative, to be launched by the state government, will now enable community legal centres Refugee Legal and Justice Connect to assist thousands of asylum seekers living in Victoria prepare visa applications and express their claims in writing.

Funded by Victoria Legal Aid, it will also bankroll specialist immigration lawyers and a co-ordinator to finalise pro-bono or low-cost legal assistance. Cases that involve court proceedings will be referred to Legal Aid migration lawyers.

Refugee Legal executive director David Manne said helping displaced people in need of safety was the "right thing for a secure community like ours to do".

"Evidence shows that legal representation for asylum seekers with legitimate protection claims to demonstrate that they are genuine refugees," he said.

"With language barriers and mental health issues stemming from a history of torture and trauma, the hurdles they often face in trying to get their refugee claims recognised are significant."

Attorney-General Martin Pakula said the program would help those most in need navigate the complex process of seeking refugee status.

"This is about helping people who have risked their lives in the hope of making a better life for themselves in Australia," he said.

Victorian Legal Aid managing director Bevan Warner said it was vital that asylum seekers' protection claims were decided fairly and lawfully.

"Early support is so important because most of these asylum seekers do not have any right to a review hearing if the government rejects their claim for protection," he said.

"We commend the Victorian legal profession whose commitment to helping these highly vulnerable asylum seekers has made this partnership and increasing their access to justice possible."

<http://www.theage.com.au/victoria/funding-to-help-11000-asylum-seekers-prove-they-are-refugees-20160415-go7fyi.html>