

# Project SafeCom News and Updates

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# 1. Gillian Triggs: Indigenous injustice: it beggars belief that so much evidence was ignored

Despite the failure of governments to respond to consistent reports of poor conditions and cruel treatment of children in detention, maybe this time will be different

The Guardian

Gillian Triggs

Tuesday 2 August 2016 15.12 AEST

I was shocked but not surprised by the ABC's Four Corners revelations last Monday night. Incontrovertible CCTV evidence of Aboriginal children subject to demeaning, debilitating and dehumanising behavior has galvanised the Australian community and prompted the creation of a royal commission with an unprecedented breadth of investigation.

I watched Four Corners from the green room at the ABC studios that night along with fellow Q&A panelists. We are not usually short of a word. There was a buzz in the room and much to talk about. Then the disturbing footage of children being abused appeared on large screens before us. The energy dissipated, silence descended. Some fought back tears. Others had to turn away.

Once again, it has taken the power of the media and iconic pictures to stimulate action by our most powerful leaders. The prime minister rightly acted swiftly to establish a royal commission as an immediate response to some of the most inappropriate treatment imaginable of children and young people in the care of the Northern Territory.

Royal commissions and inquiries are just a start and do not necessarily prompt reform. It beggars belief that the measured and evidence-based reports by so many experts have been ignored by governments.

- • 25 years ago another royal commission made over 300 recommendations to combat Aboriginal deaths in custody. Most have not been implemented. Today, Australia warehouses double the number of Indigenous people in detention and about 95% of juvenile detainees in the Northern Territory are Indigenous.
- • In August 2015, the report by the Northern Territory's children's commissioner failed to "pique" the interest of politicians to end the abuse at Don Dale.
- • This followed the January 2015 report into the NT's youth detention system that considered allegations of mistreatment at Don Dale.
- • Also in 2015, the manager of the Northern Australian Aboriginal Justice Agency, Jared Sharp, said young people were being "caged up like animals".
- • Pat Anderson's the "Little Children are Sacred" report also drew attention to poor detention conditions for children.
- • In May 2016, the commonwealth children's commissioner, Megan Mitchell, visited Don Dale and voiced her concerns about unacceptable conditions,

Despite the failure of governments to respond to consistent reports of poor conditions and cruel treatment of children in detention, maybe this time will be different.

The role of the royal commission, led by Margaret White and Mick Gooda, is essentially forensic with the task of determining exactly what happened and what laws have been breached.

The royal commission has both a narrow focus and a wide legal mandate. The inquiry is confined to the Northern Territory child protection and youth detention systems. A focus on the Northern Territory alone makes sense in light of the urgency of responding to the shocking practices at the Don Dale centre. Once this challenge is met, there may well be a recommendation for a more wide-ranging national inquiry.

By contrast with the limited focus of the inquiry, the question of whether these practices breach the law is without precedent in its breadth. The inquiry is charged with determining whether the treatment of children amounted to a breach not only of commonwealth and Territory laws and policies, but also of a "human right or freedom that ... is recognised or declared by an international instrument".

I have never known any government inquiry to include all international human rights treaties as a benchmark for determining legal responsibilities.

It is a sad legal fact that many of the human rights treaties to which Australia is a party have not been legislated by parliament into our national laws. Notoriously, the Convention on the Rights of the Child (CRC) is not part of Australian law and has not been available as a benchmark for our courts or administrators. The single exception is the mandate of the Australian Human

Rights Commission. The commission is charged with ensuring that the CRC, among other human rights treaties, informs the work of the commission in setting universally recognised standards for children.

The convention requires that:

- The detention or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time.
- Children should not suffer torture or cruel, inhuman or degrading treatment or punishment.
- Children in detention should be treated with humanity and respect.
- Children should be protected from all forms of physical or mental violence, injury or abuse while in the care of any other person that has the care of the children.
- Children in detention have the right to prompt access to legal and other appropriate assistance, and the right to challenge the legality of their detention before a court or other independent body.

With political will, especially of a prime minister who has shown leadership in responding to the cruelty at Don Dale, the recommendations of the royal commission can provide the foundations for a further inquiry into the detention of children nationally and into understanding the deeper question as to why indigenous Australians are so caught up in the justice system.

Let us not forget that Australia seeks a seat on the United Nations human rights council at a vote to be held in November 2017. The international community has long voiced its concerns about the treatment of Aboriginal and Torres Strait Islanders. At the Universal Periodic Review of Australia's human rights record in November 2015, 104 states of the human rights council raised several concerns. The primary issue was Australia's treatment of asylum seekers and refugees, especially their mandatory and indefinite detention.

The second issue was the disproportionate incarceration of Indigenous Australians and young people.

A majority of members of the human rights council called on Australia to ratify the optional protocol to the convention against torture (Opcat). This the Australian government has agreed to do on further consultation with the states and territories. The Australian Human Rights Commission has long called for ratification of Opcat because it will enable the creation of a national monitoring system of all forms of detention, not only of juveniles and asylum seekers but also of the disturbing number of detainees with cognitive disabilities.

The convention on the rights of the child says it all: a child should be detained only as a last resort and has the right to grow up "in an atmosphere of happiness, love and understanding".

We have a long way to go in Australia, but the White and Gooda commission has the potential to set us on the right road.

<https://www.theguardian.com/commentisfree/2016/aug/02/indigenous-injustice-it-beggars-belief-that-so-much-evidence-was-ignored>

## **2. Mike Seccombe: How the Northern Territory failed**

At the heart of the NT government's perpetual shambles is a crisis of fiscal racism that for decades has squandered federal money.

The Saturday Paper  
Aug 6, 2016  
Mike Seccombe

The current Northern Territory government has been in a semi-constant state of chaos since the time it was elected four years ago, beset by scandals, sackings, allegations of corruption, defections, un-defections and all manner of leaking and internecine nastiness.

Take one incident. On February 2 last year, the territory's primary industries minister, a former policeman named Willem Westra van Holthe, called a media conference at 1am to announce a party-room coup.

He claimed to have supplanted the party leader and chief minister Adam Giles, nine votes to five. Others disputed the numbers and some said they were unaware there had even been a meeting to vote on the leadership.

Such a move was not unprecedented. In March 2013, just seven months after the Country Liberal Party government was elected, Giles came into the top job through a similar coup, staged while the chief minister, Terry Mills, was on a trade mission to Japan.

Now it seemed it had happened again. The next morning, Westra van Holthe announced his deputy would be John Elferink. The swearing in was to take place the next day.

But it was called off at the last minute, because Giles refused to quit. He called a media conference at which he announced: "I am still the chief minister."

Then he went into a long meeting of the party room, which eventually reconfirmed him as leader, but also installed Westra van Holthe as his deputy.

Giles subsequently apologised to Territorians for the brief disruption to government, and assured them all "wounds have been healed" in the administration. This, despite the fact that before going into the party-room meeting he had impugned Westra van Holthe's "capacity, capability, tenacity [and] professionalism".

The truth is, Giles's words amounted to an accurate description not just of his new deputy, but to his entire government. And since then the CLP has stumbled on from crisis to crisis, the most recent and nationally prominent being the appalling treatment of children in Darwin's Don Dale Youth Detention Centre.

### ***GST revenues amassed***

The Giles administration governs almost one-fifth of the landmass of Australia and it aspires to statehood. Its ministers sit at the table with those of states, and the Commonwealth, at intergovernmental meetings. Yet it behaves like the most fractious of town councils.

Which, in effect, is what it is.

"The territory has a population about the size of Geelong," says Michael Dillon, a bureaucratic veteran with experience in both the federal and NT governments, now a visiting fellow at the Centre for Aboriginal Economic Policy Research at the Australian National University.

"I mean no disrespect to Geelong. There might be some exceptional people in Geelong, but the reality is they'd struggle if they faced problems like those facing the Northern Territory – if 30 per cent of the people were Indigenous and not literate and spoke another language and had all the various other disadvantages they experience."

In the Northern Territory, says Dillon, "not only do they have the least capability of any jurisdiction in the country, but they've got the most difficult problems".

They are fortunate in the territory, though, because the rest of Australia is very generous to them. Less than 30 per cent of the money the territory spends comes from "own source" revenue. The other 70 per cent comes from the federal government.

Of that money, by far the largest amount – about 50 per cent of the territory's budget – comes in the form of GST revenue. Every year the Commonwealth Grants Commission (CGC) hands the NT government between five and six times the amount it would get if the GST money were divided evenly per capita.

The grants commission apportions funds on the basis of a complex formula of assessed need. The aim is to provide for equal service delivery to everyone in Australia. The Northern Territory gets extra because of its small revenue base, its remoteness, the sparseness of its population and particularly because of its large, scattered, generally impoverished Indigenous population.

There is, however, no legal obligation on the state and territory governments to spend the GST funds distributed to them in accordance with the grants commission's assessments. And the territory government doesn't. It overspends in Darwin, where most of the white population lives, and underspends in the more remote parts of the territory, where 80 per cent of the Indigenous population lives.

<https://www.thesaturdaypaper.com.au/news/politics/2016/08/06/how-the-northern-territory-failed/14704056003581>

## **3. Prime Minister Malcolm Turnbull broadens Northern Territory abuse inquiry**

Canberra Times

July 28 2016 - 6:39PM

Mark Kenny & Michael Koziol

A culture of racism, brutality, and official cover-up in the Northern Territory's discredited juvenile justice system will be centrally examined by a royal commission that will see politicians, including territory ministers and their senior bureaucrats, compelled to give evidence.

The inquiry, to be led by former NT Supreme Court chief justice Brian Ross Martin, will probe the failings of the Northern Territory's youth detention systems since 2006 and has been tasked with discovering who knew what, and why previous reports and allegations detailing criminal violence by prison officers against vulnerable minors, went unaddressed.

The Turnbull government, which signed off on the inquiry at its first Cabinet meeting since the election, resisted calls to exclude the embattled Adam Giles-led CLP government from the joint design and administration process of the commission.

Mr Giles had failed to sack his Attorney-General, John Elferink, amid the crisis, merely relieving him of his correctional services responsibilities. Mr Giles has also been embarrassed this week by previous harsh comments favouring brutal treatment of young offenders.

Both Mr Martin and Mr Turnbull assured a heavily traumatised Indigenous community in the territory that the royal commission would be thoroughly independent and that anyone with evidence of maltreatment would be invited to deliver their evidence in hearings to begin in October after an initial directions hearing on September 6.

Unveiling the terms of reference and the head of the inquiry, dubbed "very substantial" in their breadth by one minister, Mr Turnbull emphasised his government's shock at the evidence of systematic abuse, which had been broadcast on Monday evening by the ABC's Four Corners program.

"As a nation we have a fundamental responsibility to protect our children," Mr Turnbull said while announcing the inquiry. A failure to do so "diminishes all of us", he added.

He said it was important to recognise that 95 per cent of juvenile detainees in the Northern Territory were Aboriginal or Torres Strait Islander people.

Mr Martin subsequently told reporters: "Whether racism does or doesn't play a role will be a part of the inquiry."

Federal Attorney-General George Brandis outlined the terms of reference, explaining the inquiry will examine:

- The treatment of children detained at all youth detention facilities run by the NT government, including but not limited to the Don Dale facility.
- Whether any such treatment might have breached federal or NT law, human rights obligations, duty of care or any other rules.
- What mechanisms and safeguards were in place and why they failed.
- Whether there were "any deficiencies of the organisational culture" in NT youth detention facilities".
- Whether more should have been done by the NT government.

Critics continued to complain that the inquiry was too narrow, with the Lawyers' Alliance describing the terms of reference as "a missed opportunity" because it limits the scope to the Territory alone.

Labor was angered by a joint Prime Minister and Attorney-General press statement, which said: "The government thanks the many individuals and organisations, including the Opposition, who have provided constructive input into the development of the terms of reference".

A Labor source said there had been no discussion whatsoever on the inquiry parameters beyond an offer by shadow attorney-general Mark Dreyfus to contribute.

That marked a sharp contrast with the consultation initiated by then prime minister Julia Gillard who consulted with the then Abbott opposition in relation to the sexual abuse royal commission now under way.

In particular, the Martin royal commission will probe why two reports to the NT government in 2015 "were not given effect to sufficiently or at all", Senator Brandis said.

"We believe that these terms of reference are both sufficiently focused but, at the same time, sufficiently broad that we'll get tangible outcomes from this inquiry," he said.

Mr Martin has served on the highest judicial benches of the Northern Territory and South Australia, including six years as chief justice of the NT. The Prime Minister praised his "deep understanding of the legal and justice systems of the Northern Territory, and a deep familiarity with issues arising from the engagement of Indigenous people with criminal justice".

Mr Martin played down suggestions that conflicts of interest could arise from his time as NT chief justice between 2004 and 2010.

"I can't see how that would arise," he said. "There's never been any suggestion that this sort of treatment was brought to my attention or the attention of other Supreme Court judges."

Mr Martin said he could not guarantee he had not been involved in sentencing a young person who was a subject of the royal commission, but: "The mere fact that I might have sentenced someone, I don't see as a problem at all."

<http://www.canberratimes.com.au/federal-politics/political-news/prime-minister-malcolm-turnbull-broadens-northern-territory-abuse-inquiry-20160728-ggg10s.html>

## **4. Youth detainees could be moved to NT immigration detention centre**

ABC News Online

First posted Thu 28 Jul 2016, 8:23am

Updated Thu 28 Jul 2016, 2:18pm

Children from the Don Dale prison could be moved to an immigration detention facility in the wake of the damning Four Corners report.

A spokesman for Chief Minister Adam Giles said the Government "wishes to find alternative accommodation for the juveniles detained in Don Dale as quickly as possible".

"Former immigration detention centres are being assessed for their suitability," the spokesperson said.

The spokesman said three former immigration detention centres are under consideration, including the facility at Wickham Point, about 50 kilometres from Darwin.

The Government has been under intense pressure over its treatment of young detainees since the ABC Four Corners report aired this week.

"We've got an immediate problem to deal with, how can we deal with that in a better situation," Education Minister Peter Chandler said today.

Mr Chandler admitted he was "genuinely sorry" for what had happened, but said finger pointing was "cheap, dirty, gutter politics".

He also said the royal commission announced by the Prime Minister a day after Four Corners aired should be kept at arm's length of the Northern Territory Government.

"Let's face where we are today, let's look at the royal commission as a new hope, a new beginning, let's take from that recommendations and ensure we implement them here," Mr Chandler said.

"If there have been wrongs done in the past those people will be made accountable for those wrongs."

Mr Giles was meeting with Correctional Services Commissioner Mark Payne and the Department of Children and Families chief executive this morning to discuss the accommodation options and other detention-related issues, his spokesperson said.

A team from Correctional Services and the Department of Children and Families would be assessing each facility for their suitability.

The Federal Government announced the decommissioning of the Wickham Point and neighbouring Bladin Point immigration facilities in 2016, with the last remaining detainees relocated in June this year.

<http://www.abc.net.au/news/2016-07-28/nt-govt-to-move-kids-to-wickham-point-immigration-detention/7668042>

## **5. 'A national disgrace': protests held across Australia over NT juvenile detention centre abuses**

Hundreds gather in cities across the nation calling for institutional change after revelations of cruel treatment of children in detention facilities

The Guardian

Paul Farrell

Saturday 30 July 2016 13.00 AEST

Snap protests were held across Australia on Saturday to rally in support of children held in juvenile detention facilities, as the fallout from the Don Dale centre revelations continues.

Following ABC's Four Corners graphic investigation into the juvenile detention facility at Don Dale in the Northern Territory, a royal commission has been announced by the Australian prime minister, Malcolm Turnbull, to investigate how the events there were allowed to occur.

The footage published by the ABC of the use of teargas, spithoods and restraints has galvanised politicians into action and shocked Australians.

It has also sparked heavy international condemnation. Early on Saturday, the United Nations high commissioner for human rights, Zeid Ra'ad Al Hussein, released a statement saying the allegations could amount to torture.

"We are shocked by the video footage that has emerged from Don Dale youth detention centre in the Northern Territory in Australia, showing children as young as 10, many of whom are Aboriginal children, being held in inhumane conditions and treated cruelly," a spokesman said.

"The treatment these children have been subjected to could amount to a violation of the Convention on the Rights of the Child and the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment, to which Australia is a party."

The Northern Territory government has now suspended its use of controversial restraints within detention centres.

But on Saturday, the ABC reported that a Northern Territory MP, Nathan Barrett, had broken ranks and expressed his support for spithoods and restraint chairs.

The Warriors of the Aboriginal Resistance organised rallies across the country on Saturday in big cities across Australia, calling for an end to the detention of children.

Speakers across the country focused on the need for a broader national examination of the detention of Indigenous children.

The rally at Sydney Town Hall drew a crowd of about 400 people.

Aboriginal tent embassy founder Jenny Munro told the rally: "You can see once again how vulnerable our people are at the hands of the state.

"We need to understand the deep north and the deep west of this country. The racism in the territory and in the west is in your face every day."

Indigenous elder Ken Canning said Indigenous Australians "knew it was happening all across the country".

"Stop it now. Demand that all institutions holding our children be investigated immediately," he told the crowd.

The NSW Greens MP David Shoebridge also addressed the crowd. He said the incarceration of Indigenous Australians was a national problem, and not just a Northern Territory one.

"They need to be released into the community and it needs to happen now," he said. "The nation has known about this, our key decision makers have known about this for decades but haven't taken action."

"A young Aboriginal boy in New South Wales is 44 times more likely to be spending tonight in jail. This is a national shame. A national disgrace."

In Melbourne large crowds also gathered at the State Library. Protests also occurred in Adelaide, Darwin, Canberra and Perth.

Dylan Voller, one of the juveniles who was held in Don Dale, issued a statement through his lawyers on Saturday calling for the protest to be peaceful.

"Dylan Voller has asked us to thank everybody for their demonstrations of support, however, he wants to send a special message to any protesters. Dylan wants all protesters to refrain from any violent or threatening behaviour," the statement said.

"The protest organisers have been contacted and have agreed to relay Dylan's message to the crowds."

The protests come amid an expected apology from the federal indigenous minister Nigel Scullion at the Garma festival in Arnhem Land for being unaware of allegations of abuse.

Although the government acted swiftly to call the royal commission, there has been criticism of the process and the scope of the inquiry.

Indigenous leaders in the Northern Territory have expressed their disgust, saying the government failed to consult on the details of the commission.

The decision to appoint Brian Ross Martin as commissioner of the inquiry has also faced scrutiny, and some groups say the commissioner should have been a jurist from outside the territory.

The Northern Territory government has responded erratically to the coming commission. It has suspended its use of controversial restraints within detention facilities but MP Nathan Barrett later expressed his support for the measures.

<https://www.theguardian.com/australia-news/2016/jul/30/nt-juvenile-detention-centre-treatment-snap-protests-called-across-australia>

## 6. Spit masks used against asylum seekers in Australian detention centres

Canberra Times  
August 4 2016 - 3:33PM  
Nicole Hasham

Controversial spit masks similar to those used on juvenile inmates in the Northern Territory have been deployed on asylum seekers in Australian immigration detention, and authorities reserve the right to use the equipment on children.

The revelation shows that contentious restraint methods are being used against vulnerable people in all types of Australian detention facilities, and are not limited to the NT youth justice system. Human Rights Commission president Gillian Triggs has called for a national monitoring system for all forms of detention, including scrutiny of restraint methods.

Harrowing Four Corners footage showing Abu Ghraib-style "spit hoods" being deployed against children in the Don Dale youth centre was widely condemned, forcing the NT and West Australian governments to suspend or abolish their use against detainees in juvenile justice. No other state or territory except South Australia allows spit hoods to be used on young inmates.

However Fairfax Media has learnt that so-called "spit masks" form part of the arsenal of equipment deployed against detainees in offshore and onshore immigration detention centres – and they may potentially be used against child asylum seekers.

After repeated inquiries by Fairfax Media, the Department of Immigration and Border Protection has confirmed that spit masks are "available for use" in its facilities.

A spokeswoman said a check of department records showed the item had not been used on minors. The department would not say exactly what time period the record check covered, or confirm if the masks were authorised for use on children – however Fairfax Media understands such use is not prohibited.

It is believed the masks are provided in onshore and offshore detention centres. The department would not give details on what the masks comprised of, including whether they covered the entire head.

"Spit masks are a form of safety equipment used to protect those who work in the centres as well as the general public," the spokeswoman said.

"Any use of force, including the use of restraints in detention on any individual is undertaken within the law and appropriate guidelines."

Professor Triggs said the Don Dale revelations raised broader issues that the commission has long been concerned about, including those in immigration detention facilities.

"There is a very clear need for a national monitoring system of all forms of detention", including onshore immigration detention, she said, where "conditions and the restraints used for adults ... is the problem".

Professor Triggs said the commission's oversight doesn't extend to Nauru, where 50 asylum seeker children were being held, or to Papua New Guinea's Manus Island, and that those nations should ratify international conventions against torture.

Greens senator Sarah Hanson-Young called on Immigration Minister Peter Dutton to "immediately rule out using [spit masks] on children in immigration detention centres in Australia and offshore".

"The Don Dale revelations show just how important media scrutiny and transparency are. It's time the secrecy ended and both Labor and the Liberals should recognise that," Senator Hanson-Young said.

She said the royal commission called by the Turnbull government into the NT youth justice system should be extended to include children, past and present, held in Australian immigration detention centres.

Human Rights Law Centre legal advocacy director Daniel Webb said the Four Corners report was "a powerful lesson in the importance of independent scrutiny, transparency and oversight of places of detention", pointing to secrecy laws that prevent detention centre staff from speaking publicly about their work.



"Right now, some of the cruel methods which were exposed last week could be being used on innocent people in our care," he said.

<http://www.canberratimes.com.au/federal-politics/political-news/spit-masks-used-against-asylum-seekers-in-australian-detention-centres-20160802-gqjhtx.html>

## **7. Michael Short: Stop the bastardry of Australia's offshore detention centres**

Footage from inside Australia's offshore detention centres is as distressing as the NT images that triggered a royal commission.

The Age  
Michael Short  
July 30 2016 - 11:10PM

It was encouraging to witness the political and community response this week to footage and testimonies demonstrating the inhumane and abominable treatment of children in detention in the Northern Territory.

There is a chilling, compelling parallel – and I'll come back to that below.

Within hours of the distressing evidence, aired on the ABC's Four Corners program, of brutality to the point of torture of vulnerable people incarcerated in a taxpayer-funded hell-hole administered by our elected representatives and those who report to them, Prime Minister Malcolm Turnbull called a royal commission. The entire nation, he said, was shocked and appalled by the atrocities, which included beating children, keeping them in solitary confinement in cruelly small spaces for unconscionably extended periods, constraining them in barbaric devices, throwing them against walls and onto the concrete floor and spraying them with tear gas. The overwhelming majority of the victims are Indigenous; while Aboriginal and Torres Strait Island people make up less than a third of the NT's population, they account for 97 per cent of children in detention there. That, in itself, reflects the profound cultural woes associated with the detention centre scandal.

It has long been known and reported that such appalling child abuse was being perpetrated under the auspices of our lawmakers. Indeed, there had recently been two official reports – but the territory's government disgracefully failed to act. Australian and international laws may well have been broken, and should this be found to be the case, those responsible should pay dearly.

Four Corners did not break the story; Four Corners broke people's hearts. The reason the program had such an impact, the reason it unleashed such an outpouring of distress, the reason it inflamed our communal disgust at such injustice and inhumanity is that it obtained and showed footage of the bastardry and cruelty.

Words can not adequately portray the horror. But images do. They seemed to stun our Prime Minister. "We're determined to examine the extent to which there has been a culture of abuse and indeed whether there has been a culture of cover-up," he rightly declared, having consulted with experts including the President of the Australian Human Rights Commission, Emeritus Professor Gillian Triggs. Advertisement

Yet Mr Turnbull, as a matter of proud policy, is guilty of presiding over eerily similar atrocities. Mr Turnbull is spending billions of dollars of Australian taxpayers' money on hell-hole detention centres on Manus Island and Nauru in which vulnerable people are being physically and mentally harmed and abused. Mr Turnbull risks being widely considered an arrant hypocrite, a dishonourable man and a craven leader. His is the government that attacked Professor Triggs and other public officers for drawing attention to the plight in mandatory detention of men, women and children legally seeking asylum from persecution and worse. His is the government that has, in what may well yet be found by the High Court to be an unconstitutional confection, created the draconian Australian Border Force Act 2015, which forbids, under threat of jail, anyone working in the centres from revealing to anyone anything they come across in their work. His is the government blatantly contravening international law; Australia is a signatory to the United Nations Convention Relating to the Status of Refugees, which enshrines the legal right of people fleeing persecution to seek asylum in other countries.

Mr Turnbull is but the latest of a shameful series of Australian prime ministers and opposition leaders who have demonised people seeking asylum and have cynically appealed to fear and misunderstanding in our community, rather than the goodness, compassion and decency revealed this week by so many citizens. Like the manifold issues associated with the plight of Indigenous Australians, the issues associated with people seeking asylum are complex.

In both cases, were there an evident and easy solution, it would have long ago been instituted. But, while we are still working towards ways to close the gap between outcomes for Indigenous people and the rest of the community and towards finding a regional and methodical way of processing people seeking asylum and thus removing the incentive to risk their lives at sea, it is clear that what is happening is not the solution and is unsustainable. The billions of taxpayers' dollars spent annually on the offshore detention centres should instead be used to set up civilised processing centres in transit locations throughout our region; in other words, to establish effective queues.

In both cases, what is happening is a blot on a nation that prides itself on fairness, kindness and opportunity. We should and must call out such inhumanity and criminality, which is being committed in our name. The Coalition and Labor are equally culpable. The first of them to quit this barbaric policy will reap the rewards of history. To end the inhumanity is not tantamount to promoting people smuggling. Preventing people from perishing during dangerous voyages across the sea is indeed a noble aim, but the human and economic cost of our successive governments' policies of mandatory offshore detention is utterly unjustifiable.

Now, back to that parallel mentioned at the start of this column. Finally, and in courageous contravention of that gutless gag provision in the Australian Border Force Act, there is footage and testimony, every bit as damning and distressing as that of the NT detention centre, of what is happening to people in our detention centres on Manus Island and Nauru. It also features in a recently-released documentary, *Chasing Asylum*, by Melbourne-born Academy Award winner Eva Orner.

Shortly before the film came out, Papua New Guinea's highest court ruled the Manus Island centre is illegal, creating an urgent need to resolve the fate of the more than 900 men, most of them proven to be genuine refugees, incarcerated there. And it was released only days after Immigration Minister Peter Dutton, in an act of despicable dishonesty and hypocrisy, blamed the epidemic of self-harm by desperate detainees on those who advocate a change in Australia's policy. (Disclosure: I am an ambassador for the Asylum Seeker Resource Centre, the nation's biggest advocacy, aid and health organisation promoting and protecting the human rights of people seeking asylum.)

Like the *Four Corners* footage, *Chasing Asylum* should be seen by as many people as possible. Like the *Four Corners* footage, *Chasing Asylum* has the potential to galvanise long-overdue change. Like the *Four Corners* footage, *Chasing Asylum* reveals a culture of impunity that is anathema in our nation. It is currently being screened around Australia, and you can find details at [chasingasylum.com.au](http://chasingasylum.com.au). As many communities and organisations have, you can also host a screening. If you are unable to see it soon, it will be released on DVD and online before the end of the year. Ms Orner headed offshore this week ahead of a round of international screenings. The *Four Corners* footage has caused consternation around the world. And Australia is poised to be rightly shamed again as *Chasing Asylum* reaches a global audience.

Good can come from shame. Mr Turnbull deserves credit for acting on the graphic evidence filmed in NT detention centres. He has the power, the opportunity and the duty to end the inhumanity in the Manus Island and Nauru detention centres which has now been filmed and thus can no longer be cynically and ignobly suppressed by our lawmakers. He has the power, the opportunity and the duty to end this culture of impunity and bastardry, and thus to close one of the most nefarious chapters in the history of our nation.

---->>> *Michael Short is The Age's chief editorial writer and The Sunday's Age's opinion editor. @shortmsg*

<http://www.theage.com.au/comment/stop-the-bastardry-of-australias-offshore-detention-centres-20160729-gggjmd.html>

## **8. New York Times: Australia Allows Abuse of Refugees to Deter Others, Rights Groups Say**

New York Times  
By MICHELLE INNIS  
AUG. 3, 2016

SYDNEY, Australia — Asylum seekers and refugees being held on Nauru under Australia's harsh immigration laws are being deliberately subjected to suffering to deter others from trying to reach Australia, human rights researchers said after visiting the tiny island nation.

"The Australian government is commissioning the abuse of these people," Anna Neistat, a senior director for research at Amnesty International who spent five days on Nauru in July, said by telephone from Paris on Wednesday. "It pays for the companies that detain the refugees, it pays for the guards, and it fails to provide adequate medical care. Australian taxpayers are funding it. And the world does not know this place exists."

Michael Bochenek, senior counsel for Human Rights Watch, also visited Nauru, one of two offshore Pacific sites where Australia sends migrants who try to reach its shores by sea, and the groups issued a joint report on Tuesday about their findings. It is unusual for rights groups or news organizations to gain access to Nauru, whose government routinely denies them visas; Ms. Neistat and Mr. Bochenek did not identify their employers in their visa applications, according to the report.

Between them, the report said, the two spent 12 days interviewing 84 asylum seekers and refugees, including children, and spoke to service providers there. They said that asylum seekers were denied adequate medical care, that they were often the victims of crime and that depression and anxiety were rampant.

"Australia's policy of exiling asylum seekers who arrive by boat is cruel in the extreme," Ms. Neistat said. "Few other countries go to such lengths to deliberately inflict suffering on people seeking safety and freedom."

FULL STORY AT <http://www.nytimes.com/2016/08/04/world/australia/nauru-refugees-abuse-conditions.html>

## 9. CNN: 'We are dead souls in living bodies': Australia accused of abusing refugees

CNN

By Ben Westcott and Judy Kwon, CNN

Updated 0849 GMT (1649 HKT) August 3, 2016

(CNN) Australia is deliberately abusing refugees in an offshore detention camp to try to stop people seeking asylum in their country by boat, human rights groups claim in a new report.

Daily violence, suicide attempts and children left without medical treatment were among some of the allegations documented by Amnesty International and Human Rights Watch during a visit to Australia's detention center on the remote Pacific Island of Nauru in July.

Human Rights Watch Children's Rights Division senior counsel Michael Bochenek was one of two researchers who visited the island with a legal visa, but without notifying authorities directly of his intent or who he worked for.

"In my experience there is no other developed country that I can think of who has pursued this course of conduct with people who are fleeing persecution, who are seeking freedom, who are accused of no crime," Bochenek told CNN.

"There is no parallel for this."

The rights groups said the Australian government was well aware of the issues on Nauru and appeared to be using them to deter other potential asylum seekers.

However, Australian officials said they had not been contacted about the allegations and strongly denied "many" of them.

FULL STORY AT <http://edition.cnn.com/2016/08/03/asia/australia-nauru-amnesty-human-rights-watch/index.html>

## 10. Giovanni Torre: Mystery surrounds deaths in immigration detention as answers are delayed or denied

Guardian Express

August 2nd, 2016, 01:00AM

by Giovanni Torre

ALMOST half the deaths in immigration detention over the past five and a half years remain unsolved, including two deaths from 2013 and three deaths from 2014.

Figures obtained by Community News reveal that since January 2011, 21 people have died in immigration detention, including 18 in onshore detention.

The death toll could be higher, as the figures do not include all stillbirths, infants who died in hospital shortly after birth, or miscarriages of people in immigration detention.

The Department of Immigration and Border Protection refused to answer questions about infant mortality and miscarriages among detainees and a Freedom of Information request was rejected, despite new claims women detained at Nauru suffer from a high rate of pregnancy complications.

Ten of the officially acknowledged deaths are still under investigation, with two from 2013 – including the death of a nine-week old baby- three deaths from 2014, three from last year, and three deaths to-date in 2016.

It took the Department of Immigration more than four months to answer some questions on deaths in immigration custody, with the questions sent on March 4 and answered on July 7 this year, and after five months the Department still refused to comment on infant mortality – despite promising more information.

Two people died in immigration detention on Manus Island in 2014 and one asylum seeker died while living in the community on Nauru earlier this year. While the deaths of people in onshore detention are investigated by the relevant state coroner, investigations of these deaths are still being conducted by the Papua New Guinea and Nauru authorities.

Dr Barri Phatarfod from Doctors for Refugees told Community News that investigating deaths in immigration custody was hampered by secrecy and a lack of access.

"The main barrier in investigating these deaths are the lack of inquests or other formalised proceedings where medical records are required to be produced. Without a legally compelling obligation, these records remain hidden forever or destroyed," she said.

“There is also lack of protection offered to those who are witnesses. Behnam Sateh lives under daily threats on Manus for testifying against the killers of Reza Barati and no one else will testify in that case. Others on bridging visas are also always ‘cautioned’ against speaking out. Doctors have been fired from International Health and Medical Services (IHMS) for raising questions regarding dangerous practices.”

FULL STORY AT <http://www.communitynews.com.au/guardian-express/news/exclusive-mystery-surrounds-deaths-in-immigration-detention-as-answers-are-delayed-or-denied/>

## 11. Jane Lydon: Worth a thousand words – how photos shape attitudes to refugees

The Conversation

Jane Lydon

July 29, 2016 5.51am AEST

Over the last two decades we have seen the unprecedented politicisation of immigration. Many Australians remember the wave of immigration after World War II when our rapidly developing industrialised economy addressed its labour shortage. Yet, like many Western countries, since the end of the Cold War we have worked to prevent refugees from seeking asylum by making our borders impenetrable.

Today, we distinguish between migrants, who arrive via our Migration Program (currently up to 190,000 places per year), and refugees, admitted through our Humanitarian Program, (providing 13,750 places in 2016-2017). Migrants make a conscious choice to seek a better life elsewhere. Refugees are forced to leave their country because of persecution.

Photography has mapped a distinctively Australian version of this global story. Once migrants were represented as complex, vulnerable, diverse people, as in David Moore’s iconic 1966 photograph, Migrants arriving in Sydney. This image allows us to empathise with the fear, anxiety and hope felt by newcomers, poised between old and new, tradition and change.

By contrast, today the Australian government seeks to suppress photographs of asylum seekers, seemingly from fear that such images will prompt empathy with them and undermine border security policy. As asylum seekers have come to be widely viewed as a security threat, refugee policy has been militarised, displacing attention from the situation of those attempting to reach Australia to their supposed menace to our way of life.

### *The power of photos*

Researchers have long debated the impact and ethics of photographs of those very far away or different from ourselves – how do such representations allow us to empathise with their subjects’ plight? Do our responses to such photos prompt political or social change? Or, after a moment of compassion or shame, do these feelings simply subside, letting us return to business as usual and thereby reinforcing the status quo?

Clearly, Australian government and military officials believe, very deeply, in the power of such imagery to undermine – or conversely, support – their agenda.

Two episodes in our recent history reveal the power of photography to shape attitudes and influence public debate. The first is 2001, the year of the Tampa incident, Children Overboard, and the Pacific Solution. The second is the increased border protection measures introduced by the Abbott government from 2013, still in place today.

FULL STORY AT <https://theconversation.com/friday-essay-worth-a-thousand-words-how-photos-shape-attitudes-to-refugees-62705>

## 12. Australia's silence over 'on-water matters' faces legal test

Freedom of information case pursued by Guardian Australia journalist Paul Farrell to be heard in administrative appeals tribunal

The Guardian

Michael Slezak

Monday 8 August 2016 06.06 AEST

A landmark freedom of information case set to be heard on Monday will test whether the Australian government can hide details of asylum seeker boat turnbacks by claiming they are a matter of national security.

The policy will come under unprecedented legal scrutiny, with the commander of Operations Sovereign Borders set to give evidence in a public hearing in the administrative appeals tribunal.

The case surrounds access to government orders to executive turnback operations in 2013 and early 2014. It is part of a long running freedom of information case initiated by Guardian Australia journalist Paul Farrell.

In early 2014 the immigration department refused Farrell's requests for documents about the turnback operations, including those involved in Australia's unlawful incursions into Indonesian waters.

Farrell appealed the case to the office of the Australian information commissioner, which ruled that part of one document should be released because it would "add to public understanding of how a difficult and sensitive function is discharged within government".

But the head of the department, Michael Pezzullo, launched an appeal against the information commissioner's ruling in September 2015 to the administrative appeals tribunal in a bid to prevent Farrell gaining access to even one of the documents.

The immigration department called as its only witness the commander of Operation Sovereign Borders, Major General Andrew Bottrell, who will seek to justify the government's position.

Guardian Australia's lawyers will have the opportunity to cross-examine Bottrell in the hearing.

A key part of the case will turn on whether the government can reasonably claim that all documents relating to asylum seeker turnbacks are a matter of national security, and should not be released under freedom of information laws.

The case will also examine the public interest considerations at the heart of the government's policy of secrecy.

The government's decision not to provide comment on "on-water matters" has faced considerable scrutiny from Labor and the Greens.

The former immigration minister Scott Morrison was the focus of intense criticism when he persistently declined to comment on any operational matters relating to asylum seeker interceptions at sea.

A two-day hearing is set for Monday and Tuesday.

<https://www.theguardian.com/australia-news/2016/aug/08/asylum-seekers-australias-silence-over-on-water-matters-faces-legal-test>

### **13. Australia's dirty policy deal finally comes unstuck**

The Age  
July 27 2016  
Sarah Gill

As Prime Minister Malcolm Turnbull gets down to business this week, one of the policy fiascos his government has diligently ignored for the duration of the election campaign – the illegal detention of asylum seekers in the Australian-built facility on Manus Island – is in the final stages of slow motion collapse.

Coalition ministers and leaders across the political spectrum may have averted their eyes from the events unfolding 3000 kilometres to our north, but they won't be able to for much longer.

Since the unanimous ruling of Papua New Guinea's Supreme Court on April 26, declaring the Manus processing centre unconstitutional and illegal and paving the way for compensation of detainees, our Immigration Minister has been working hard to pretend it's no big deal, insisting that the whole dismal affair is basically PNG's problem. Next week, it might be a different story though, as PNG's Chief Justice Sir Salamo Injia considers the resettlement claims of five Manus refugees – "test cases" for over 600 detainees – some of whom are seeking return to Australia. Let's face it, where else could they go?

That Peter Dutton is still presiding over this mess suggests a reluctance on the part of the government to abandon the official narrative, but that doesn't matter much. You can put lipstick on a pig, but it's still a pig. Like it or not, if the detention of around 900 of Australia's asylum seekers on Manus Island is illegal, then PNG has no lawful basis to keep them there. That's the fact of the matter – and it's not something that any number of Australian immigration officials scurrying up to Port Moresby can alter.

Dutton's refusal to accept responsibility for these people – after having deported them, procured the contractors to physically control them and paid for the detention centres to incarcerate them – is verging on Kafkaesque, although in light of advice that those complicit in the detention regime could be liable for crimes against humanity, his disavowal is no great surprise. But while our government may prefer to take all the credit for the Pacific Solution and none of the responsibility, it's a proposition that's at odds with the findings of PNG's Supreme Court – which plainly considers the detention a "joint operation" – and the view of Chief Justice Nettle of the Australian High Court, who considers Australia's participation in offshore detention "indisputable".

The unfortunate truth then, is that what we've participated in on Manus Island – a scheme concocted by the Gillard government in 2012 and formalised through several memoranda of understandings – was founded on a violation of basic rights that are not just provided for in international law but guaranteed under PNG's constitution.



And how ironic it is, that in seeking to dispose of this desperate human cargo we dumped them in a country with a charter of rights that Australia, to this day, refuses to legally enshrine. Not that these young men, some of whom have been locked up for more than 1000 days, have benefited much from those constitutional protections. In an attempt to subvert the rights to liberty to which these people are duly entitled, a 2014 amendment was introduced – a stitch-up between the Australian and PNG leadership – to specifically exclude them. That, too, was ruled invalid and unconstitutional, although that hasn't put an end to ongoing calls from both sides of Australian politics for Papua New Guinea to change its laws to shore up our regional processing regime.

Is it any wonder this dirty deal rankles key elements of the PNG community? According to opposition leader, Belden Namah, the whole arrangement – contrived between successive Australian governments and PNG Prime Minister Peter O'Neill – is nothing less than an attempt to "vandalise and compromise PNG's constitution to serve the policy interests of a foreign government".

Peter Dutton's initial solution to the closure of Manus – if it can't be staved off with further legal chicanery – was to shift the detainees to Nauru, akin to moving them from the frying pan into the fire. Indeed, by jettisoning these people into the hellhole of Nauru, the Australian government could find itself in the ludicrous situation of compensating the Manus refugees for unlawful detention only to detain them again elsewhere. But if Dutton has since abandoned that idea, he's more forthcoming about where they won't go – not New Zealand, not Canada – than any genuine resettlement options.

Since the April ruling, the Manus detainees must be referred to as "residents", as though we can rectify with nomenclature the grim fundamentals of their reality. What do these young men – overwhelmingly determined to be genuine refugees – have left to look forward to? After enduring months or years of detention, their future prospects in PNG are bleak. For the few who have attempted resettlement, assaults and death threats are commonplace; there is no accommodation, no education, no employment.

This woeful episode – an attempt to export our blatant disregard for humanity to our Pacific neighbours – is something we will no doubt come to look back on with shame. That our efforts have failed so spectacularly on Manus Island is to Papua New Guinea's eternal credit.

As for culpability for this whole sordid affair – it may rest equally with both sides of politics, but neither is showing much of an inclination to remedy it. The reality, though, is that while a long-overdue soul searching, a moral reckoning, may not put an end to offshore detention any time soon, its days are numbered anyway. The Manus decision suggests that it's only a matter of time before we run out of allies in the region who are unscrupulous enough to be complicit our approach to asylum seekers.

<http://www.theage.com.au/comment/australias-dirty-policy-deal-finally-comes-unstuck-20160726-gqdxk3.html>

## **14. Papua New Guinea court orders Australia to present detainee resettlement plan**

ABC News Online  
Posted Wed 3 Aug 2016, 5:22am

Papua New Guinea's Supreme Court has ordered Australia to present a resettlement plan for nearly 900 asylum seekers held in what it ruled in April is an illegal detention centre on Manus Island.

The Supreme Court said it would call on Australia to provide a representative on Thursday to provide details on a resettlement plan.

"The court has embarked on this process on issue of resettlement. That is a matter for the two governments, what we want is for them to be released," said Ben Lomai, a lawyer for some of the detainees.

The Supreme Court ruled more than three months ago that the Regional Processing Centre, used to house asylum seekers trying to reach Australia, was illegal.

It was approved by the Papua New Guinea Government and is funded by the Australian Government.

Human rights groups say tensions are rising in the detention centre, which has a history of violent protests and self harm by detainees.

Under Australia's hardline immigration policy, anyone intercepted trying to reach the country by boat is sent for processing to camps on Manus Island in Papua New Guinea or Nauru. The asylum seekers are not eligible to be resettled in Australia.

Australian Immigration Minister Peter Dutton has said April's ruling would not alter Australia's border policies.

The Papua New Guinea Government has said it plans to close the Manus centre after the Supreme Court ruling, raising the question where will the detainees be resettled.

Many in Papua New Guinea do not want the asylum seekers in their community.

Of the nearly 900 in the detention centre on Manus Island, about half have been found to be refugees.

The centre operators and PNG's immigration authorities have moved refugees out of detention and into a transit centre near the main town of Lorengau.

<http://www.abc.net.au/news/2016-08-03/png-court-orders-manus-resettlement-plan-by-thursday/7684258>

## **15. Government defies PNG Supreme Court over Manus Island detention resettlement deadline**

Sydney Morning Herald  
August 4 2016 - 6:23PM  
Tom McIlroy

The Australian government has denied any role in a Papua New Guinea court order for resettlement of refugees and asylum seekers held in detention on Manus Island, saying it is not a party to the case.

PNG's Supreme Court is expected to consider Australia's legal responsibility in resettlement of about 900 men being held in the controversial detention centre, but the Department of Immigration and Border Protection denied Chief Justice Sir Salamo Injia had summoned an Australian representative to the court on Thursday.

The court ordered a resettlement plan in a hearing on Tuesday, a move detainee advocates feared would further delay any release or compensation.

The latest case follows a decision in April that found the detention centre was unconstitutional, prompting the PNG government to begin moves to close it.

"Australia is not a party to these legal proceedings," a department spokeswoman said.

"As this matter is before the court, it is not appropriate to comment, however, contrary to media reporting, the PNG Supreme Court has not ordered that Australia appear before the court; or ordered that the Australian government submit a resettlement plan to the court."

The case is expected back in court on Monday.

A lawyer representing some of Manus refugees, Greg Toop, said the PNG government was arguing it had sole responsibility for their resettlement.

"No one appeared directly on behalf of the Australian government on Thursday in the court proceedings," he said.

"The matter will go back to court next week, at the direction of the Chief Justice, to work out the preliminary issues prior to referring the matter to a full bench of five Supreme Court judges to rule on the issue of responsibility for resettlement purposes.

"We would certainly be arguing it is a joint-venture between two sovereign countries and that there is joint liability there."

Mr Toop said lawyers would seek orders for release, resettlement and compensation for the men, who remain in limbo and able to leave the centre.

Immigration Minister Peter Dutton's office did not respond to requests for comment about the case this week.

Manus Island MP Ron Knight told ABC radio the best course of action was for the men to be returned to Australia, an option the Turnbull government won't consider. "The problem now is who is responsible for them," Mr Knight said.

"Ultimately they are there because Australia put them there [and] Australia has to come up with some sort of plan to assist Papua New Guinea to deal with the problem. You just can't pass the buck.

"If I was an Australian and I was in the Australian government and handling this thing I would wash my hands of it . . . but there is a thing called fairness and we cannot leave people locked up for such a long time here, we cannot leave them in limbo like this."

A Pakistani refugee drowned at a waterfall on Manus Island on Wednesday. Australian officials were in contact with PNG police after the man's body was located, a spokesman said.

<http://www.smh.com.au/federal-politics/political-news/government-defies-png-supreme-court-over-manus-island-detention-resettlement-deadline-20160804-gql7hp.html>

## 16. Manus Island: Refugee from Australia's offshore processing centre drowns

ABC News Online

By PNG correspondent Eric Tlozek

Posted Tue 2 Aug 2016, 10:31pm

A refugee from Australia's offshore processing centre on Manus Island has drowned.

Refugees on the island said the man was Pakistani Kamil Hussain.

They said he went missing at around 4:00pm on August 2 at a waterfall, near the main town of Lorengau, on Manus Island.

Local people and police conducted a search and the man's body was found two hours later.

"They found him after two hours of heavy searching by local Manusians and police," refugee Aziz Adam said.

"There were many people there."

The Australian Department of Immigration said he had drowned.

"The Department is aware of a tragic drowning that has occurred on Manus Island involving a male refugee," a spokesman said.

"Australian Government representatives remain in close contact with the Royal PNG Constabulary, which is managing the situation."

There are about 900 men on Manus Island detained under Australia's offshore processing agreement with Papua New Guinea.

Those found to be refugees were encouraged to leave detention and live in a transit centre closer to the main town.

But all men on the island under the processing arrangement have been allowed to leave the detention centre and move freely around the island since April, when Papua New Guinea's Supreme Court ruled the detention of asylum seekers was illegal.

<http://www.abc.net.au/news/2016-08-03/refugee-from-offshore-processing-centre-on-manus-island-drowns/7684008>

## 17. MEDIA RELEASE: One week deadline to repatriate Manus refugee body

Refugee Action Coalition

Friday August 5, 2016

Ian Rintoul

mobile 0417 275 713

PNG immigration have given refugees on Manus Island, one week to make arrangements to send the body of 33 year-old Pakistan refugee Kamil Hussain, back to Pakistani.

PNG authorities told the Pakistanis that neither the PNG immigration nor the Australian immigration nor Broadspectrum would take any responsibility for repatriating Kamil's body. "You are on your own," the Pakistani leaders were told.

There will be another meeting between PNG immigration and the Pakistan community on Monday morning.

"Without assistance from Australia and PNG immigration authorities, the refugees have been set an almost impossible task. Manus is very isolated; communications are not good; and there will be the huge question of payment to transport the body," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"The Australian government needs to urgently step in to help make the arrangements to send Kamil's body home. The issue is enormously upsetting. There should not be a question of who is responsible; Australia has a duty of care to Kamil and to the refugees in detention."

The question of responsibility for Kamil comes at a time that the PNG Supreme Court is considering who is legally responsible for all the asylum seekers taken to Manus Island. "It would be particularly disgraceful, if the Australian government is allowing its concerns with the PNG Supreme Court to get in the way of doing the decent thing," said Rintoul.

It has emerged that Kamil was also one of the people arrested and kept in Lorengau prison during the mass hunger strike on Manus in February 2015. (Photo taken inside Lorengau prison is attached.)

For more information contact Ian Rintoul 0417 275 713



## 18. Manus Island refugees want body of drowned Pakistani man sent home

ABC News Online

By PNG correspondent Eric Tlozek

Posted Fri 5 Aug 2016, 12:00pm

Refugees on Manus Island are demanding the body of a Pakistani man who drowned this week be sent back to his family.

Pakistani refugee Kamil Hussain died at a waterfall on Manus Island on Tuesday.

He was one of more than 850 men who remain on Manus Island because of Australia's border protection policies and ongoing uncertainty about the legality of offshore processing arrangements in Papua New Guinea.

Papua New Guinea Immigration authorities said they have spoken to his family but are yet to decide what will happen to his body.

The ABC understands PNG would need Australia to pay for the body to be sent to Pakistan.

But the Australian Department of Immigration and Border Protection said PNG was responsible.

"The Department is aware that the PNG Government has made contact with the deceased person's next of kin and that local arrangements are being made for his burial."

Fellow refugee Behrouz Boochani said there was great anger among Mr Hussain's friends after they were told his body might not be returned.

"PNG Immigration came to the Pakistani people and said they want to bury Kamil on Manus because they don't have facilities to send his body to Pakistan," he said.

"The Pakistani guys talked to Kamil's family and they want him sent back to Pakistan.

"The Australian Government is responsible and must send his body to Pakistan."

Refugees held a small protest in the detention centre on the island on Thursday night.

They said they have offered to raise money for Mr Hussain's body to be sent to Pakistan if Australia refuses to pay.

<http://www.abc.net.au/news/2016-08-05/manus-island-refugees-demand-repatriation-of-pakistani-mans-body/7694040>

## 19. MEDIA RELEASE:Pakistan agrees to repatriate Manus refugee body

Refugee Action Coalition

Friday August 5, 2016

Ian Rintoul

mobile 0417 275 713

The Australian Pakistan embassy has agreed to take responsibility to arrange for Kamil Hussain's body to be repatriated to Pakistan.

A letter from the Pakistan embassy has been sent to the Australian and PNG immigration offices notifying them that they will organise for Kamil's body to be sent home.

The embassy has also notified PNG immigration that they will cover the costs of flying the body home and will cover any costs associated with maintaining the body on Manus Island.

The offer from the embassy has been a big relief for the refugees on Manus Island who were initially told by PNG immigration that Kamil's body would be buried on the island today, Friday.

A protest and memorial vigil for Kamil was held inside the Manus detention centre last night.

Even at the hastily called meeting this morning, Pakistani leaders had been told that neither the Australian nor PNG government would take responsibility returning Kamil's body to his family in Pakistan.

Shamefully, no Australian immigration official has spoken to the refugees on Manus, despite the Australian government's responsibility for those transferred and detained on Manus.

Angry Manus locals had also contacted PNG immigration on the island to insist that Kamil's body was to be taken home and not buried on Manus.

The details of the transport of Kamil's body is still to be determined, but preliminary arrangements for the preservation and transport of Kamil's body to Port Moresby have already been made with the Lorengau hospital morgue.

"It is Australia's shame that it did nothing to give the respect he deserved and provide the proper help for his body to be returned to his family. It was mean-spirited. It was despicable. It is to Pakistan's credit that they have provided the assistance that the family and the refugees needed," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"All the asylum seekers on Manus were transferred illegally by the Australian government. Kamil was forcefully sent to Manus by the Australian government. He should not even have been on the island.

The government should give guarantees now that this shabby episode will not be repeated, and that in future they will take full responsibility," said Rintoul.

For more information contact Ian Rintoul 0417 275 713

## **20. Asylum seekers offered 'huge amounts of money' to go home, activist says**

ABC News Online

By Matt Watson

First posted Sat 30 Jul 2016, 8:29am

Updated Sat 30 Jul 2016, 8:56am

The Federal Government has doubled its financial offer to convince asylum seekers on Manus Island to return home, Refugee Action Coalition spokesman Ian Rintoul said.

Mr Rintoul said the offer was increased from \$10,000 after Papua New Guinea's Supreme Court ruled the detention of asylum seekers was illegal in April.

"It's a huge amount of money to try to coerce people to return home," he said.

"There's no one who has taken up the offer so far.

There are around 1,000 asylum seekers in detention on Manus Island off the coast of Papua New Guinea.

The Government said some support was available to asylum seekers, but did not specify the amount.

"Limited support is available to assist people return to their home country including with travel arrangements and reintegration which includes some financial support," a Department of Immigration and Border Protection spokesperson said.

"The level of assistance provided is based on individual circumstances.

"Transferees in Regional Processing Centres have voluntarily returned to their countries of origin."

Asylum seekers suffering 'appalling human rights breaches'

Mr Rintoul said the offer to return home was increased to \$10,000 in 2014, after Iranian asylum seeker Reza Berati was killed during a riot inside the Manus Island detention centre.

He said even after the offer increased "very few people" have accepted money to return to their home countries.

"It's a clear indication that the vast majority of people who are on Manus Island are genuine refugees with genuine fears about persecution in their home country," he said.

"They have suffered appalling human rights breaches for almost three years on Manus Island.

"The Government is offering large amounts of money as an inducement for them to return home and they can't get people to accept it.

"It's one of the clearest indications that people are motivated by genuine fears."

Mr Rintoul said detainees on Manus Island must be resettled on Australia.

The Manus Island detention centre has received criticism from human rights groups and staff for poor living conditions.

When the ABC was allowed inside the detention centre in March — the first time since it re-opened in November 2012 — journalists witnessed broken glass panels, bullet holes, tightly packed dormitories and filthy toilet and shower blocks throughout the centre.

<http://www.abc.net.au/news/2016-07-30/manus-island-asylum-seekers-offered-double-to-return-home/7674606>

## **21. Asylum seeker children bullied in Nauru schools, Save The Children consultant says**

ABC Radio CAF - AM

By Elizabeth Jackson and staff

First posted Sat 30 Jul 2016, 2:52pm

Updated Sat 30 Jul 2016, 3:27pm

An Australian consultant to the Nauruan Government has said refugee and asylum seeker children are being relentlessly bullied and subjected to racial vilification in local schools on Nauru.

Jason Ross, an education adviser from Save The Children, recently returned from Nauru where he was hired by the Government to devise an anti-bullying campaign in two local schools.

He said the problem was so bad that 85 per cent of children refused to attend school.

Currently there are around 50 asylum seeker children in the Nauruan detention centre who attend community schools, as well as another 80 or so refugee children.

Mr Ross told the ABC that he noted a sharp drop in attendance for asylum seeker and refugee children when required to attend schools outside of the detention centre.

Since moving to schools outside of the detention centres, Mr Ross said: "We've seen a significant drop [in attendance] and I would estimate that to be around 15 per cent."

Mr Ross, who was working in Nauru for six months from November last year until May, said that the asylum seeker and refugee children were often subjected to cruel experiences and accusations of being terrorists.

"There was lots of name-calling, lots of local children would refer to them as 'terrorists'," Mr Ross said, adding that comments were overheard along the lines of "go back to your own country, you don't belong here, go back and make your bombs".

"So those children, you've got to understand they're incredibly young [and] they just found that incredibly disheartening and felt alienated and not connected to the school community."

### ***Education a matter for Nauru: Immigration spokesman***

A spokesperson for the Australian Government's Immigration Department responded that "education services are a matter for the Government of Nauru" and that "Save The Children have had no involvement with services on Nauru since their contract to provide welfare services expired in October 2015".

"However, Australia provides substantial assistance to the Department of Education on Nauru through various quality education program initiatives," the spokesperson said.

"This Government has worked hard to restore security at the border, integrity to our immigration program and the removal of over 8,000 children from detention that were put there by Labor's failed border protection policy."

But Mr Ross has maintained that he personally "did see bullying and harassment of all of the refugee and asylum seeker children".

"And as a result, these children felt unsafe in the schools and consequently, I think, that's one of the main reasons why they're no longer attending the schools."

Mr Ross told the ABC that rather than attending school, many of the children opted to simply stay home, noting the destructive consequences that accompany a lack of education.

"So this is what really is concerning me: some of those children have now been absent from school for close to 12 months," he said.

"And we know the devastating long-term effects that has on a child."

<http://www.abc.net.au/news/2016-07-30/asylum-seeker-children-bullied-in-nauru-schools-charity-says/7675048>

## 22. 'You are terrorists, you make bombs': racist taunts help keep Nauru refugee kids out of school

Canberra Times  
July 29 2016 - 5:01PM  
Nicole Hasham

Almost nine in 10 asylum seeker and refugee children at Nauru reportedly do not attend school and have been accused by local students of being "terrorists" and bomb-makers, leaving already vulnerable young people uneducated and badly disadvantaged.

The alarming reports, by a Save The Children education specialist who recently returned from the island, also include claims that senior male Nauruan students hit female asylum seekers and refugee children at school, and that classes contain as many as 50 students.

The revelations suggests the Turnbull government is failing to meet its human rights obligations to children at Nauru by denying them a proper education.

The latest official figures show there are about 50 children living in the Nauru detention centre and Save The Children estimates a further 80-100 are living in the community as refugees.

Most Save the Children workers left Nauru late last year after its contract to provide welfare services was not renewed. However, the charity's education technical adviser, Jason Ross, remained on the island until May this year to assist the Nauru Government.

Mr Ross said as little as 15 per cent of asylum seeker and refugee children at Nauru attended the local schools, partly due to bullying and harassment.

"[Nauruan students] would tell them go back home, and [would say]: 'You don't belong here, we don't want you here, you are terrorists, you make bombs'," Mr Ross said.

"I witnessed . . . some of the senior [Nauruan] boys whacking, hitting the girls, taking their school bags. The asylum seeker and refugee kids just felt threatened a lot of the time."

The poor attendance contrasts with a refugee and asylum seeker schooling program run by Save the Children until last year, which saw attendance rates of up to 90 per cent. The federal government closed that program, forcing the children to attend local schools.

Mr Ross said many Nauruan teachers had left the school system and been replaced by teachers from other Pacific Islands, who taught classes in English. This meant many local students and asylum seekers, for whom English is a second language, "simply couldn't understand" what they were being taught. Many also did not receive the remedial assistance they required.

"There was a Somalian girl who was 17 who never had any education until [last year]. When we tested her she was at grade one or two level, but ... they put her into year 11," Mr Ross said.

"She tried her very best, but inevitably she stopped going to school. That happened in a lot of cases."

Mr Ross said when teachers were absent, replacement teachers were not available and classes were combined, leaving "one teacher with 50 six-year-olds in her class. Trying to manage that ... was incredibly difficult".

Behaviour among local students was generally "very poor" and "there would times I would see some of the students climbing in and out of the windows", he said.

Mr Ross said not all Nauruan students engaged in bullying and the Nauruan government had tried to boost education standards. He said the Australian government's offshore detention policies were responsible for the schooling problems.

Save The Children has called on the Turnbull government to urgently find resettlement options for refugees and asylum seekers at Nauru and Manus Island.

Comment has been sought from the Department of Immigration and the Nauru government.

<http://www.canberratimes.com.au/federal-politics/political-news/you-are-terrorists-you-make-bombs-racist-taunts-help-keep-nauru-refugee-kids-out-of-school-20160729-gqglcp.html>

## 23. Refugee with growing breast lump has medical transfer from Nauru cancelled

Woman and more than 12 others told their transfers to Papua New Guinea have been postponed for at least three weeks

The Guardian

Ben Doherty

Saturday 6 August 2016 08.09 AEST

A refugee on Nauru with a growing lump in her breast has had her medical flight for treatment postponed indefinitely but has not been told why.

The 39-year-old Lebanese mother of four has had several scans over the past eight months that indicate the lump is growing, and doctors have requested she undergo a biopsy.

This week, more than a dozen refugees and asylum seekers who were scheduled to be flown to Papua New Guinea for medical treatment say they were told their flight, and their treatment, had been postponed for at least three weeks.

They were not told why their flights had been postponed but it has been reported that uncertainty over the legality of Australia's offshore detention regime in that country has caused the flights to be abandoned.

The PNG supreme court ruled in April the Manus Island detention centre was "illegal and unconstitutional" and a decision in a second court challenge is imminent, which may further undermine Australia's offshore regime there.

The woman on Nauru, whom the Guardian has chosen not to name, arrived in Australia in July 2013.

She first noticed a lump in her left breast about three years ago, but has developed increasing breast pain while living on Nauru, and has experienced a yellow-green discharge from her breast.

She underwent her first breast ultrasound on Nauru in late 2015. A subsequent ultrasound found two irregular masses in the woman's left breast and confirmed at least one is growing.

Dr Paddy McLisky from Doctors 4 Refugees said a biopsy should have been arranged with some urgency at the first available opportunity.

"This is a medical scenario in which a biopsy is necessary to obtain a diagnosis and most importantly to rule out malignancy."

McLisky said the woman did not have confidence in the Republic of Nauru hospital (RONH) to perform the biopsy safely.

"We are aware of multiple accounts that the RONH facilities are quite basic by Australian standards, and that general hygiene is a concern for refugees and asylum seekers who have attended RONH. The obvious solution is to have ... [the refugee] assessed and a biopsy carried out in an appropriately resourced hospital in Australia."

He said the woman was receiving a level of care "completely unacceptable in rural or metropolitan Australia".

"Unfortunately, this case is only one of a multitude in which our government is falling far short of providing timely and adequate care to refugees and asylum seekers, due to political agendas."

In response to questions from the Guardian, the department would not comment on the woman's case specifically, but said in a statement:

"Due to unforeseen circumstances a medical transfer flight to Port Moresby scheduled for 4 August 2016 did not occur.

"The governments of Nauru and Australia are working with the government of Papua New Guinea to reschedule the transfer to Port Moresby for medical treatment as soon as possible.

"Persons scheduled for medical transfer will continue to receive medical treatment from the health services provider in Nauru."

The department has consistently maintained that refugees and asylum seekers on Nauru and Manus Island have access to healthcare services "broadly comparable to those available within the Australian community".

Australia has dedicated \$26m towards upgrading Nauru's hospital.

Meanwhile, on Australia's other offshore detention island, Manus, refugees and asylum seekers held a late-night vigil for Pakistani refugee Kamil\*, who drowned while swimming this week.

But refugees have also protested against plans by PNG authorities to bury the man on Manus Island. The detained refugees have said the man should be returned to his native Pakistan for burial, in accordance with his family's wishes. They have even offered to sell their clothes and personal effects to fund the repatriation.

PNG authorities, after initially saying the man's body could not be repatriated because it would cost too much, have agreed to meet with representatives of the refugees on Friday morning.

Australia funded the repatriation of two Iranian asylum seekers who died from injuries sustained while in detention on Manus: Reza Barati who was murdered by guards, and Hamid Kehazaei who died in a Brisbane hospital after his infection on Manus was inadequately treated.

However, a spokesman for the Department of Immigration and Border Protection said "funerary arrangements for refugees and transferees dying in Papua New Guinea are matters for the PNG government".

"The department is aware that the PNG government has made contact with the deceased person's next of kin and that local arrangements are being made for his burial."

Iranian refugee Behrouz Boochani told the Guardian from inside the detention centre: "The Pakistani guys talked with Kamil's family today and they do not agree to bury Kamil in Manus island. They want him sent back to Pakistan.

"This is incredible that immigration want to bury him by force and it is immoral and inhumane. The Australian government is responsible and must send his body to Pakistan."

Uncertainty over the future of the Manus regime has led to unrest in the detention centre compounds.

A Rohingya refugee currently held at East Lorengau was prevented from a second suicide attempt in as many days, when fellow refugees took petrol from him. It's understood the man had requested to return home, but because Rohingya people are not recognised as citizens by his native Myanmar he is legally stateless and cannot be returned there.

• *The Guardian has chosen to publish only the man's first name, out of concern for his family in Pakistan.*

<https://www.theguardian.com/australia-news/2016/aug/06/refugee-with-growing-breast-lump-has-medical-transfer-from-nauru-cancelled>

## **24. Amnesty, HRW enter Nauru undercover, condemn 'Australia's aims of sustained abuse'**

ABC Radio CAF - AM  
By Lexi Metherell, staff  
First posted Wed 3 Aug 2016, 7:59am  
Updated Wed 3 Aug 2016, 8:21am

Australia is explicitly ignoring the inhumane treatment of refugees held on Nauru as a means of deterring others from attempting the journey to Australia, two peak rights groups have found in separate trips to the island nation in a damning new report.

Amnesty International, working in conjunction with Human Rights Watch, travelled to and documented the conditions for asylum seekers and refugees in Australian-funded detention on Nauru over the past few months.

They were forced to send investigators incognito after a number of requests for official visits were rebuffed or ignored.

Senior counsel with Human Rights Watch, Michael Bochenek, entered Nauru in July without telling the Government of his association.

Titled Australia: Appalling abuse, neglect of refugees on Nauru, the joint report details what are now familiar concerns about mental health, access to adequate medical care, attacks from the local Nauruan population, and concerns for the education and health of the 49 children on the island.

The Amnesty and HRW researchers, who visited the island separately, spoke to more than 80 of the 1,200 people forcibly transferred and detained on Nauru after seeking asylum in Australia.

Most have been recognised as refugees and live in the community, yet Amnesty researcher Anna Neistat told the ABC they suffer.

"What I found on Nauru is what I can only describe as a deliberate, systematic abuse," she said.

The organisations say the report will now be used as part of a global campaign to have Nauru closed and those transferred there resettled.

"It's an Australian Government-run operation, whatever they may say, and so ... the Australian Government has the primary responsibility," Mr Bochenek said.

Successive Australian governments have supported the policy which they say is needed to stop people drowning at sea during dangerous boat journeys.

An Immigration Department spokesman told the ABC that as the department was not consulted about the investigation, it has had no opportunity to inform itself of the report's claims.

It says it would strongly encourage the authors to contact the Department before airing allegations of the kind in the report.

Broadspectrum, which runs the facility, when asked for comment, said it had yet to see the report.

International Health and Medical Services, the main medical service provider, rejected the allegations when asked for comment, Amnesty and HRW said.

<http://www.abc.net.au/news/2016-08-03/amnesty-hrw-enter-nauru-undercover-to-document-sustained-abuse/7684342>

## **25. Refugees attacked 'on a daily basis' on Nauru, says Amnesty report**

Amnesty International and Human Rights Watch representatives visit Nauru to examine Australia's offshore immigration system and say they were shocked by what they found

The Guardian  
Helen Davidson  
Wednesday 3 August 2016 06.17 AEST

Attacks on refugees are occurring "on a daily basis" on Nauru, according to human rights researchers who secretly went to Nauru to investigate Australia's offshore immigration detention centre.

The report by Amnesty International and Human Rights Watch documented daily abuses against detainees and widespread trauma, as well as the culture of secrecy and complicity by Australian authorities.

Anna Neistat, senior director of research at Amnesty, legally entered the island nation with Michael Bochenek, senior counsel on children's rights at Human Rights Watch, to secretly examine the offshore immigration system for 12 days last month, and she was shocked by the scale of violence and ill health.

The access gained by the duo goes far beyond what the Australian and Nauruan governments have attempted to permit or encourage. Most requests by journalists to visit are rejected, service providers face criminal charges for disclosing information, Facebook has been banned, and human rights observers have been denied access or strictly limited in their visit.

Neistat and Bochenek spoke with about 60 people, including four service providers, and Neistat told the Guardian she was unprepared for what she found on Nauru.

"I've been doing this work for 15 years, covering mainly warzones and closed countries and I think I've seen my fair share of human rights abuses and injustice," she said.

"But the level of secrecy and the fact that these abuses are perpetrated not in the context of a war zone, not in context of an inherently oppressive government cracking down on its citizens, but that these abuses are perpetrated or condoned by Australia, and against the most vulnerable people, some of whom fled the most oppressive conflict areas in the world."

Neistat also found that the death of Omid Masoumali earlier this year has had a devastating effect on the 1,200 detainees, triggering rapid declines in mental health and prompting some acts of self harm.

She said people were keen to speak to her, but she was shocked that many reported their families didn't know where they were or if they did, what it was like there.

"They are so desperate, so appalled that the world at large does know what's going on, and that people in Australia perhaps do know and don't do anything about it," Neistat said.

Neistat's report found the physical safety of refugees and asylum seekers, including children, was of "serious concern", and healthcare was poor.

The investigators reported cases of Nauruans assaulting and robbing refugees and asylum seekers, at all hours and sometimes at knifepoint. The report said more than 20 of the 58 interviewed had been attacked by locals.



"It's been hard to imagine the scale of attacks on refugees," Neistat said. "They do happen on a daily basis, I'm not exaggerating. Especially on the weekend when people get drunk."

Refugees and asylum seekers were too afraid to leave their accommodation at night, and women reported feeling intimidated and being subject to daily harassment, as well as sexual harassment and assaults.

The report described one woman who said she caught a lift with two Nauruan men who then tried to drive her to the jungle "clearly intending to rape her".

One woman said she had to quit her job after employees kept touching her, and another said she married for protection after being released into the community:

"After I left the camp, I felt very unsafe, I could not go out. I decided to marry a man who is 15 years older, just to have protection," she said in the report.

"If you are alone, everything is a struggle. At least he could go shopping or accompany me. Now he is in the hospital and I have to rely on my case manager if I need to go out of the house."

Neistat said that just like the violence, the scale of medical issues was "mindboggling" and said people were routinely denied medical records or had their transfers to Australia for treatment delayed by sometimes months.

"Everyone had medical issues, and rapidly deteriorating because adequate medical care was not available," she said.

The report noted one case:

"A young man with diabetes said that after he lost 27 kilograms (60 pounds), he went to the IHMS manager. The manager told him that such weight loss is "normal" and that he only would be "moderately worried" if the weight loss continued. The family recorded the conversation on a mobile phone and provided a copy to researchers."

Neistat said almost everyone she spoke with mentioned 23-year-old Omid Massoumali, who died of injuries when he set himself on fire earlier this year.

"Almost everyone witnessed it," she said, either the initial act or when he was in hospital immediately after.

She said people were shocked that he died, because he had been conscious and walking in the hospital, crying out in pain.

Neistat spoke to one refugee who is a nurse, and who said Massoumali had burns to less than half his body and she believed that if Nauru had adequate medical care he would have survived.

Neistat also said a number of people pointed to his death as a triggering event which contributed to their own acts of self harm or attempts at suicide.

The researchers noted the secrecy of Australian and Nauruan governments and their attempts to prevent any information about the conditions inside the centre becoming public.

They called for the Australian government to immediately resettle people in Australia, and close the centre.

Neistat said she hoped the rest of the world would pay more attention to what was happening under Australian government policy.

"I think given how much attention there has been on the refugee crisis in Europe it's stunning that this part of the refugee crisis has not received much attention," she said.

"It's true there has been reports and I do feel that those who do not know just chose to not know, but particularly I hope a joint investigation by two large human rights organisations will bring additional focus on the issue."

<https://www.theguardian.com/australia-news/2016/aug/03/refugees-attacked-on-a-daily-basis-on-nauru-says-amnesty-report>

## **26. Amnesty, HRW's Nauru undercover report allegations 'strongly refuted' by Immigration Department**

ABC News Online

By political reporter Stephanie Anderson

First posted Thu 4 Aug 2016, 7:45am

Updated Thu 4 Aug 2016, 7:59am



A report detailing the inhumane treatment of refugees held on Nauru has been rejected by the Department of Immigration and Border Protection.

Amnesty International and Human Rights Watch (HRW) issued the report yesterday, after travelling to and documenting the conditions for asylum seekers and refugees in Australian-funded detention on Nauru over the past few months.

Titled Australia: Appalling abuse, neglect of refugees on Nauru, the joint report details what are now familiar concerns about mental health, access to adequate medical care, attacks from the local Nauruan population, and concerns for the education and health of the 49 children on the island.

But the department denied many of the claims, stating they were not consulted about the report.

In a statement, it said: "We strongly refute many of the allegations in the report."

"The Republic of Nauru is a sovereign nation and Australia does not exert control over Nauru's functions, its law, its judicial system or law enforcement.

"Australia does, however, provide support to the Government of Nauru by funding accommodation and support services for all transferees and refugees, including welfare and health services."

The department also addressed the fact Amnesty International and HRW were forced to send investigators incognito after a number of requests for official visits were rebuffed or ignored.

"We welcome independent scrutiny of regional processing matters, noting that access to the Centre is a matter for the Government of Nauru ... information about independent scrutiny organisations is available to transferees," the statement read.

The Amnesty and HRW researchers, who visited the island separately, spoke to more than 80 of the 1,200 people forcibly transferred and detained on Nauru after seeking asylum in Australia.

Most have been recognised as refugees and live in the community, yet Amnesty researcher Anna Neistat told the ABC they suffer.

"What I found on Nauru is what I can only describe as a deliberate, systematic abuse," she said.

"We're not talking about individual cases, we're talking about patterns, and I think it is quite clear — and in fact I don't think the Australian Government tried very hard to hide it — that essentially they are making an example to prevent further arrivals by boat."

<http://www.abc.net.au/news/2016-08-04/immigration-department-rejects-amnesty-hrw-nauru-report/7688834>