

# Project SafeCom News and Updates

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# 1. Europe migrant crisis: Up to 500 asylum seekers may have drowned in latest tragedy, UNHCR says

ABC News Online / Reuters  
Posted Thu 21 Apr 2016, 3:20am

Up to 500 asylum seekers might have drowned in the Mediterranean last week when human traffickers crammed people onto an already overcrowded ship, causing it to sink, the UN refugee agency says.

If confirmed, it would be the worst such tragedy in 12 months and bring the total number of drownings in the southern Mediterranean to nearly 800 so far this year.

The UNHCR agency said 37 men, three women and a three-year-old child had survived the disaster after being rescued by a merchant ship.

The group, which was brought to Greece on April 16, included Somalis, Ethiopians, Egyptians and one Sudanese.

The survivors recounted that they had been among 100 to 200 people who had set sail from Libya last week headed for Italy.

After several hours at sea, the traffickers tried to move them onto a bigger ship that was already packed with asylum seekers.

This ship sank before the survivors could board it.

An Ethiopian man named Mohamed told the International Organisation for Migration (IOM) that his wife, two-month-old child and brother-in-law had died in the sinking.

"The boat was going down, down. All the people died in a matter of minutes," the IOM quoted him as saying.

"After the shipwreck we were drifted at sea for a few days, without food, without anything."

## ***Hundreds of dead believed to be from Somalia***

UNHCR spokesperson William Spindler said the eyewitnesses estimated up to 500 people might have perished.

"We don't know exactly how many were there on that boat and they have now disappeared from the face of the earth," he said.

"This is another example of what is happening almost on a daily basis in the Mediterranean."

The Somali Government said on Monday it believed some 200 of the dead were from Somalia.

It also said the capsized boat had originally set sail from Egypt.

News of the disaster emerged on the first anniversary of one of the worst disasters in the Mediterranean, when an estimated 800 asylum seekers drowned off the Libyan coast after the fishing boat they were sailing in collided with a mercantile vessel that had been attempting to rescue them.

Some 150,000 migrants reached Italy by boat in 2015, the vast majority sailing from Libya.

So far this year, about 25,000 people have arrived, an increase of 4.7 per cent over the same period last year, according to Interior Ministry data.

<http://www.abc.net.au/news/2016-04-21/500-migrants-may-have-drowned-in-mediterranean-unhcr-says/7344188>

# 2. ASIO backs down in bid to keep security assessment 'law' secret

Domestic spy agency is defending an adverse security assessment of a man that he says is based on embellishments by junior officers

The Guardian  
Paul Farrell  
Wednesday 20 April 2016 13.34 AEST

Australia's domestic spy agency sought to suppress parts of a document which it was argued forms part of Australian law – and would therefore usually be available to the public – to fight a legal challenge to a security assessment it made.

Evidence has also emerged in the case of junior officers allegedly making “embellishments” in a security report to the director general, Duncan Lewis.

Court documents reveal the extraordinary lengths the Australian Security Intelligence Organisation (ASIO) has gone to to fight a judicial review of an adverse security assessment of a man currently held in immigration detention.

The man, who cannot be named for legal reasons, is challenging his security assessment in the federal court, in part, because he alleges the ASIO officers who interviewed him embellished facts in a report to the director general. He also claims they attributed comments to him that he did not make.

ASIO makes its security assessments based on a document containing a determination from the agency’s director general in July 2010, which was made under a section of the ASIO Act.

The man’s legal team has argued that the determination should be considered a “legislative instrument,” which essentially would render it part of Australian law.

But at an early stage of the proceedings ASIO sought what a “public interest immunity claim” over the document to redact parts of the instrument – effectively seeking to suppress it.

A cost order dealing with the decision made in March confirmed that the ASIO director general had “resisted production of the redacted parts of the determination on the ground of public interest immunity.”

ASIO withdrew the public interest immunity claim shortly before the hearing, but the decision was recorded in open proceedings.

The man had three interviews with junior ASIO officers, who then provided the director general with a briefing that formed the basis of the decision to issue the adverse assessment.

The barrister representing the man, Tom Brennan, told a federal court hearing before judge Brigitte Markovic on Tuesday that this briefing contained “quite false statements” of what had occurred in the interview. He said it contained allegations surrounding the man’s affiliation, that he “adhered to Shia Islam” and his alleged association with a man named “Ishmael” who was associated with al-Qaeda in Iraq.

“The balance of the case is that junior officers of ASIO conducted a series of three interviews with the applicant, and the results of that were reported to the director general and made a decision,” Brennan said.

“What was said in the interviews was embellished in material ways. The rather interesting legal questions that arise is what’s the consequence of those embellishments.”

The failure of the ASIO officers to put the allegations to the man, which he says are false, was a denial of procedural fairness according to Brennan.

“Each of the embellishments in this case were ... a denial of procedural fairness.”

ASIO’s counsel rejected the man’s arguments, in part because there may be separate evidence that could not be brought before the court on the basis of public interest immunity claims over other documents that were conceded by the man.

Cases seeking to challenge adverse ASIO security assessments of non-citizens are notoriously difficult because there are limited requirements for them to be given reasons for the decision. This also limits the grounds on which a challenge could be made. ASIO’s counsel drew the analogy of not having all the puzzle pieces, and said: “You don’t even really know how big the puzzle is.”

“We say that invitation being made ... is entirely inconsistent with how the law has developed ... about the limits of judicial review of an adverse security assessment,” he said.

“An applicant in the position of the applicant here confronts a very substantial hurdle in seeking judicial review. It’s not a hurdle that can be cleared in the way that my friend is seeking to have here.”

He added that there was sufficient grounds in the questioning of ASIO’s officers, and that the apparent embellishments in the summarised statement didn’t form a basis for judicial review.

“In each embellishment there is actually some foundation for the conclusion that was being reached.”

He pointed to footnotes that indicated there were other materials beyond those relied on to support each conclusion outside of the security interview itself.

He continued: “All it’s possible to do is read that the disclosed material doesn’t support the conclusion.”

The case is likely to see the release of the security assessment policy document for the first time, and will raise concerns that key instruments that could affect Australians legal rights are being withheld by the intelligence agency. There appear to be only two sets of regulations currently in force under the ASIO Act.

ASIO's lawyers had previously submitted that the determination was an "administrative instrument" during the public interest immunity claim – rather than a legislative one – which would have potentially permitted their public interest claim that it should not be released.

Their lawyer said in the hearing that there was a "a considerable difficult with the argument that the determination was law", but acknowledged the matters set out in the determination needed to be taken into account for the purposes of making security assessments.

If it were a legislative instrument then it should have been registered by the federal parliament. This process also could have allowed parliamentary scrutiny of the instrument, because the Senate can move to disallow some types of instruments.

Markovic reserved her decision until a later date.

<http://www.theguardian.com/australia-news/2016/apr/20/ASIO-backs-down-in-bid-to-keep-security-assessment-law-secret>

### **3. Four Corners Monday April 25: Bad Blood**

ABC-TV - Four Corners

By Geoff Thompson and Wayne Harley

First posted April 21, 2016 12:54:00

Updated April 21, 2016 12:55:00

The Australian Government contract to provide healthcare to detainees has already cost taxpayers more than a billion dollars, but doctors say the medical care provided offshore in Manus Island is dangerously inadequate.

"I can think of very few times in recent history where doctors have been so united about a particular issue." Former Government Adviser

On Four Corners some of Australia's most senior doctors and medical staff with experience in the offshore detention system are speaking out. They say the Border Force Act could see them risk two years in jail for disclosing information about Australia's asylum seeker detention system.

"There is a lot of anxiety about that piece of legislation and how it applies to doctors." Senior Doctor

Despite this, the doctors have chosen to talk.

"The doctors have been appalled at attempts to silence them." Doctor

Their story centres on the case of a Manus Island detainee, Hamid Khazaei, who died following a bacterial infection in 2014.

"I feel like to prevent further harm there are some details that I can offer to the story of what happened." Doctor

What started as a skin infection poisoned his body, leaving him brain dead.

"I think that if he had this exact infection and the same conditions in all other ways and he was in Australia at the time, he's unlikely to have died." Former Government Adviser

The details of his rapid decline and the treatment he received are shocking.

Doctors involved in his care are speaking publicly for the first time, giving a rare inside account of the medical treatment available in our offshore detention centres:

"I feel like I've actually weighed the ethics of the case quite heavily for the last eighteen months and now I believe that there actually is a clear benefit for people to understand how the system works and the reason why what happened, happened." Doctor

Bad Blood, reported by Geoff Thompson and presented by Sarah Ferguson, goes to air on Monday 25th April at 8.30pm EDT. It is replayed on Tuesday 26th April at 10.00am and Wednesday 27th at 11pm. It can also be seen on ABC News 24 on Saturday at 8.00pm AEST, ABC iview and at [abc.net.au/4corners](http://abc.net.au/4corners).

<http://www.abc.net.au/4corners/stories/2016/04/21/4447627.htm>

## 4. The Saturday Paper: Human Rights Commission president Gillian Triggs speaks out

The Saturday Paper  
Ramona Koval  
Apr 23, 2016

"I was unprepared for dealing with senior political figures with no education whatsoever about international law and about Australia's remarkable historical record which they are now diminishing. We've got senior public servants who will roll their eyes at the idea of a human right. They say, "Look, Gillian, you're beating a dead horse." It's not going to work, because they can't talk to the minister in terms of human rights. We've had, in my view, very poor leadership on this issue for the past 10 to 15 years, from the "children overboard" lie. They've been prepared to misstate the facts and conflate asylum-seeker issues with global terrorism. What I'm saying applies equally to Labor and Liberal and National parties. They've used this in bad faith to promote their own political opportunistic positions."

<https://www.thesaturdaypaper.com.au/news/politics/2016/04/23/human-rights-commission-president-gillian-triggs-speaks-out/14613336003160>

## 5. Michael Bradley: Thought 'death cult' lawmaking ended with Abbott? Think again

ABC The Drum  
By Michael Bradley  
Posted Thu 21 Apr 2016, 7:57am

A shadowy entity is deciding the fate of Australian citizenship, while NSW lawmakers want the power to punish those found not guilty of crimes. The erosion of our rights is continuing, just without the fanfare, writes Michael Bradley.

Post-Abbott, the nightmare continues. I say that from the perspective of a person who cares deeply about the rule of law, the separation of powers and the basic human rights which our democracy was designed to protect.

For those who believe the dogma that, if you've done nothing wrong, you have nothing to fear, you can stop reading.

What could be worse than the Abbott era fever-dream of death cult lawmaking? Well, we're no longer being told daily that we're about to be knifed in Martin Place by a hijab'd jihadi and that we need to give up just one extra bit of privacy or freedom so that the feds can keep us safe. But the erosion of our precious balanced protections from arbitrary state-imposed harm is going on unabated; just without the fanfare.

Two things are happening right now which we should fear in our bones. We really should.

First up is the Crimes (Serious Crime Preventions Orders) Bill, currently before the NSW Parliament.

Unusually, it's the love child of the Police Minister, not the Attorney General, and it wasn't reviewed by the Law Reform Commission or made the subject of discussion with the public or legal profession. It doesn't sound as exciting as Queensland's Vicious Lawless Association Disestablishment Act, but it is no less profound a power grab.

For many centuries, the courts maintained an iron-clad rule: with extremely limited exceptions, a person could only be imprisoned if they were convicted of a crime in a court of law. The exceptions were mainly pre-trial refusal of bail, and war-time expedients.

In more recent times, that boundary has become more porous, as governments look to get around the restrictions of the burden of proof so that it won't be so hard to "lock up bad guys", such as terrorists, bikies and organised crime gangs.

This new NSW law is a major development. It empowers a court, if asked by the police, DPP or Crime Commission, to make a "serious crime prevention order" against a person, which includes any restrictions on that person's freedom of movement or communication as the court considers appropriate to prevent, restrict or disrupt their involvement in "serious crime related activities".

If we were talking about convicted criminals here, then there would be a serious question mark over this law, given that it directly inhibits the freedoms of people who have already served their time. Still, there appears to be plenty of public appetite for continuing to punish criminals well after their sentences have been served.

But we're not just talking about that. This law also allows restrictive orders to be imposed on a person who has been "involved in serious crime related activity", whether or not they have ever been charged with an offence or, if they have, they were acquitted.

To be very clear about this: this law says that if you are charged with a serious crime, and you are found not guilty at trial, the courts can still make orders directly reducing your freedom of movement or communication (for example, house arrest) on the basis that it substitutes its own factual finding for that of the judge or jury who originally acquitted you.

This is a form of double jeopardy, the rule that says you can't be tried a second time for a crime once acquitted, which has been around since Ancient Greece. It also tramples on the principle that you cannot be punished for a crime unless you are tried and found guilty beyond reasonable doubt.

Imagine the cops think you're a criminal. Here's a tool they can use to come after you, unburdened by the need to prove that you've actually committed a crime. All they'll need to prove is that you might.

The other outrage du jour is something called the "Citizenship Loss Board".

Its existence was casually dropped by Immigration Minister Peter Dutton earlier this month. It is apparently actively considering the cases of 100 or so Australian citizens who have been allegedly fighting in Syria and Iraq.

This is a shadow entity of the most extraordinary kind, existing as it does in what is supposed to be a transparent parliamentary democracy. In legal terms, the Citizenship Loss Board doesn't exist at all. It is not mentioned in the Australian Citizenship Act, or the regulations. It was not created by formal delegation of Ministerial power. It is not gazetted anywhere. You will find no trace of it in any official document, at least not one which you will ever be allowed to see.

And yet, it very much exists. Apparently its membership includes bureaucrats from the Departments of Immigration, Foreign Affairs, Attorney General and Defence. It may also include ASIO and AFP representatives.

What does it do? According to submissions made to the Parliamentary Joint Committee when it was considering the amendments to the Citizenship Act which now allow for Australians to automatically "renounce" their citizenship by conduct, the Board will get together to work out whether or not a person has engaged in conduct which has caused them to lose their citizenship, and then report that to the Immigration Minister. His job is then to tell the person that their citizenship is gone.

The amendments were carefully designed to avoid any suggestion that the process of renunciation involves anybody in making an actual decision - because that should be a matter for the courts, not the executive government. That's why the Board is hidden in the shadows.

The reality is that it is a star chamber par excellence; its role is precisely to sit in judgment on the actions of alleged terrorists, and determine whether or not they should have their citizenship taken from them. Its deliberations occur in secret; there is no right to be heard or represented; no right to see the evidence it considers; no right to even know that it is deciding your fate; no avenue of appeal. It is in theory possible to ask a court to review your case on the basis that you didn't in fact do anything to lose your citizenship, but good luck trying to organise that from Christmas Island.

In practice, it is going to work like this: the Minister will one day hold a press conference at which he will hand out a list of names of Australian citizens who are no longer Australian citizens. He will say that they are no longer citizens because they chose to renounce their citizenship by their actions (not words). He will say that, magically, he became aware of this and he's just letting us know.

In truth, the Minister will be acting as mouthpiece for an invisible court of bureaucrats who have passed judgment on the actions and intentions of citizens of this country, with the result that they are citizens no more. It will be as if this outcome was ordained by God. For an appropriate historical precedent for this form of legal process, we have to turn to the Inquisition.

Rest easy, Australia. All these measures continue to be targeted at bad people only. As history's past lessons such as Henry VIII's Star Chamber, the Catholic Church's Inquisition and the House Un American Activities Committee amply demonstrate, the rest of us have nothing to fear.

---->>> *Michael Bradley is the managing partner of Sydney law firm Marque Lawyers, and he writes a weekly column for The Drum. He tweets at @marquelawyers.*

<http://www.abc.net.au/news/2016-04-21/bradley-death-cult-lawmaking-continues/7344290>

## 6. Desperate refugees arrested trying to return to Manus Island centre

The Age  
April 22, 2016 - 8:28PM  
Michael Gordon

An Iraqi refugee has been arrested for trying to break back into the guarded transit centre on Manus Island after deciding he could not cope with freedom in one of Papua New Guinea's biggest cities.

The Iraqi and an Iranian spent the night in custody in the Lorengau police lock-up after attempting to return to the centre, which was designed to accommodate those released from detention before they settle in PNG.

Three refugees who have left Manus Island to try and rebuild their lives in Lae after being granted refugee status have returned to the island, saying they feel safer in the transit centre.

Twenty-year-old Iranian, Loghman Sawari, says he went with Abdullah, the Iranian, to the centre on Wednesday night but both were refused entry, prompting the Iraqi to try and scale the fence.

Mr Sawari told Fairfax Media the police were called and the pair were taken to the local police station where they spent the night before PNG immigration officials came and offered to assist their return to their home countries.

At one point Mr Sawari was released from custody and returned to the guest house where he had been staying in a distressed state but, after an altercation with the manager, he was re-arrested.

He said the Iraqi signed a paper permitting return, despite fearing for his safety. He maintains he refused, insisting it was not safe for him to go back to Iran. "I don't know what is going to happen," Mr Sawari told Fairfax Media from the lock-up.

"I'm not OK. I'm scared and I'm not sleeping."

Mr Sawari returned to Manus after being settled in Lae and starting a job, saying he felt unsafe and could not survive on the modest wage. He was briefly homeless before a refugee who has coped well with resettlement paid his airfare back to Manus.

He says he has been offered two options: return to Iran or removal to another province in PNG. But he sees both as too dangerous and wants to return to the transit centre. Late on Friday he was released and taken to a different guest house on Lorengau.

The PNG government maintains around 900 asylum seekers who remain in the detention centre have now had their claims assessed. This is disputed by asylum seekers who insist they have not submitted to interviews because they object to being held in PNG.

Fewer than 70 have left the detention centre to reside in the Lorengau transit centre and only seven have left the centre to be resettled elsewhere, including the three who have since returned in apparent despair.

Mr Sawari was 17 when he arrived in PNG in August 2013, one month after the then Labor government decided to remove children and family groups from the detention centre.

He has the letter from Australian immigration officials confirming his age and telling him he would be "treated as a minor for the purposes of accommodation, placement and other purposes".

He remained in isolation until his 18th birthday, when he was told he would be staying.

The dangers in PNG's big cities were summed up in 2014 by Queensland Liberal senator Ian McDonald, a strong supporter of offshore processing. "You can't walk down the street of Lae, at all, the second biggest city, and [in] Port Moresby, you know you've got to be careful where you go," he said.

"Settlement areas of towns and cities are particularly dangerous," the Australian Department of Foreign Affairs and Trade's Smartraveller website says. "Bush knives (machetes) and firearms are often used in assaults and thefts. Carjackings, assaults (including sexual assaults), bag snatching and robberies are common."

A PNG immigration official has declined to respond to questions about those who have returned to Manus, telling Fairfax Media: "We do not comment on individuals. PNG Immigration and Citizenship Service Authority (ICSA) continues to provide support to all refugees to enable them to avail settlement opportunities."

<http://www.theage.com.au/federal-politics/political-news/desperate-refugees-arrested-trying-to-return-to-manus-island-centre-20160422-gocyg1.html>

## **7. MEDIA RELEASE: Manus asylum seeker threatened with forced compound transfer**

IMMIGRATION THREATENS FORCED TRANSFER ON MANUS ASYLUM SEEKER DEEMED TO BE REFUGEE

Saturday April 23, 2016  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

Behrouz Boochani, an Iranian asylum seeker has never made a application for protection since he was forcibly transferred from Christmas Island to Manus Island in 2013.

Although Behrouz has never made a protection application, last week, 18 April, PNG Immigration determined that he was a refugee regardless. (PNG immigration notice attached).

Yet, another 45 asylum seekers, who have also refused to make a protection application in PNG, have been told that because they have not made an application they have been rejected.

Now, in an attempt to undermine the stand, Immigration has told Behrouz, that because he is a refugee, he must shift to Oscar compound, as part of a reorganisation drive in the Manus Island detention centre that seeks to concentrate all those found to be refugees in Delta and Oscar compounds.

Behrouz has refused. Immigration and Wilson Security have now threatened that he will be forcibly transferred to Oscar, from Mike (using PNG police if necessary) on Sunday morning, 24 April.

Behrouz told the Refugee Action Coalition, "I have never accepted their positive result. I want to show to all people that their process is fake. Where would you find an asylum seeker who would rather be in a 'negative' prison than be found to be a refugee? Only in Manus."

Behrouz is one of around 50 people who have refused to recognize the legitimacy of refugee processing on Manus Island. But Behrouz has a high profile as a dissident Iranian journalist, recognised by the international writers' organisation, PEN, as a political prisoner imprisoned on Manus.

His stand against being processed on PNG makes him an international embarrassment to both the PNG and Australian governments -- so he has to be moved.

"The mistreatment of Behrouz has highlighted the absurdity of Manus Island detention, and the farce that is refugee processing in PNG," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"No re-organisation of Manus detention compounds can hide the crime that is being perpetrated on the asylum seekers on Manus Island."

For more information contact Ian Rintoul 0417 275 713

## **8. Hazara asylum seeker says he is being sent back to Afghanistan**

If repatriation goes ahead, 27-year-old will be fifth Hazara to face forcible deportation back to Afghanistan after seeking asylum

The Guardian  
Helen Davidson in Darwin  
Saturday 23 April 2016 08.37 AEST

A Hazara man has said he is set to be deported to Afghanistan from an Australian immigration detention centre after a lawyer failed to lodge an appeal for his refugee claim.

If the repatriation goes ahead, the 27-year-old man will be the fifth ethnic Hazara to face forcible deportation back to Afghanistan after seeking asylum in Australia.

The man told Guardian Australia he fled Afghanistan in 2012 and arrived on Christmas Island. He was refused a protection order shortly after and spent time in the West Australian detention centre Yongah Hill and in community detention.

His claim for asylum was rejected and the rejection reaffirmed by the refugee review tribunal in early 2013, probably at a cost to him of more than \$1,600.



A request for ministerial intervention was also rejected that same year and he was granted a six-week visa in 2014 so he could appeal.

The man told Guardian Australia he paid a Victoria-based lawyer to submit the application but when he reported to immigration after the six weeks they told him nothing had been received.

"I paid him to do that and he didn't do it. He just took the money," the man said.

He was then sent to Darwin's Wickham Point detention centre, where he had been for more than a year before learning he was to be deported.

"Immigration said they are going to send me back by force on Monday," he told Guardian Australia.

"Then immigration are saying I can go back to Kabul but I don't have anyone to support me in Kabul and also Kabul is not safe."

He said legal aid lawyers had told him he has no legal option.

The asylum seeker came from a village in Ghazni province, where he says he was targeted by the Taliban and accused of being a spy. He says he was taken by the Taliban but escaped in Kabul.

Documents seen by Guardian Australia detail the man's claim that he was targeted by the Taliban for being Hazara and of Shia Muslim faith, and for speaking out against the Taliban, and because they believed he was supporting foreigners and the government.

The documents also show that once he arrived in Australia his credibility was deemed questionable by Australian authorities and that, despite his fear of persecution in his home province as a Hazara man, they did not accept that his safety was at risk in Kabul.

His claim for protection was also rejected at least partly because the Australian official did not believe the Taliban could find out he'd spoken out against them, because it was unlikely the people he was speaking to would have informed on him.

While Hazaras are targeted in Afghanistan and Pakistan, Australian legal precedent dictates some claims of persecution cannot rely on "situations of random violence" but must involve harassment specific to the individual.

In recent years, particularly since the young man's appeal was rejected, Afghanistan's security situation has deteriorated.

Afghanistan's capital was rocked by one of the deadliest attacks in years on Tuesday, when a car bomb outside a security compound killed at least 30 people and injured hundreds. The attack marked the start of the Taliban's yearly "spring offensive" and prompted fears this year could be one of the most violent since the regime lost power in 2011.

In March dozens of militants were killed in Taliban factional fighting and in November both the Taliban and Isis claimed responsibility for the beheading murders of seven Hazaras, including two women and a child.

Australian government reports on the situation in Afghanistan for Hazara note the increasing violence and travel advisories warn: "No part of the country can be considered totally free from conflict-related violence."

The department of immigration has been contacted for comment.

<http://www.theguardian.com/australia-news/2016/apr/23/hazara-asylum-seeker-says-he-is-being-sent-back-to-afghanistan>

## **9. Four asylum seekers behind boat journey to Australia sentenced to jail, Vietnamese group says**

ABC News Online

By Indonesia correspondent Samantha Hawley

Posted Sat 23 Apr 2016, 11:06am

Four asylum seekers accused of organising a boat journey to Australia last year have been sentenced to between two and three years' jail, a Vietnamese community group in Australia says.

Trung Doan from Vietnamese group VOICE said the two women and two men were jailed for organising an illegal escape overseas.

They were among a group of 46 asylum seekers, including children, who almost made it to Australia in April last year.

They were intercepted by the Navy and their claims for asylum were assessed at sea before they were sent home.

Mr Doan said another group of 46, who were also intercepted by the Australian Navy after a 20-day journey to Australia in July last year, are due to be sentenced soon.

The four sentenced last night are all in their 30s.

Mr Doan said they include two women, Nguyen Thi Lien and Tran Thi Thanh Loan, who were both sentenced to three years' jail and two men, Ho Trung Loi and Nguyen Van Hai, who were both sentenced to two years in prison.

Under Vietnam's criminal code, returned asylum seekers face between two and 15 years behind bars for seeking asylum or organising the trip, even if there was no financial gain, Mr Doan said.

The UN refugee agency has expressed concern over Australia's decision to assess the asylum claims of the Vietnamese nationals at sea.

UNHCR said they may not have been screened, referred and assessed in a way that is fair.

<http://www.abc.net.au/news/2016-04-23/asylum-seekers-in-vietnam-sentenced-to-jail,-advocates-say/7352814>

## **10. Asylum seeker boat bound for Australia intercepted, people smuggler jailed in WA, Peter Dutton confirms**

ABC News Online

By political reporter Stephanie Anderson

First posted Thu 21 Apr 2016, 9:45am

Updated Thu 21 Apr 2016, 10:22am

Immigration Minister Peter Dutton has confirmed an asylum seeker boat en route to Australia has been stopped by the Sri Lankan Navy.

Mr Dutton told 2GB radio the boat had left a Sri Lankan port, but was stopped before it reached international waters.

"The Sri Lankan Navy intercepted that boat, turned it around and took them back to shore," he said.

"It just shows you that the people are still there ... We're dealing with these on-water matters all the time."

The report follows the sentencing of a convicted people smuggler in Western Australia.

The 44-year-old Iraqi man appeared before the District Court of Western Australia, where he was sentenced to 10 years in prison.

In a statement, Mr Dutton said the man had been extradited from Germany in 2014 after an investigation identified his role in organising a "people smuggling venture" in 2010.

"There are currently 18 people serving a sentence in Australian prisons for a people smuggling offence," he said.

<http://www.abc.net.au/news/2016-04-21/asylum-seeker-boat-bound-for-australia-intercepted/7345274>

## **11. What \$1500 gets you: a luxury hotel room in Sydney and Melbourne - or a night's detention on Christmas Island**

The Age

April 19, 2016 - 4:14PM

Nicole Hasham

Australian taxpayers fork out \$1458 a night for each person held at the Christmas Island detention centre – equal to luxury hotel rooms in Sydney and Melbourne boasting glittering city views and Steinway grand pianos.

Some 167 men were held at the facility at the end of February, costing the public purse a staggering \$243,000 a day.

The figures have emerged a fortnight before the federal budget, in which Turnbull government has warned of restrained spending as it seeks to return to surplus.

The expense is on top of spending on mainland detention centres, and the \$1.2 billion cost of running offshore detention centres last financial year.

In response to a question posed by Labor at Senate estimates, the Department of Immigration and Border Protection revealed the daily cost of keeping someone detained at Christmas Island was \$1458.

The presidential suite at the Sir Stamford hotel in Sydney's Circular Quay costs \$1500 a night, and features Italian silk wall coverings, a Steinway Grand piano, mahogany writing desk and a Louis XV marble fireplace.

Melbourne's Crown Towers Premier Club Suite, at \$1400 a night, offers "unparalleled luxury" including panoramic views, floor to ceiling windows, walk-in dressing room and complimentary drinks and canapés.

In contrast, a former Christmas Island detainee told Fairfax Media the facilities there were a "one out of 10".

Men slept in bunk beds in dorms holding 16 people. The rooms usually contained a small sealed window and were "very dirty, very unhygienic".

"The food is absolutely rubbish. You'd get mainly curry – curried beef, curried pasta. It's worse than hospital food, there is nothing to chew on," he said.

"The chicken is old and undercooked. It's horrible."

The man said the conditions had fuelled tensions among detainees, and contributed to riots at the centre last November.

As Fairfax Media has reported, the cost of Australia's immigration detention system recently blew out by more than \$1 billion and the time detainees spend in detention centres has reached a record high under the Turnbull government, leading to higher than expected detention centre populations.

The department also revealed it intends to spend about \$7.1 million on extra security measures at the Christmas Island centre, which Immigration Minister Peter Dutton has said houses a "hardened criminal population" awaiting deportation after visa cancellations. It is understood asylum seekers are also held there.

Labor's immigration spokesman Richard Marles said Australian taxpayers were left to carry the high cost of detention "because of this Liberal government's inaction and incompetence".

"This government has had more than two and a half years to resolve this issue, but slow processing and the lack of a proper third country resettlement agreement have resulted in these cost blowouts," he said.

Comment has been sought from the department and Mr Dutton.

<http://www.theage.com.au/federal-politics/political-news/what-1500-gets-you-a-luxury-hotel-room-in-sydney-and-melbourne--or-a-nights-detention-on-christmas-island-20160419-go9tyb.html>

## **12. Almost half of children returned from Nauru have mental illness, Senate told**

Immigration says 25 of 54 children returned to Australia, among 267 who were focus of Let Them Stay campaign, were diagnosed with mental health condition

The Guardian  
Ben Doherty  
Thursday 21 April 2016 08.58 AEST

Almost half of the asylum seeker children returned to Australia from Nauru's detention centre – the public focus of the Let Them Stay campaign – have been diagnosed with a mental illness, the government has told parliament.

Fifty-four children returned to Australia from Nauru were part of the 267 asylum seekers and refugees who were the focus of a nationwide Let Them Stay campaign.

In answer to a February question on notice specifically about that 267 cohort, a Department of Immigration and Border Protection official has told the Senate: "as at 8 February 2016, there were 25 minors from Nauru who were in Australia with a clinically diagnosed mental health condition including depression and anxiety".

"Additionally, there were five minors in Australia for other long-term medical issues."

In February, 267 asylum seekers and refugees became the focus of intense public campaigning over a high court challenge to their detention and government plans to return them to Nauru and Manus Island.

The 267 had been brought to Australia from the detention centres on Nauru and Manus Island because of a serious medical condition, or because a close family member required medical attention.

Thirty-seven were babies who had been born in Australia, and had never been to Nauru, but were deemed “illegal maritime arrivals” because of their parents’ migration status.

Fifty-four were children who had been detained in the Nauru detention centre. Guardian Australia understands there may be a small number of additional children returned to Australia from Nauru who are not part of the 267.

The government’s own reporting has found detention is especially harmful for children.

The chief medical officer and surgeon general of the Australian Border Force, Dr John Brayley, told a Senate estimates hearing in February: “the scientific evidence is that detention affects the mental state of children, it’s deleterious.”

“Wherever possible, children should not be in detention.”

Confidential reports to government by detention health provider IHMS – obtained under Freedom of Information by the Guardian – consistently show children in detention suffer more acute mental health crises than adults, and their mental health deteriorates the longer they are detained.

IHMS has also told the government mental health damage to children persists long after they are released.

Greens Senator Sarah Hanson-Young, who asked about the children’s mental health at the Senate estimates hearing, said the children and their families should be allowed to apply for permanent visas to stay in Australia “so that they can live in safety and rebuild their shattered lives”.

“Threatening to send these children to Nauru is keeping them in a state of constant fear and anxiety,” Hanson-Young said. “No child should be subjected to this sort of mental torture.”

The 267 asylum seekers were enjoined to a high court challenge brought by a Bangladeshi woman – M68 – who challenged the constitutionality of her detention offshore.

The M68 challenge failed in the high court, a majority of the full bench ruling the government does have the power to detain people offshore.

But as public protests grew across the country under the banner of Let Them Stay, and more than 100 churches said they would defy the government to offer sanctuary to those facing removal, the 267 were allowed to stay in Australia.

None have yet been returned to Nauru or Manus. More than half, including all of the children, have been released from immigration detention into the Australian community.

The government maintains there has been no alteration to the policy of offshore processing that, it says, demonstrably saves lives at sea.

Immigration minister Peter Dutton said the 267 are liable to be returned to Nauru or Manus because there is “no lawful basis” for them to stay in Australia.

He said children would not be sent “back into harm’s way,” but that the government would maintain “the principle we’ve adhered to in the past”, that people needing serious medical treatment would be brought to Australia as required, but would never be resettled in Australia.

“When there’s no longer a case for them to remain in Australia, they will be returned.”

Shen Narayanasamy, human rights director of GetUp!, the organisation which led the Let Them Stay campaign, said medical opinion had conclusively shown detention camps caused mental and physical harm to those detained.

“It is shocking, but unsurprising, that so many of the 267 children are suffering, and [this] should prompt the government to let them stay in Australia.”

She said the children in the 267 cohort still suffered because of the uncertainty around their futures.

“With the government still stating that they will be deported, they can’t even plan to be here for a football final. This uncertainty is extremely damaging for anyone, let alone a child.”

Daniel Webb from the Human Rights Law Centre said it was inexcusable that successive governments had knowingly caused harm to children by detaining them.

“Some of these children actually took their first steps and spoke their first words in detention and until recently had never known a day of freedom in their lives. Finally releasing them was an important first step towards compassion and decency.

“The next step is to allow them to apply for protection in Australia. They need to be able to begin rebuilding their lives without the threat of sudden deportation hanging over their heads.”

Webb said adults were harmed by detention too. “It doesn’t suddenly stop damaging people on their 18th birthday”.

The government announced earlier this month it had released all children from detention, moving families into community detention. For some children, this was done by reclassifying the family compound of Villawood detention centre as “community detention” and relaxing monitoring. Some children, who were not boat arrivals and were facing removal from the country, were still detained beyond the government’s declaration.

And Australia’s policy of mandatory detention of all boat arrivals, including children – in effect since 1992 – remains unchanged.

Fifty children remain on Nauru. Both the Australian and Nauru governments maintain those children are not detained because the camp is now an “open centre”. This is contested by refugee advocates, human rights groups and lawyers.

Also revealed by Senate estimates questioning:

- • the cost of detaining a single person on Christmas Island for a single day is \$1,458. (There are currently 167 men held on Christmas Island)
- • the Australian Border Force spent \$400,000 on branded “decals” for its helicopters, cars, vessels, and planes
- • the Australian Border Force spent \$20,000 on ABF-branded flags for buildings and boats
- • 65% of school-aged children in the Nauru detention centre attended school at least once in the first fortnight of school term this year (32 out of 49 school-aged children)

<http://www.theguardian.com/australia-news/2016/apr/21/almost-half-of-children-returned-from-nauru-have-mental-illness-senate-told>

### **13. Reza Barati death: Two men jailed over 2014 murder of asylum seeker at Manus Island detention centre**

ABC News Online

By Papua New Guinea correspondent Eric Tlozek

First posted Tue 19 Apr 2016, 12:52pm

Updated Tue 19 Apr 2016, 4:37pm

Two men found guilty of murdering asylum seeker Reza Barati in Australia's offshore detention centre on Manus Island have been sentenced to 10 years' jail, with five of those years suspended.

With time already served, Joshua Kaluvia and Louie Efi will be released from prison in just over three years.

Papua New Guinea's National Court found the men murdered Mr Barati during a riot at the Manus Island detention centre in February 2014.

The court heard Kaluvia hit the 23-year-old Iranian in the head repeatedly with a piece of wood with a nail in the end of it, before Efi dropped a large rock on Mr Barati's head.

Efi and Kaluvia were charged with wilful murder, but sentencing judge Nicholas Kirriwom found them guilty of the lower charge of murder.

He told the court he applied for the lower charge and suspended part of their sentence because there were other people involved in the killing who had not been charged.

Judge Kirriwom also told the court his decision took into account that the prosecution relied on only one main witness.

"I bear in mind that in sentencing these two prisoners, I do not make them 'guinea pigs' to bear the brunt of punishment for those who are not here and have not been prosecuted," he said.

Last year, the court heard police had tried to question one Australian, named Paul, and one New Zealander, named Anton, who were working at the detention centre and were allegedly involved in Mr Barati's death.

But police told the court they had not received any cooperation in bringing the men back to PNG.

## ***'Many people' involved in killing asylum seeker***

Detainees at the centre said there were many people involved in the killing of Mr Barati, as well as other acts of violence during the riot, who had not been charged.

The main trial witness, Benham Satah, said he had received threats from other guards at the centre and from the defendants themselves, when he was taken to the hospital in the town of Lorengau.

"They told me, 'If you don't withdraw your affidavit we will do to you what we did to Reza'," he told the court last year.

A former Salvation Army worker, Kaluvia escaped from jail on Manus Island on March 28, but was recaptured just over two weeks later to face court.

Police had struggled to find Kaluvia when he was first named as a suspect in the case after his friends initially told them he was dead.

He was later arrested on the island of New Britain.

A Senate inquiry in December 2014 found the cause of the riot, which injured 70 asylum seekers, to be a failure to process asylum seeker claims, stating the violence was "eminently foreseeable".

It also found the Australian Government — which labelled the incident as a "disturbance" — failed in its duty to protect asylum seekers, including Mr Barati.

<http://www.abc.net.au/news/2016-04-19/reza-barati-death-two-men-sentenced-to-10-years-over-murder/7338928>

## **14. Reza Barati: men convicted of asylum seeker's murder to be free in less than four years**

Papua New Guinean judge says men given shorter prison term because others were also involved in killing Barati

The Guardian  
Ben Doherty and Helen Davidson  
Tuesday 19 April 2016 17.50 AEST

Two men convicted of murdering the Iranian asylum seeker Reza Barati in Australia's offshore detention centre on Manus Island will serve five years in prison for the crime.

Louie Efi and Joshua Kaluvia, both 29, were convicted in Papua New Guinea's supreme court and sentenced to 10 years in jail, with five years suspended.

Taking into account time served, both men will be free in a little over three years.

The court heard that during riots in the Australian-run detention centre on 17 March 2014, Kaluvia twice hit Barati with a length of timber spiked with nails and Efi dropped a rock on his head as he lay on the floor.

But, in sentencing, Justice Nicholas Kirriwom said the men received shorter prison terms because others were also involved in killing Barati. Those people had not yet been charged, he said.

Kirriwom said his decision also took into account that the prosecution's case relied on the evidence of one main witness.

Kaluvia and Efi pleaded not guilty and maintained their innocence throughout the trial.

In an interview from Lorengau prison in August, they told Guardian Australia they were being "set up".

"They want to convict us so that nobody else, no Australians or New Zealanders, who are responsible, have to face justice," Kaluvia said. "We have to take the blame for them because we are PNG. They think we don't matter."

Kaluvia fled Manus when he was first named as a suspect. Friends told police he was dead but he was later found in New Britain province. He escaped custody in March but was rearrested after two weeks. Manus police were not informed of his escape for more than a week.

Manus MP Ron Knight said the two Manusian men had been forced to bear the total punishment for crimes others had also committed.

"Our people must see that justice runs both ways," he said. "We accept that Louie and Joshua have been found guilty, now they must bring in the others who are also culpable."

“We now demand that the two expatriates involved and the others identified be immediately arrested and charged for their part. We believe the two expats were most culpable as they were the last persons seen kicking Reza in the head with safety boots.”

The alleged impunity of expatriates working on Manus has been a long-running sore point with Manusians. In July, three Wilson Security guards accused of drugging and raping a local woman were hurriedly flown off the island and out of the country before they could be interviewed.

In September the then prime minister, Tony Abbott, said Australia would cooperate with PNG in the investigation but the three men have not returned to the country.

Another Australian man employed by Wilson Security was accused of robbing a hotel and crashing a car in December but was flown off the island before police could question him.

Controversy has surrounded the prosecution of Kaluvia and Efi since they were first arrested.

The court was presented with evidence that up to 15 people, including New Zealand and Australian guards, were involved in attacking Barati before he died.

In the Australian government’s report into the riots in the Manus detention centre, the retired public servant Robert Cornall described Barati as “a very gentle man” who was not involved in the unrest.

Witnesses say on the night of 17 February 2014, as violence in Mike compound reached its peak, Barati was seen running up a flight of stairs to his upper-floor room, pursued by several guards.

At the top of the stairs, a man not in uniform – identified in several witness statements and the Cornall report as Kaluvia – stood carrying a large piece of timber with nails sticking out of the end.

At the top of the stairs, the man identified as Kaluvia allegedly struck Barati in the head with the timber, shouting, “Fuck you, motherfucker.”

Kaluvia allegedly struck Barati again, knocking him to the ground.

One witness statement provided to police said: “Reza Barati was bleeding very heavily from the injury on head. I saw Reza Barati was still alive at that time when he was lying on the wire floor. The G4S guards who were chasing him from behind reached him and kicked him [Barati] on his head with their boots. I saw about a total of 13 G4S local officers and two expatriate officers kicked Reza Barati in his head with their boots. He was putting up his hands trying to block the blows from the boots.

“I then saw this man who was a G4S guard (local) with one eye. He held on to a stone, which was about 30cm wide and 50cm in height. Saw him lifted the stone up with both hands above his head and threw it very hard on Reza Barati’s head while he was still lying on the wire floor. I think at that time when he threw the stone Reza died.”

The Cornall report names Efi, who has only one eye, as dropping the rock onto Barati’s head.

In an investigation in Barati’s death on Manus Island last year, Guardian Australia independently spoke to two further witnesses to Barati’s death.

Both gave identical accounts: that Barati was chased up the stairs and hit twice with the piece of wood before being kicked by several guards, local and expatriate, as he lay bleeding on the ground. Finally, a large rock was dropped or thrown onto his head.

“It was locals and it was expats, they attacked him as he was going up the stairs,” said one man, who did not want to be identified for fear of retaliation from people on Manus Island.

“They hit him and they kicked him with their boots. And they dropped a rock on his head. We watched all of this, we saw him die.”

The man told Guardian Australia he feared giving evidence in the men’s trial for fear of reprisals from other guards and local people. He said he had been told he would be killed if he testified.

A medical officer who treated Barati told the Cornall inquiry it was immediately clear the asylum seeker would not survive his catastrophic head injury.

“Mr Barati’s head was shattered by a crack on the left side of his skull ... he also had facial abrasions and knocks indicating he has received a more general beating (not just the blow to the skull).”

Barati's catastrophic brain injury caused cardiac arrest.

Cornall concluded: "Mr Barati suffered a severe brain injury caused by a brutal beating by several assailants and died a few hours later."

Seventy asylum seekers were injured in three days of the rioting in March 2014, including one man who was shot and another who had his throat slit. The riots were "eminently foreseeable", according to an Australian Senate inquiry, and caused by a failure to process asylum claims.

The inquiry found the Australian government – which labelled the incident a "disturbance" – failed in its duty to protect asylum seekers.

David Yapu, the police commander of Manus Province, lauded an "ambitious police investigation spanning over three years" leading to the conviction, despite two escapes by Kaluvia.

Yapu said the convictions were "quite relieving" and would "undoubtedly reflect positively" on the PNG justice system.

<http://www.theguardian.com/australia-news/2016/apr/19/reza-barati-men-convicted-of-asylum-seekers-to-be-free-in-less-than-four-years>

## 15. Reza Barati's killers could be free in three years

The Age  
April 19, 2016 - 6:17PM  
Michael Gordon

Two Manus Island locals found guilty of killing Iranian asylum seeker Reza Barati in 2014 could be free in just over three years after being sentenced on Tuesday.

The pair were sentenced to 10-year jail terms, but could be released much earlier because of time already served and because half the term is a suspended sentence.

Trial judge Nicholas Kirriwom said the pair received a lower sentence because there were other people involved in the killing who had not been charged, the ABC has reported.

"I bear in mind that in sentencing these two prisoners, I do not make them guinea pigs to bear the brunt of punishment for those who are not here and have not been prosecuted," the judge said.

He also told the court his decision took into account that the prosecution relied on only one main witness.

The witness, Benham Satah, remains in the Manus island detention centre and says he has suffered death threats from friends of the pair and constantly fears for his safety.

He is also dismayed that others involved in the attack, and attacks on other detainees, including some who still work at the centre, have never faced justice.

"What about the others who were injured and are still suffering from those injuries?" he told Fairfax Media after hearing of the sentences. "What about those who were involved in murdering Reza and beating others?"

"And what about the main thing that caused Reza's death - the policy (of offshore detention on PNG and Nauru)?"

Advocates including Labor MP Melissa Parke have petitioned the Turnbull government to transfer Mr Satah to Australia and give him permanent protection.

"After the murder of Reza Barati and the threats against Mr Satah, this light sentence is just further evidence of the unsuitability of PNG to host a detention centre," Ms Parke told Fairfax Media.

"The responsibility for this travesty lies solely with the Australian government. They must bring Mr Satah to Australia for his safety."

PNG's National Court found Joshua Kaluvia and Louie Efi murdered Mr Barati during a riot at the Manus Island detention centre in February 2014. Scores of other detainees were injured when they were attacked by security guards and PNG nationals who stormed into the centre. Several required facial surgery. One still has a bullet in a buttock.

The court was told Kaluvia hit the 23-year-old Iranian in the head repeatedly with a piece of wood, before Efi dropped a large rock on Mr Barati's head.



But Mr Satah has testified that several others were involved in the attack, including an Australian and a New Zealander who left Manus after the attack and have not returned to face questioning despite repeated requests from PNG police for help in apprehending them.

Kaluvia was recently recaptured after escaping from the Lorengau jail on Manus Island last month.

<http://www.theage.com.au/federal-politics/political-news/reza-baratis-killers-could-be-free-in-three-years-20160419-go675.html>

## **16. Detainees angry over sentencing of Manus Island asylum seeker murderers**

ABC News Online

By Papua New Guinea correspondent Eric Tlozek

First posted Tue 19 Apr 2016, 10:04pm

Updated Wed 20 Apr 2016, 2:52pm

Detainees in Australia's offshore detention centre on Manus Island say they are dismayed by the jail sentence given to two Papua New Guinean men who killed asylum seeker Reza Barati.

Two former workers at the centre, Joshua Kaluvia and Louie Efi, were sentenced yesterday to 10 years' jail, suspended after five years, for the murder of the Iranian man during a riot in February 2014.

The main witness in the case, Barati's roommate Benham Satah, said he was worried that other people allegedly involved in the killing — including one Australian and one New Zealander — had not been charged.

"I wish there would be justice for all those people involved, not just those two locals," he said.

"I wish those people could also have been charged, but sometimes some countries are very powerful and they can protect their own people from being charged."

Mr Satah, who has been threatened for giving evidence against the convicted killers and still fears for his safety, said many people who committed violent crimes during the riot had not been prosecuted, and some still work at the centre.

He said detainees feel there has been no justice, because the people who put them in detention and created the conditions that led to the extreme violence have not been sanctioned.

"It's not justice," he said.

"I don't see it as justice because there are many people, they should have been charged for it, for causing it, for starting it.

"Ten years, 20 years, they cannot bring Reza back to his family and they never can make his mother happy or his family happy."

Another detainee, Behrouz Boochani, said asylum seekers were dismayed at the length of the sentence, and how it was partially suspended.

"People in Manus prison are remembering Reza's personality and know he was a kind boy and how they killed him in a cruel way," he said.

Mr Boochani said detainees feared they could spend as much time locked up in detention as the convicted killers will in jail.

"I feel angry when I compare our situation with a killer who [will] only go to jail for about five years," he said.

"It makes me angry and hopeless."

<http://www.abc.net.au/news/2016-04-20/manus-island-detainees-angry-reza-barati-murder-sentences/7340182>

## **17. Nearly 50 Manus Island detainees told they have no claim to refugee status**

The move by PNG immigration is in line with the government's plans to process all applications by the end of June and eventually close down the centre

The Guardian

Ben Doherty and Helen Davidson

Wednesday 20 April 2016 16.06 AEST

At least 45 asylum seekers in the Manus Island detention centre have been told they are not entitled to refugee status, despite never presenting their refugee claims to Papua New Guinea authorities.

And while they face possible deportation, only one – the outspoken Kurdish Iranian journalist Behrouz Bouchani – has been told he has been granted provisional “positive” refugee determinations, despite refusing to participate in the process in PNG.

The move by PNG immigration is further progression of the government’s plans to process all refugee applications by the end of June and eventually empty and close the Manus detention centre.

It also comes amid an apparent continuing crackdown by the Nauru government on refugees self-harming or attempting suicide, to deter protests.

About 500 people with “positive” refugee determinations at Manus are expected to be moved to a transit centre, or “resettled” in PNG.

Those with negative assessments can appeal, but “double negative” assessments – when the appeal also fails – face forced deportation. The government has also overturned some decisions that were initially positive.

But a group of about 60 asylum seekers have refused to present their refugee claims to PNG authorities, saying they were forcibly and unlawfully taken to PNG and had not sought asylum there.

They are now having their claims decided without their participation.

“I don’t understand how they gave me positive result because I did not give my case to them,” Bouchani said. “It is illegal because I refused to give my case to them.

“I feel this decision is like a punishment. If they know I am a real refugee why [have] they put me in this hell[ish] prison for three years?”

Bouchani fled Iran after threats from the country’s paramilitary force, the Army of the Guardians of the Islamic Revolution (the Sepah) over his journalism promoting Kurdish autonomy. Several of his colleagues were arrested. He fled and came to Australia by boat, and has continued to work while in detention, filing stories for various news outlets, including the Guardian, and participating in documentaries broadcast in Australia, the UK, France, Germany and Spain.

The PNG government wants to close the Manus detention centre, and the prime minister, Peter O’Neill, has described it as a “problem” that had damaged his country. But he also says PNG cannot resettle all the 900 men on Manus, and that his government does not have the resources.

Early efforts at resettlement have foundered. Refugees have been left homeless, and forced to sell their possessions. At least six of fewer than 20 resettled refugees have returned to Manus, asking for food and shelter.

Meanwhile, on Nauru, there are fears another asylum seeker is facing charges for an act of self-harm after he tried to set himself alight and was arrested.

According to the refugee action coalition, the 38-year-old Adnan, who is on Nauru with his wife and two children, allegedly attempted to self-immolate to draw attention to the lack of care received by his daughter. The one-year-old girl has severe behavioural problems, said Ian Rintoul, a spokesman, and Adnan’s wife also suffers from severe depression.

“Police action like this against refugees can only make things worse,” said Rintoul.

“The police are using criminal charges to cover up the abuse that is the reality of incarceration on Nauru.”

A spokeswoman for the department of immigration and border protection said they were aware of an incident, and “this individual is being provided with appropriate medical care”.

“It is not appropriate for the department to comment on the legal and judicial processes of another country, or the outcomes of those processes,” she said.

The incident follows the arrest and conviction of an Iranian man, Sam Nemati, last week for attempting suicide, which sparked outrage among medical groups. They said it was a regressive and punitive reaction to mental health issues.

The conviction of Nemati by the Nauruan justice system occurred within weeks, while several cases of alleged assaults and abuse have gone without consequence for months. Despite numerous reports of attacks on refugees and asylum seekers, there have been no convictions.

Nauruan authorities have not responded to repeated requests for comment, but the government information office said last week that prosecutors had hoped to have Nemati sentenced to jail time as a deterrence to people on the island who resort to self-harm as a form of protest.

The statement said the prosecutor's aim was not directed specifically at refugees and asylum seekers, but daily protests have now entered their second month.

Unconfirmed reports from advocates suggest authorities have attempted several strategies to bring the protests to an end, including changing the time of children's activities to coincide with the afternoon rallies.

Earlier this month, a disturbance on Nauru caused injuries to several people, including staff and two detainees. Guards were accused of assaulting asylum seekers, including a young woman and children.

The immigration department said the claims that women and children were assaulted were false.

<http://www.theguardian.com/australia-news/2016/apr/20/nearly-50-manus-island-detainees-told-they-have-no-claim-to-refugee-status>

## **18. MEDIA RELEASE: Arbitrary refugee decisions expose Manus assessment farce**

Wednesday April 20, 2016

Refugee Action Coalition

Ian Rintoul

mobile 0417 275 713

Despite various threats over the years, that they would be denied protection and deported, around 60 asylum seekers on Manus Island have consistently refused to make an application to the PNG government for protection.

Their argument was simple -- they arrived in Australia and asked Australia for protection, not PNG; they were transferred by Australia to PNG, against their will; any assessment in PNG does not have legitimacy and in any case, PNG is not able to provide protection.

The UNHCR has refused to be part of refugee assessments on PNG and the assessment is not recognised by any other countries. The looming constitutional challenge in the Supreme Court seems to have prompted a number of hasty organisational changes like attempting to separate refugees from asylum seekers with negative decisions inside the detention centre.

In their efforts to intimidate asylum seekers and refugees, the PNG immigration department has arbitrarily set the end of June as a final date for all refugee determinations.

Around forty-five asylum seekers of the asylum seekers who have not made an application, have now been given a negative refugee assessment despite never having made an application. (see attachment). It is a move to try and force the asylum seekers to comply with the shonky system Australia has set up in PNG.

However, one of those who has never made an application, an Iranian asylum seeker, Behrouz Boochani, has been notified that he has been found to be a refugee. Boochani is a high profile asylum seeker; a dissident Iranian journalist who has been adopted by the international journalist association, PEN, as a political prisoner detained by Australia.

"It is obvious that the Australian government is hoping to separate the most high profile asylum seeker from others who have refused to give recognise any legitimacy to their transfer of to the processing arrangements on Manus," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

Boochani and others were sent a demand letter last October (see attachment, Behrouz October), which went unanswered.

Boochani is angry at the refugee decision and says he regards it as "illegal". He has demanded an explanation of his positive decision given that he has made no application. His complaint letter says that he had already said, "...that I do not want to give my case to PNG and I do not want to PNG immigration to investigate my case."

Lawyers in PNG are seeking to raise the issue at the next directions hearing in regard to the Supreme Court challenge in Port Moresby tomorrow, Thursday, 21 April.

To highlight the arbitrary nature of the processing and the lack of transparency, three asylum seekers who had made applications and been given positive assessments a year ago, have now been advised they are negative. They are seeking to appeal the negative decision.

Meanwhile the separation of those found to be refugees from those with initial negative decisions has resulted in serious over-crowding in several compounds. Delta now has over 244 people with more scheduled to come. There are already four people in each room; with no improvement in showers or toilets despite the increase in numbers.

"Australian and PNG immigration are resorting to more desperate measures to deal with a system that is in increasing disarray. The arbitrary decisions regarding those who have refused to cooperate with the system in PNG has further exposed the punitive conditions of offshore detention.

"Refugee determination is corrupt; there is no resettlement; conditions inside the detention centre deteriorate day by day," said Ian Rintoul.

"The only way to end the farce and end the misery inflicted on those sent there by Australis, is to close Manus Island."

For more information contact Ian Rintoul 0417 275 713

## **19. MEDIA RELEASE: Fears of attempted suicide charge following Nauru refugee arrest**

### **FEARS OF ATTEMPTED SUICIDE CHARGE FOLLOWING NAURU REFUGEE ARREST AFTER ATTEMPTED SELF-IMMOLATION**

Wednesday April 20, 2016  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

Refugee advocates are concerned that another refugee will be charged with attempted suicide after Nauru police arrested a 38 year-old Iranian refugee on Tuesday afternoon.

The Iranian refugee had splashed himself with petrol and set himself alight before neighbours intervened with a fire extinguisher to prevent a catastrophe. Fire-fighters and police attended the incident, with police arresting the man and taking him to the police station (Photos attached).

The Iranian man, Adnan, lives with his wife and two children (a boy, 13 and a daughter, one) in the Anuijo camp, across the road from the main gate of the family camp. The couple and their son were sent to Nauru in 2013, but their one year-old daughter was born in Darwin a year ago.

His daughter has extreme behaviour problems, and injures herself, but her condition has gone untreated on Nauru. The couple fears that their daughter has a congenital mental disorder as a result of medicine prescribed during the Adnan's wife also suffered extreme depression during the pregnancy.

Desperate to draw attention, to his family's agony, Adnan attempted self-immolation. Fortunately, Adnan does not appear to have suffered severe burns.

But fellow refugees and advocates are extremely concerned that Adnan will be charged with "attempted suicide" as a result of the incident.

The threat of an attempted suicide charge follows the conviction of another Iranian man, Sam Nemati, for that charge, in April. Nemati's conviction arose out of an incident with Connect (the refugee service provider) and Nauru police in January.

"It would be worse than absurd, if Nauruan police charge Adnan with attempted suicide, " said Ian Rintoul, spokesperson for the Refugee Action Coalition. "Adnan and his family need urgent help. It is obvious that there is no help forthcoming on Nauru. The family should be brought to Australia.

"Police action like this against refugees can only make things worse. The police are using criminal charges to cover-up the abuse that is the reality of incarceration on Nauru."

The incident comes as protests on Nauru continue. Today will be the 32nd day of protest at the family camp. For the last four days, those protests by asylum seekers in the family camp have been joined by protests inside the Anuijo refugee camp.

The refugees have been warned by police that they must stay inside the camp or they will be arrested.

"Adnan's arrest is one more reason the protests will continue. There is no justice on Nauru," said Rintoul.

For more information contact Ian Rintoul mob 0417 275 713

## 20. Doubts over \$400 million centrepiece of Australia's Pacific Solution

The Age  
April 18, 2016 - 3:52PM  
Daniel Flitton

One pay-off for Papua New Guinea's agreement to resettle Australia's unwanted refugees was the construction of a glittering new \$400 million hospital.

Now, amid a shortage of cash in PNG, that hospital development in the country's second largest city, Lae, has stalled, and the government in Port Moresby is hinting that Australia should increase its funding.

Implicit in this is a threat that if Australia does not inject hundreds of millions of dollars more into the hospital, it may threaten the future of the Manus Island detention centre.

Under the deal between Kevin Rudd and PNG Prime Minister Peter O'Neill, Australia would half-fund a state-of-the-art hospital in a brand new building to replace the existing termite and asbestos-ridden facility in Lae.

But a budget crisis in PNG now threatens to derail the prized project, with officials hastily redrawing plans that had included a stunning stone and glass foyer, after PNG failed to produce its half of the cash.

Fairfax Media has learned that the Foreign Affairs department this month pushed back the timetable for a tender to manage the multimillion-dollar refurbishment, which had been expected to be advertised in November.

Australia has already pledged \$207 million for the Lae hospital, commissioning an elaborate master plan to demolish the existing buildings and for new construction including a National Cancer Care Institute, emergency services and nurses' accommodation.

Draft tender documents released in December had anticipated that PNG would contribute "up to \$150 million" towards the project.

But the collapse in global gas and resource prices has torn a hole in the PNG budget – and with it, Port Moresby's promise of matching funds. Health spending in PNG has been slashed by a staggering 37 per cent alone in the past year, according to recent analysis.

PNG's Minister for National Planning, Charles Abel, told local media last month there were "constraints".

"I have asked the Australian Foreign Minister [Julie Bishop] to go ahead with \$200 million and get on and build the hospital," Mr Abel said.

"We need that hospital to be built quickly as it is vital to us."

The stand-off has also created gridlock in Australia's aid program for its closest neighbour, with charity groups privately complaining that the massive building project has distorted the aid budget and forced humanitarian spending onto the backburner.

"Any new contract for PNG is on hold until the money is found for Lae hospital," one aid worker said.

The financial squeeze also coincides with persistent claims about the damaging influence of corruption in PNG politics.

Police arrested the country's Attorney-General last week on charges of misuse of electoral funds, while this month the PNG Supreme Court cleared the way for an investigation into \$30 million fraud allegations centred on Prime Minister Peter O'Neill. Top anti-corruption police have since themselves been suspended.

The hospital project poses a delicate challenge for Australia, which relies on PNG as host of the Manus Island detention centre as a major element of the so-called "Pacific Solution" to stop asylum seeker boats.

Mr O'Neill complained during a recent speech in Canberra that the facility was a "problem" which was causing a reputational burden on his country.

He had extracted a commitment from Kevin Rudd to help fund the rebuilt hospital as part of a bargain to never allow refugees to be settled in Australia – a promise reaffirmed by Ms Bishop during a visit to Lae in 2014.

But Ms Bishop also raised concerns over the maintenance of any new construction.

"We have committed to partner, go 50-50, with the PNG government to develop a new hospital. But it's got to be about more than just the building. A hospital is about the people who work in it, the people who manage it and the people who receive care there," Ms Bishop said at the time.

"The money will be spent, but we need to make sure that the equipment is maintained, that the infrastructure is maintained, that the workers in the hospital are trained."

But aid organisations worry the hospital rebuild – although needed – is not an urgent priority in a country bedevilled by high rates of tuberculosis and poor access to medicine.

Doctors and nurses from Mount Hagen hospital in the western highlands province held a fortnight sit-in protest last month over shortages of blood supplies and months without an operating theatre.

The Lae hospital – known as the ANGAU Memorial Hospital and named for the Australian administration during the years of colonial rule in PNG – was first built in the 1960s.

The hospital serves the 149,000 residents of Lae, according to the draft tender documents for the refurbishment, and the 675,000 residents of the surrounding Morobe province.

The Foreign Affairs department now expects a site office to be opened at the hospital in June and will continue to press PNG about possible co-financing.

<http://www.theage.com.au/federal-politics/political-news/doubts-over-400-million-centrepiece-of-australias-pacific-solution-20160418-go8p5i.html>

## **21. Money laundering fears over Bendigo Bank operations on Nauru**

The Age  
April 19, 2016  
Daniel Flitton

Fears over money laundering and the risk of financing of terrorism has prompted calls for Bendigo Bank to abandon any dealings with the tiny Pacific nation of Nauru.

Bendigo Bank is the only bank with a presence on the island, which Australia relies on as a crucial part of its refugee policy.

Until last year, Nauru had an entirely cash economy that used Australian dollars as the currency. Suitcases of cash were regularly ferried from Brisbane to the island to pay the salaries of local workers.

But Westpac, one of Australia's largest banks, recently told Nauru and any companies with links to the government that they must close their accounts by the end of this month.

Westpac did not have a branch on Nauru, an island of 10,000 people, but was a popular offshore bank and was used by the country's government and its state-owned enterprises.

In letters sent to customers – first revealed last week by the ABC and confirmed by Fairfax Media – Westpac said it was not satisfied that the government and linked companies met strict laws in Australia for anti-money laundering and counter-terrorism financing. The decision came after a long round of negotiations.

Fairfax has confirmed that Westpac had concerns over the operation of bank accounts, including the need for regular external audits and proper reviews of large cash transactions. The decision did not affect any individual accounts held by Nauru's citizens.

Australian public money pouring in to run the immigration processing centre is the mainstay of the economy of Nauru. The regional processing centre for asylum seekers cost the Immigration department almost half a billion dollars in the last financial year, and Nauru has charged Australia \$1000 each month in a visa fees for each asylum seeker on the island.

The tiny nation had previously squandered enormous wealth from rich phosphate reserves and was almost bankrupt in the early 2000s after being exposed as a notorious tax haven.

Pacific specialist Tess Newton Cain said the Westpac decision would act as a "red flag" for other banks that Nauru might approach to take over the accounts.

But Nauru insists it has strengthened anti-money laundering and counter-terrorism financing regulations in the past decade.

Nauru this month announced it had joined the International Monetary Fund.

In 2015, Bendigo Bank opened an agency on Nauru to provide banking services for the local community.

The bank declined to comment on the Westpac decision but said it had monitoring strategies "to prevent, detect and react to suspicious activity".

However, Greens senator Sarah Hanson-Young this week wrote to Bendigo Bank managing director Mike Hirst requesting a meeting and calling for the bank to cease its operations in Nauru following the Westpac decision.

In the letter obtained by Fairfax Media, Senator Hanson-Young said the operation on Nauru was inconsistent with the ethos promoted by Bendigo Bank as an organisation with "community values".

"I hope that, as a good bank, you are able to see that the values of the Australian community are not represented in the way that vulnerable people seeking asylum are treated on Nauru," she wrote.

A spokeswoman for Bendigo Bank said the letter had not yet been received and the bank would respond to Senator Hanson-Young directly.

Nauru last week sought to downplay the Westpac decision, stating it had decided to strengthen its relationship with Bendigo Bank as its "chief financial partner".

Nauru also pointed to earlier moves by Westpac to wind back operations in the Pacific – although the accounts for Nauru and its companies had operated in Australia and not overseas.

<http://www.theage.com.au/national/money-laundering-fears-over-bendigo-bank-operations-on-nauru-20160419-go9uor.html>

## **22. Bendigo Bank faces pressure to close down operations in Nauru following Westpac concerns**

ABC Radio CAF - PM

By Pacific affairs reporter Liam Fox

Posted Thu 21 Apr 2016, 7:28pm

Bendigo Bank has faced calls to close down its operations in Nauru, after Westpac announced it would cut ties with the island nation's government.

Westpac said its decision was based on concerns about financial transparency, and Australian Greens Senator Sarah Hanson-Young said that should prompt Bendigo Bank to follow suit.

"If Westpac have their concerns about issues of money laundering, other financial risks, it's staggering to see that Bendigo Bank — a bank that is promoted as being one of community and social value — is entering into a financial relationship with the [Nauru] Government."

Ms Hanson-Young also said the Bank should have moral concerns about the Nauru Government's involvement in the operation of Australia's processing centre for asylum seekers.

"The money that is flowing around the island, it's a very small island, and it's coming primarily from the Australian taxpayer, funding the detention facilities and the abuse of vulnerable refugees on this island," she said.

"Many of their customers are surprised and shocked that they've now entered into such a tight financial relationship with the government of Nauru."

In addition to the Senator, some of Bendigo Bank's customers and shareholders also have concerns, and have raised them on the bank's Facebook page.

"I've just read about your dealings on Nauru. That is concerning to me and my family and I hope you will reconsider being involved with that place and that we will continue to have an ethical banking option," one Facebook user wrote.

Westpac has asked a small number of customers who do business with the Government to shut their accounts by the end of the month.

### ***'Australia responsible for people being on Nauru,' bank says***

Bendigo Bank is the only financial institution with a physical presence on Nauru, after opening a local agency on the island last year.

In a statement released last week responding to Westpac's decision, Nauru's government said it had strengthened its relationship with Bendigo Bank, which it described as its "chief financial partner".

Bendigo Bank's managing director Mike Hirst said the bank was doing the same thing in Nauru as it does in regional and rural communities around Australia.

"We bank the local community," he said. "We also bank a number of the refugee communities and our desire to be there is about financial inclusion, about giving the Nauruan people and the refugees a hand up."

Mr Hirst told ABC Radio Victoria that due diligence checks were done before opening the agency in Nauru.

"Before we went in to Nauru, we spoke to both Austrac (Australian Transaction Reports and Analysis Centre) and DFAT (Department of Foreign Affairs and Trade) about the issues with anti-money laundering and we got satisfaction from that, that there were no longer issues there," he said.

"Nauru is a member of the Asia Pacific group on money laundering. They've just been admitted into the World Bank and the IMF (International Monetary Fund) so I assume the World Bank and the IMF are comfortable with it as well."

Mr Hirst also rejected Senator Hanson-Young's argument that Bendigo Bank should pull out because of Nauru's involvement in the Australian Government's policy of offshore processing of asylum seekers.

"It's the Australian people who've sent the refugees there. Now I know that the Senator hasn't written to all the major banks in Australia and asked them to stop banking the Australian Government.

"The Australian Government is the one responsible for the people being on Nauru."

Meanwhile, the Nauru Government said the actions of past administrations that saw the country used as a tax haven for offshore banking and dubious financial transactions were over.

In a statement, it said it had signed up to the OECD's Convention on Mutual Administrative Assistance in Tax Matters that allows for the exchange of information on financial accounts with tax authorities in other countries.

<http://www.abc.net.au/news/2016-04-21/bendigo-bank-faces-pressure-to-close-in-nauru/7348122>