

# Project SafeCom News and Updates

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# 1. Detaining high-risk terrorism offenders after jail term ends 'violates human rights'

Australian human rights groups say proposed law effectively extends a prisoner's sentence without the benefit of a trial

The Guardian

Sarah Malik

Friday 14 October 2016 10.17 AEDT

Australian human rights groups have raised concerns over a proposed government bill that would allow for the continued detention of "high-risk terrorist" offenders at the end of their sentence.

Under the government's proposal, a state or territory supreme court will decide if a high-risk offender remains high risk at the end of their sentence.

For a high-risk prisoner to be kept in jail, the court must be satisfied that no other less restrictive measure would be effective in preventing "unacceptable risk" to community safety.

The maximum period for which a continuing detention order can be made is three years and the person must not be detained in the same area as the general prison population .

Human rights groups will present their submissions to an inquiry into the proposed criminal code amendment (high risk terrorist offenders) bill 2016 during hearings in Canberra on Friday.

In one of the written submissions, Prof Ben Saul, Challis chair of international law at the University of Sydney said the scheme violates Australia's international human rights obligations by characterising continued incarceration as preventative detention.

"Prisons are built for prisoners, not non-prisoners ... I am not aware of prison facilities where a person subject to a continuing detention order could be meaningfully separated from, and treated differently than, prisoners," he said in his statement.

Human Rights Watch said in its submission there was ambiguity around what constituted "high risk". Terrorism legislation provides for up to 15 years imprisonment for non-violent offences including possessing a "thing", providing material and resources, or having membership related to a terrorist group.

"Australian law's overly broad definition of terrorism makes the bill particularly worrisome," the group said in their submission.

Human Rights Watch said existing laws already provided for control orders that allowed tracking and surveillance of suspects.

The Muslim Legal Network said in its submission the proposed scheme breached human rights obligations by providing for potentially indefinite, arbitrary and punitively retroactive punishment.

Zaahir Edries, president of the Muslim Legal Network, said the measures effectively added a criminal sanction to a prisoner's sentence without the benefit of a trial.

"Proposing this kind of legislation where there are minimal safeguards and the standards are lowered to prove them poses a dangerous and unacceptable infringement on civil liberties," he said.

The Lebanese Muslim Association's submission said the government's proposed measures were counterproductive and risked creating "martyrs" out of those incarcerated while further alienating Muslim youth.

The office of the attorney general, George Brandis, has been contacted for comment.

<https://www.theguardian.com/australia-news/2016/oct/14/detaining-high-risk-terrorism-offenders-after-jail-term-ends-violates-human-rights>

## 2. So what do Australians really think about selecting migrants based on religion?

An Essential poll shows 24% of Australians supporting a ban on Muslim immigration; a previous poll put the number at 49%. But with such wildly varying numbers, what's really going on? And are we asking the right questions?

The Guardian

Nick Evershed

Thursday 13 October 2016 06.40 AEDT

A new Essential poll shows that Australians generally don't support discriminating on the basis of religion alone for immigration purposes.

The poll asked: "When a family applies to migrate to Australia, should it be possible for them to be rejected purely on the basis of their religion?" Twenty-four per cent of respondents said yes, it should be possible to discriminate. But 56% said no.

This follows previous Essential polls which showed 49% of people supported Pauline Hanson's proposal for a ban on Muslim immigration, à la Donald Trump.

Previous polling by Roy Morgan from October 2015 found that 65% of Australians supported Muslim immigration, with only 28% opposed.

So, what's going on here? Why is there such variation between poll outcomes?

There would be some variation due to time and genuine changes in public opinion; normal variance due to sampling error; and some differences may be due to polling methods used.

A large part is also likely due to the way polling questions are constructed.

According to Peter Lewis of Essential, people's reported concern about Muslims drops when they're given accurate information on the proportion of Muslims in Australia alongside the question.

Andrew Markus is a Monash University professor who oversees the Scanlon reports, a long-running survey which aims to measure social cohesion in Australia.

His analysis of such polling variations was published in the Conversation and is worth reading in full here.

"Surveys do not simply identify a rock-solid public opinion; they explore, with the potential to distort through questions asked," he wrote.

He gave an example of how changing question structures can affect the response: "For example, with regard to asylum seekers, nine polls between 2001 and 2010 using various methodologies asked respondents if they favoured or opposed the turning back of boats. The average for these surveys was 67% in favour of turnbacks.

"But, in 2010, the Scanlon Foundation survey tested opinion on this topic by offering four policy options, ranging from eligibility for permanent settlement to turning back of boats. In this context, a minority of just 27% supported turnbacks."

The Scanlon Foundation has also taken a longer-term look at attitudes towards different religions, with repeated surveys from 2010 asking survey respondents for their personal attitudes towards Christians, Muslims and Buddhists.

Their figures show that personal attitudes towards Muslims' personal attitudes towards have shifted somewhat, with an increase in those with neither positive nor negative views.

<https://www.theguardian.com/australia-news/datablog/2016/oct/13/almost-25-of-australians-say-religion-should-be-used-as-sole-reason-to-reject-migrants-poll>

### **3. Michael Gordon: The terrible suffering caused in the name of protecting Australian values**

Canberra Times  
October 14 2016 - 2:32PM  
Michael Gordon

While Donald Trump and Hillary Clinton traded insults before a global television audience bigger than the population of Britain, a more uplifting exchange between Malcolm Turnbull and Bill Shorten in the Australian Parliament went largely unremarked.

The Trump/Clinton contest was dubbed the ugliest and nastiest debate in American history for good reason, generating more than 124 million views on YouTube. In contrast, the speeches by Turnbull and Shorten were remarkable for the lack of rancour, the unity of purpose and the empty seats in the public gallery.

Twenty years after John Howard and Kim Beazley joined to support a motion celebrating the Australian values of equality, tolerance and inclusion, Malcolm Turnbull and Bill Shorten did the same, with a similar level of eloquence and broad-brush conviction.

Back in 1996, the motion was designed to put a lid on the race debate Pauline Hanson had incited with her warning of Australia being "swamped by Asians" and complaints about handouts for Aborigines – a debate Howard had failed to nip in the bud.

This time, the catalyst was another warning from the resurrected Hanson: that Australia was in danger of being "swamped by Muslims", who account for just 2.2 per cent of the population. Just as in 1996, neither leader dignified Hanson by referring to her directly.

The Turnbull speech was similar to the one he delivered to the United Nations General Assembly last month, except that his claim that Australia is one of the world's most successful multicultural societies was over-egged. "We are the most successful multicultural society in the world," he declared.

Just as Howard lamented that Australians had been "too apologetic about our history", Turnbull observed that "we have much more of which to be proud, than self-reproaching". "The glue that holds us together is mutual respect," he said. "Our natural inclination is to welcome newcomers."

Shorten observed that the word "tolerance" doesn't do justice to the society we treasure. "We tolerate traffic jams, we tolerate flight delays, we tolerate headaches, we tolerate brussels sprouts – we embrace diversity," he said.

But two things were missing from both speeches. One was a recognition of how little has been achieved in narrowing the gap between Indigenous and non-Indigenous Australians since 1996, for all the reports commissioned and money spent. The other was any attempt to explain how this country's treatment of asylum seekers is consistent with the values they spoke of with such conviction.

The second omission was highlighted just after MPs voted in favour of the motion, when Immigration Minister Peter Dutton was asked a Dorothy Dixon that gave him the opportunity to ridicule his new shadow, Shayne Neumann.

Dutton seized on what he described as a "train wreck" of an interview Neumann had given to Sky News on what Labor planned to do with the "legacy" caseload of 30,000 asylum seekers who came on boats on its watch, most of whom are in the community on bridging visas.

Dutton quoted the interviewer quoting him as saying 10,000 of these people had been found to be "economic refugees" (she meant to say "economic migrants") and challenging Neumann to confirm whether Labor would give these people permanent residency – the implication being that this would demonstrate weakness.

But she was wrong and Dutton was mischievous. Barely 7000 of the 30,000 asylum seekers have had primary decisions, so it is utterly premature to assert how many will have their claims rejected.

Yes, there will be a higher rejection rate, but this may have more to do with the fact that many are in no state to present their case for protection after living in limbo for more than three years, being denied legal assistance and subjected to fast-track processing without such procedural safeguards as the right to be heard in person.

No wonder Neumann replied, repeatedly, that he would seek advice from the immigration department on the status of the legacy caseload. That was prudent, not a train wreck.

That night the ABC's Q&A featured one of the authors of the Coalition's border protection policy, the retired general and failed Liberal Senate candidate Jim Molan, whose answers highlighted the disconnect between the treatment of the legacy caseload and those on Manus Island and Nauru and values Turnbull and Shorten so emphatically reaffirmed.

Molan's starting point was that every Australian should be "extraordinarily proud" of what Sovereign Borders has achieved, but most of his answers smacked of ignorance, arrogance and a reluctance to canvas more humane alternatives.

One of the first questions came from Amnesty International's senior director for research, Dr Anna Neistat, who has spent the last 15 years working in conflict and crisis areas including Syria and Afghanistan, but describes the situation of refugees detained by Australia on Nauru as one of the worst she has seen.

Her report on Nauru will be launched on Monday, when Four Corners will air footage of refugee children trapped on the island, including one who asks: "We're not criminals and we're not dangerous. Can you tell us why are we still here?"

"Does the success of this policy depend on subjecting people to these enormous levels of suffering and essentially keeping them hostages in Nauru and in Manus Island?" Dr Neistat asked.

Molan replied that he had never been to Nauru, but had seen enough to conclude that most Australian towns would give "their right arm" to have Nauru's "most extraordinary medical facilities". As for Manus, he said he had been there, and facilities were so far ahead of refugee camps around the world it wasn't funny.

Toward the end of the program, Shukufa Tahiri, whose father came on a boat in 1999, asked Molan about those who make up the legacy caseload and the "epidemic unfolding before the nation's eyes".

Detention, temporary protection visas, the denial of family reunion, citizenship delays, uncertainty and prolonged delays in processing were increasingly driving people into self-harm and suicide, she said, before asking if this an acceptable price to pay for stopping the boats.

"I don't connect the two. You can connect the two. I don't connect the two," he replied.

Sooner or later, the connection will be made, if not by this government by one that follows. One day, maybe not for another 20 years, a prime minister and opposition leader will rise in the Parliament to express regret that so much suffering was inflicted on so many, all in the name of protecting Australian values.

<http://www.canberratimes.com.au/comment/the-terrible-suffering-caused-in-the-name-of-protecting-australian-values-20161014-gs2ctu.html>

#### **4. Ben Doherty: Australia's refugee policy is one of deliberate harm. And there's no claiming 'we didn't know'**

Evidence continues to build that the government has constructed an offshore detention regime that deliberately harms asylum seekers for the purpose of dissuading others from trying to seek sanctuary in Australia

The Guardian  
Ben Doherty  
Tuesday 18 October 2016 18.57 AEDT

The evidence that Australia's offshore detention regime is designed to damage is nowhere if you choose not to see it. To anyone else, it is inescapable.

Another report, another TV program, confirms what so many before it have – that people are being deliberately damaged by the indefinite, arbitrary and cruel detention of offshore processing.

That they are being assaulted, sexually abused, humiliated and dehumanised. That they cut their limbs and swallow poisons, that they tie ropes around their necks and that they try to set themselves on fire. That they sometimes succeed.

But the response from the government has been struthious. Its well-worn tactic has been simply to deny, to attempt to discredit those it can and to prosecute those it can't, and to simply look the other way.

"I reject that claim totally, it is absolutely false," the prime minister said Tuesday morning in the wake of another detailed report, this one from Amnesty, that alleged Australia's regime of indefinite "processing" amounted to torture. "The Australian government's commitment is compassionate and strong."

Mike Pezzullo, the secretary of the Department of Immigration and Border Protection, glibly told Senate estimates late on Monday night of Amnesty's research on Nauru: "We might be visiting different islands, we might be living in parallel universes."

More seriously, he told the committee: "I refute categorically ... that we flout any laws international or otherwise. And as to the notion, inference, implication that we use torture as some sort of instrument of state policy, I personally find that to be offensive".

To refute means to provide evidence to disprove, and Pezzullo did none of this.

To say something is untrue does not make it so.

Pezzullo is the most strident defender of the offshore detention regime. But he is also the man who should know it most intimately.

The details of repeated suicide attempts documented in the Amnesty report, the desperation of child refugees revealed by Four Corners on Monday, all of this is known already to the department which controls offshore processing.

The 2,100 incident reports that comprise the Guardian's Nauru files – from the allegations of rape, child sexual abuse, self-harm and suicide attempts, to the prosaic complaints about food quality, the dust and the boredom – go to his department first.

There is no claiming "we didn't know".

The evidence is overwhelming and it simply continues to build, that Australia has constructed and continues to run a regime that deliberately harms men, women and children for the purpose of dissuading others from trying to seek sanctuary in Australia.

According to the department, those sent to Australia's offshore processing islands have broken no law by trying to reach Australia by sea.

And the vast majority of those have since been found to have a genuine claim to refugee status.

They have a “well-founded fear of persecution” in their home country and they cannot be returned there. For them, protection is not a gift that may be capriciously bestowed or withdrawn at the whim of some benevolent patron. It is a legal entitlement they are owed and that is currently being denied them.

Nor has Australia been somehow browbeaten into offering refugees protection. The refugee convention is an obligation this country willingly and voluntarily committed itself to, but which it is now choosing to all but disregard.

The rationale of wanting to save lives at sea is a worthy one to pursue, but it cannot be beyond this country’s imagination to find a way to save some lives without destroying others.

<https://www.theguardian.com/australia-news/2016/oct/18/australias-refugee-policy-is-one-of-deliberate-harm-and-theres-no-claiming-we-didnt-know>

## **5. Abdul Karim Hekmat: The plight of the Hazara: we can’t bear any more tragedy**

We have been the victims of terrorism for a long time but a recent brutal attack underlines the specific danger faced by the ethnic Hazara minority

The Guardian  
Abdul Karim Hekmat  
Friday 5 August 2016 11.39 AEST

Something jostled me out of sleep in the middle of night. As a habit, I checked my Facebook; it was full of images of the carnage of the Kabul attack on demonstrators. I thought it must be a dream, a bad nightmare. The more I scrolled, the surer I got that it was a reality. I saw people with their faces and clothes smudged with blood. A shiver ran through me, I had friends there, I frantically called them but there was no answer.

Lying in my bed, robbed of sleep that night, I followed more news. I saw Demanzang square, covered with blood, human flesh, limbs of various sizes and shapes scattered everywhere, bodies riddled with shrapnel, blood gushing. It was too graphic to watch. It happened at a peaceful protest by Shia Hazara, a minority group asking for justice, peace, and an end to discrimination. Islamic State (Isis) took responsibility for these heinous attacks on peaceful protestors on 24 July.

At least 87 people were killed. Over 300 were wounded.

How is it possible to contemplate the Kabul attacks without acknowledging something savage about this group that religion alone can’t explain? The Hazara, as Shia, share the same faith, the same book, the same God. And it must be an error in their ideology that contours their thought to kill people in such a callous way.

The attack on Kabul was not only an attack on Hazaras but also an attack on democracy and freedom of assembly. The “enlightening movement”, designed to bring better infrastructure and service to Hazara areas, started about three months ago and was born out frustration with the Afghan government not delivering services to the impoverished Hazara areas, due to entrenched discrimination.

Later, I spoke with my friends and relatives in Kabul. I felt relieved, they were safe but they were shaken by the event. One friend spoke of losing his friends, and there were long silences. The whole city was in grief, and the grief transcended race and sectarian divisions.

The next night, I joined a crowd of Hazara mourners who felt the ripple of the twin bomb blasts in Kabul, gathered in a park in Merrylands, in western Sydney. About a thousand men, women and children, bracing a cold night, clustered around a sign saying “Kabul” painted with candles. Some were survivors of the Taliban that came as refugees and were now Australian citizens, some were asylum seekers whose cases were yet to be processed. The mood was sombre, each was holding a candle – everyone was touched. Almost everyone knew somebody, a cousin, a brother, a person from his village, who faded from this world in such hurried way. The speakers were in tears, so was the crowd.

“It took me a lot of courage to come here because I have pain that tumbles like ants on my body,” said Habiba Rawshan, a young Hazara girl, while battling choking tears. “No one understands my pain. Everyone is silent.”

“Let me ask you what are the tears that roll down on my eyes? What it means? I don’t have any meaning for it. Can you tell me what does it mean?” Again the sobs scrolled down people’s face like candles shedding tears.

No one was prepared for this contagious grief. Nobody brought tissues; they cried in their hands and wiped away their tears some with sleeves; the women with the hems of their chador.

FULL STORY AT <https://www.theguardian.com/commentisfree/2016/aug/05/the-plight-of-the-hazara-we-cant-bear-any-more-tragedy>

## 6. Dehumanisation 101: The tactic that explains why we are turning our backs on asylum seekers

Brisbane Times  
September 29 2016  
Ruby Hamad

Last week Prime Minister Malcolm Turnbull, along with Immigration Minister Peter Dutton, used the UN refugee summit as an occasion to tout Australia's asylum seeker policy as an inspiration for the world.

Both men emphasised "secure borders" and supposed "extraordinary challenges to our sovereignty" to defend a policy that the UN itself has already deemed to be contrary to human rights.

This rhetoric of framing desperate people who try to enter Australia by boat as threats who divert humanitarian assistance away from "those who need it most", which I presume is a euphemism for "real refugees", is how successive governments from both major parties have managed to gain the support of a significant portion of the Australian population for the increasingly untenable treatment of people in our detention centres.

Language is powerful. Indeed, as the British science writer Richard Doyle has said, "Language is such a powerful lens for shaping reality that we frequently forget it is a tool at all, and take it for reality."

Doyle's words sprang to my mind when I was asked to host a panel event deconstructing the language Australians used to discuss asylum seekers and refugees at the Melbourne Writers Festival earlier this month.

Humans like to think we are rational creatures, that our opinions are shaped through critical engagement and free thinking. In truth, studies have repeatedly shown that our perception of the world around us is informed largely by the words used to describe that world to us.

For example, a Stanford University study discovered that when crime is framed as a disease (e.g. "plaguing our community"), individuals favour preventative solutions such as after-school programs and preschool. However, when crime is framed as an adversary (e.g. "fight crime"), then subjects thought harsher punishments were the solution.

Even something as simple as asking an individual if they intend to vote can produce different responses depending on the framing. In another US study (where voting is not compulsory), participants were asked one of two questions:

1. Whether they would vote in an upcoming election, or
2. Whether they would be a voter.

Just over half of those asked question 1 responded "yes", compared to 87.5 per cent of those asked the second question. What's more, 96 per cent of the second group actually went out and voted.

This is how powerful word choices are: simply shifting the question from one of action to one of identity influenced respondents enough to shape their reality.

And when it comes to our policies on people who seek asylum, the government is clearly constructing a version of reality it hopes we are all fooled into mistaking for the real thing.

For the last decade and a half, people seeking asylum and refuge on our shores have been cast by our politicians as "threats," "illegals," and "queue jumpers."

Because these are highly emotive arguments trading on fear, they are almost impossible to counter with facts. No matter how often human rights and refugee rights organisations remind supporters of the government's offshore policy that it is not illegal to seek asylum, that Australia has obligations under international law, and that there is no queue, these facts fall on deaf ears and the misinformation continues.

And so too does Australia's offshore detention policy.

For those wondering why so many Australians don't seem to care about what is happening in these centres, if history has taught us anything, it is that people will tolerate the most obscene mistreatment of fellow human beings – if we are led to believe they deserve it.

This is why objectification and dehumanisation through language is the first stage in any form of oppression. We have already experienced that here when Australia was falsely declared Terra Nullius – uninhabited by other humans.

And we have been seeing this dehumanisation ever since the Children Overboard scandal when the then-Howard government falsely declared that asylum seekers were throwing their kids into the sea. This is Dehumanisation 101.

It is not all that surprising then, that in a poll taken two years ago, 60 per cent of Australians wanted the government to "increase the severity of the treatment of asylum seekers." As columnist Jamila Rizvi noted on the festival panel, Australians can be very welcoming – in a one-on-one scenario.

But Canberra has proven to be very adept at making us forget people seeking asylum are individuals, instead gathering and then isolating them so they appear to us, in the words of author and panellist Arnold Zable, as faceless "hordes" intent on attacking our way of life.

This is why people seeking asylum have been subjected to such incredible cruelty for such a sustained period of time with the approval of so many Australians; because we have mistaken the government's language for reality.

Thankfully, the tide is beginning to turn. A recent poll by the Australia Institute found that 63 per cent of Australians now think that those who arrive by boat should be allowed to settle in Australia.

This is partly thanks to media pressure, to the efforts of refugees themselves to tell their stories, including Abdul Karim Hekmat, a former detainee now working as a journalist, who was on the festival panel reminding us that these are ordinary people being treated in incredibly cruel ways.

And it is thanks to the works of other Australians who have made it their business to change the narrative by challenging the popular rhetoric. Australians like Madeline Gleeson, a human rights lawyer who has just published *Offshore*, a vital book outlining exactly what is happening on Nauru and Manus Island.

Words matter. When we speak about human beings in language that transforms them into objects, then we start to believe they are objects and we rationalise the cruelty we inflict on them.

The challenge now is to change the narrative, to use words in a way that respects the humanity and dignity of those we are treating as less than human.

Judging by Turnbull's and Dutton's performances at the UN, this is something the government has no intention of doing. It is then, up to us the public to, as author and human rights advocate Arnold Zable told the Writers Festival audience, start speaking "the language of decency when talking about people seeking asylum."

<http://www.brisbanetimes.com.au/lifestyle/news-and-views/opinion/dehumanisation-101-the-tactic-that-explains-why-we-are-turning-out-backs-on-asylum-seekers-20160925-gro7va.html>

## **7. Shen Narayanasamy: The great immigration con: in silence, bad things flourish**

There is a way to end offshore detention, increase Australia's economic productivity and shoulder more of our fair share of the world's refugee crisis, says GetUp's Shen Narayanasamy.

Crikey  
Oct 6, 2016  
Shen Narayanasamy

Like all great cons, this one starts with the numbers.

At their panic-inducing peak in 2013, boat arrivals brought 25,173 people seeking safety to Australia. Over the same period we welcomed 818,863 people on a variety of long-stay, temporary and permanent visas ... without anyone batting an eyelid. In one fortnight, more people arrived in Australia to work, study, and live here than arrived by boat that entire year.

John Howard, the deeply conservative leader of a 'relaxed and comfortable' Australia, more than doubled Australia's intake of migrants. Proportionately, his intake was higher than during any other period of immigration in our post-Federation history. And from a time in the mid-1980s when almost 1 in 5 people we welcomed was on a humanitarian basis, that humanitarian intake flatlined to 1 in 50 by 2007.

Howard's shift continues. Australia has moved from being a settler migrant nation to a temporary migrant nation. From a nation built on immigration, citizenship and multiculturalism to one that in large part effectively treats immigration as a tool for a workforce of non-citizens.

I don't remember John Howard talking about doubling our immigration intake. In his 2001 victory speech, he uttered not a word about it, or about a wholesale shift to temporary migration. If we're confused, perhaps we're supposed to be. Immigration specialist and sociologist Katherine Betts commented in 2005:

"The Howard government has won many voters from the Labor Party by appealing to patriotic values while, at the same time, responding to pressure from business interests for a higher migration intake. So far, the electoral contradictions inherent in the government's immigration policy have escaped the attention of most Coalition voters, and of most political commentators."

Nearly a decade later in the 2013 election, there were signs the Coalition was getting its wires crossed.

Fiona Scott, a Liberal candidate for the Western Sydney seat of Lindsay, said to an ABC reporter: “[Asylum seekers are] a hot topic here because our traffic is overcrowded.” After years of her party’s open-door immigration policy on the one hand, and the dehumanisation of asylum seekers on the other, you could forgive Scott’s confusion about who exactly those pesky foreigners clogging up traffic were.

The conservative leader of the day, Tony Abbott, made no effort to clear things up. “Obviously”, said Abbott, “when you’ve got something like 50,000 illegal arrivals by boat that’s a big number.” The fact that 50,000 people creates nowhere near the same pressure as 800,000 was irrelevant.

The current Prime Minister has a more artful argument. Two weeks ago, Malcolm Turnbull told the UN:

“Addressing irregular migration through secure borders has been essential in creating the confidence that the government can manage migration in a way that mitigates risk and focuses humanitarian assistance on those who need it most.”

Public support for immigration has stayed largely positive. But where is Malcolm Turnbull’s evidence that support for his immigration program exists with the knowledge of the major shifts in intake and details of the make-up of the migration program? Every poll I’ve seen on immigration in the last 15 years blandly asks whether you support current immigration levels of not, with no historical context or current numbers.

There are 3 possible reasons why both major parties haven’t trumpeted the success of their support for a massive immigration intake.

The first is that to speak about big immigration is to empower the Hansonites. Why say the magic number of immigrants out loud? What if Pauline Hanson hears us? There is clearly a concern that if Australians realised how many people came to this country each year, they would reject those numbers.

But, and this leads us to reason 2, it is easier to win elections by stoking fears around a small number of people who arrive by boat than by mounting the case to an anxious public about the benefits of high (often uncapped) levels of immigration. Corner off a small number among the 800,000 to be the repository of our fear and the target of our political scapegoating. It serves a purpose.

The third reason comes from the driving source behind the shift in our migration program. Big business supports our new migration program. They argued for it behind-the-scenes and in dense and jargon-heavy submissions. But will business get stuck into a bitter public debate? As Henry Sherrell, an ex-bureaucrat and adviser to the Migration Council of Australia puts it with no small degree of irritation:

“I’ve worked in and around migration policy for the best part of eight years and I’m increasingly becoming convinced the big business community in Australia doesn’t have the will or the ability to prosecute a public argument on migration. Almost meekly, they sit by the sidelines and watch as others shape discourse and policy.”

But the silence doesn’t convince the demagogues, it doesn’t help our migrants and it robs us all. It hasn’t worked.

You can’t confusingly give the impression of secure borders while overseeing the largest proportionate intake of migrants Australia has ever seen without the population noticing. Hanson is back. And unlike the two major parties she’s not limiting the fear-mongering to “boat people.” If your whole strategy is based on victimising a helpless minority to distract the public reality, someone will eventually come along who can play that game much better than you.

Meanwhile, wholesales changes that have been made to the migration system with little coverage, debate or discussion. In dark places, bad things flourish. Our migration system is vulnerable to corruption and crime. The 7/11 scandal blew open just one case study of a business building enormous profits from underpaying and overworking vulnerable temporary workers and international students.

So who then, is benefiting from the silence? Not immigrants. Not those seeking family reunion visas — the wait now stands at around 25 years. Not 457 visa holders. Not international students. Not even the Australian public who, in the absence of any public debate around immigration levels, understandably think there is something to fear about refugees. And not the asylum seekers arriving on boats to our razor wire and turnbacks, our fear and our failure.

FULL STORY AT <https://www.crikey.com.au/2016/10/06/the-great-immigration-con-in-silence-bad-things-flourish/>

## **8. 'Island of despair': Australia intentionally torturing refugees on Nauru, says major Amnesty International report**

Sydney Morning Herald  
October 17 2016 - 8:55PM

Michael Koziol

The Australian government is responsible for the deliberate and systematic torture of refugees on Nauru and should be held accountable under international law, according to a major new report informed by unprecedented access to the secretive island.

Amnesty International said it had interviewed 62 refugees and asylum seekers on Nauru, and more than a dozen current or former contract workers who delivered services on behalf of the Australian government, to compile a report it titled: Island of Despair.

The cache of evidence details allegations of recurrent self-harm and attempted suicide, children being hit by teachers and threatened with machetes by peers, deficient medical care and persecution akin to that which refugees had fled in their homelands.

The offshore processing regime was "explicitly designed to inflict incalculable damage on hundreds of women, men and children" as an act of deterrence, by isolating them "on a remote place from which they cannot leave, with the specific intention that these people should suffer harm", Amnesty said.

The report concluded: "The government of Australia's 'processing' of refugees and asylum-seekers on Nauru is a deliberate and systematic regime of neglect and cruelty, and amounts to torture under international law."

Furthermore, Amnesty warned Australia's policies had shifted the goalposts on what other countries considered to be acceptable treatment of refugees, and had "already harmed global standards on refugee protection".

The global human rights group visited Nauru for five days in July, and corroborated testimony from interviews using thousands of pages of medical reports and statements to police, and other data on the public record.

It painted a picture of a dysfunctional system where Australia exercised strict control but publicly passed the buck to Nauru, and where on-the-ground authorities lacked the power to make decisions without Canberra's permission.

"They can't authorise anything, they can't do anything, unless Canberra said 'jump'," one service provision manager told Amnesty. Even the contracted healthcare operator, International Health and Medical Services, was hamstrung when it came to medical evacuations. "IHMS can't do anything unless Canberra authorises it," the manager said.

Anna Neistat, Amnesty's senior director of research who travelled to Nauru, said the report provided direct evidence of Australia's responsibility for day-to-day decision-making, and that Australia should be held accountable for breaching the Convention Against Torture - with a remote possibility that individual government officials could be prosecuted under international law.

"It's the intentional nature of it," she told Fairfax Media. "The Australian government is not even hiding the fact that the key purpose of this policy is deterrence. When you set up a system that inflicts deliberate harm as a deterrence, it's really hard to find another name for it other than torture."

Dr Neistat, a 15-year veteran of crisis work in Syria, Yemen and Chechnya, said the Nauruan regime was particularly galling because people's suffering was "absolutely unnecessary" and shrouded in "shocking" secrecy. "I was not prepared for what I saw, and definitely not prepared for what I heard," she said.

Among the asylum seekers she interviewed were a Pakistani man who tried to kill himself twice in 10 weeks by dousing himself in petrol and drinking dishwashing liquid, an Iranian man who found his pregnant wife in the bathroom with rope marks on her neck, and a 13-year-old Afghan boy who attempted suicide multiple times using a knife, petrol and by drowning.

An IHMS manager who spoke to Amnesty anonymously conceded conditions at the processing centre were "extreme". "There's no denying that the detention environment is a causative factor to mental health distress," they said. "People's bodies and their health is one of the only recourses left to them. This is people's last resort, their only avenue of appeal."

Immigration Minister Peter Dutton previously responded to reports of abuse and self-harm on Nauru by saying the government took the allegations seriously and provided all the necessary support. But he also labelled some reports as "hype" and "false allegations" made up by people who wanted to get to Australia.

It came as Department of Immigration and Border Protection secretary Michael Pezzullo told a Senate estimates hearing he would soon release a long-awaited internal report on child protection, but dismissed the publication of incident reports from Nauru as a publicity stunt. The government has previously denied it is knowingly or intentionally harming refugees.

In further criticism, Amnesty concluded that medical problems, including serious heart conditions, improperly healed broken bones and infections "do not appear to have been treated in a timely way" by IHMS, and that a majority of interviewees were denied access to their medical records. IHMS strongly refuted those claims.

In a finding that mirrors a damning United Nations report released two weeks ago, Amnesty warned Nauru was structurally incapable of protecting children's human rights. In one chilling example, the Nauruan Police Force hired as a reservist a man who had been convicted of raping a child just four years previously. One service provider said refugee children attending Nauruan schools were being hit by teachers and even threatened with machetes by their peers.

"Over 15 months, I saw these children change to be unrecognisable," a dismayed teacher said. "There was a 12-year-old student on psychotropic medication – she had been one of the brightest, bubbliest students – by the end [she] would just cry silently."

Nauru's child protection framework was "virtually non-existent" and the human potential of asylum seeker children was being "senselessly squandered", the report concluded.

Further systemic failures included arbitrary arrests and intimidation of refugees and asylum seekers, and a failure to investigate crimes against them. In one case, Iranian refugee and father Sam Nemati was jailed for two weeks after attempting to kill himself.

Dr Neistat said the UN Committee Against Torture should investigate Australia's complicity in the treatment of asylum seekers on the island, and "questions should be asked" about Australia's bid for a seat on the UN Human Rights Council.

"We definitely think the Australian government is violating international law," she said. "This needs to be stopped. It's unlawful, it's harmful, it amounts to torture."

The Australian government is expected to respond to the report once it has been formally released on Monday night.

<http://www.smh.com.au/federal-politics/political-news/island-of-despair-australia-intentionally-torturing-refugees-on-nauru-says-major-amnesty-international-report-20161016-gs3sm4.html>

## **9. Australian immigration regime on Nauru an 'open-air prison' and akin to torture, says Amnesty**

Human rights body says healthcare inadequate on island and suicide attempts, including among children, are common

The Guardian  
Ben Doherty  
Monday 17 October 2016 20.32 AEDT

Amnesty International has condemned Australia's offshore detention regime on Nauru as an "open-air prison" and akin to "torture", where refugees and asylum seekers are attacked with impunity, healthcare is inadequate or non-existent, and suicide attempts, including among children, are common.

Amnesty researchers visited the island in July and its new report of conditions has catalogued a series of interviews with 58 asylum seekers and refugees, Nauruan locals and Australian staff who work in the processing centre.

"The Australian government had been very clear, including in public statements, about the purpose of this system, to deter people from seeking asylum in Australia," Amnesty International's senior director for research, Dr Anna Neistat, told the Guardian. "What we see in Nauru essentially amounts to torture – a system set up to cause deliberate harm to people."

Neistat's visit to Nauru found:

- A seven-month pregnant Iranian refugee attempted to hang herself, telling her husband, "I'm homeless, I can't bring another person into this world". The woman was rescued and the baby was born but the woman has made several more attempts to kill herself and does not breastfeed or engage with the baby.
- Suicide attempts by children were commonplace, including by a 13-year-old boy who had attempted to kill himself multiple times – with a knife, with petrol and by drowning himself in the ocean – and a 15-year-old girl who had tried to kill herself twice, saying "I'm tired of my life".
- A refugee family who moved into the Nauruan community were repeatedly attacked in their home and their property destroyed. The mother in the family has attempted suicide 10 times and her son refuses to leave the house.
- Guards in the processing centre have assaulted, abused and threatened refugee children, including one guard who threw rocks at children, hitting one in the head.
- A young girl who was prescribed adult antidepressive medication that has a "black box warning" against its use by children, because it causes suicidal thinking. "The pills were making her crazy," the girl's parents said. The same child was sexually assaulted by another refugee in the community. Despite police being notified and the offender known, there has been no investigation or prosecution.

- Staff on the island reporting that people are discharged from hospital even when they are “still sick, sometimes half-conscious; once a patient still had needles in the hands. We are not allowed to ask the hospital why they are being discharged, or what medication they’ve been prescribed, or for their medical records.”

Neistat said she found consistent evidence of deteriorating mental health of asylum seekers and refugees, discrimination and violent attacks, sexual violence, inadequate medical care and harassment.

“On Nauru, the Australian government runs an open-air prison designed to inflict as much suffering as necessary to stop some of the world’s most vulnerable people from trying to find safety,” she said.

“What we are seeing is the Australian government going to extraordinary lengths to hide the daily despair of the people on Nauru. In doing so, they have misled the Australian public and the world by failing to admit that their border control policy depends on the deliberate and systematic abuse of thousands of people. Abuse is never a solution.”

On the weekend, the government confirmed that 19 cases of violent and sexual assault of asylum seekers and refugees – including eight against children – have been referred to Nauru police.

But there have been no prosecutions for offences against asylum seekers or refugees in three years of offshore processing.

Calls to the Nauru police from Guardian Australia have not been returned.

The Amnesty report follows the publication by the Guardian in August of the Nauru files – more than 2,000 incident reports written by workers on the island alleging instances of violent assault, sexual abuse, self-harm and suicide attempts, and failures in healthcare. The incident reports detailed the totality of life on Nauru – they include also other, more minor incidents including complaints about food quality, the cleanliness of toilets and other living conditions.

The Australian government has maintained a resolute line on its asylum policies, arguing that offshore processing is a necessary deterrent to asylum seeker boats trying to reach Australia and crucial to “saving lives at sea”.

The number of boats reaching Australia has decreased dramatically – the last boat to reach Australian territory was in May – however asylum seeker boats, carrying tens of thousands of asylum seekers, continue to be piloted across southeast Asia.

“We do have a tough border protection policy,” the Australian prime minister, Malcolm Turnbull, said previously. “ You could say it’s a harsh policy but it has worked.”

Turnbull has said he was “concerned” about reports of abuses in offshore detention but said the policy remained necessary in order to deter future irregular migration by sea.

Offshore processing has been consistently condemned as deliberately punitive, cruel, arbitrary and unlawful by several arms of the UN, dozens of other national governments, the Australian Human Rights Commission and rights groups such as Human Rights Watch and Amnesty International.

Neistat told the Guardian that Nauru was effectively a client state of Australia and that Australia had full responsibility for the operation of the processing centre on the island.

“I don’t think there is any question that the system is put in place by the Australian government, is fully paid for by the Australian government, that everybody who works on the island with refugees and asylum seekers ... is under contract with the Australian government and that everything is being reported to the Australian government.”

The Amnesty report cites the “Nauru settlement incident reporting protocol” that demands that all major and critical incidents be reported to the Australian Border Force in Canberra by phone and that all reportable incidents must be sent to 31 email addresses, no fewer than 19 of which are @border.gov.au addresses.

Neistat said that the government’s rationale of “saving lives at sea” was flawed: “People are still drowning, it only means people don’t drown near Australia’s shores and people do die in Nauru.

“You cannot really claim you are saving lives when you are subjecting people to levels of harm that they are killing themselves.”

The Amnesty report calls for the immediate end of offshore processing on Nauru and on Papua New Guinea’s Manus Island.

In its place, Amnesty recommended Australia could: increase foreign aid to neighbouring countries to better protect refugees; work within existing regional mechanisms such as the Bali process to improve refugees rights protection across the region; grant refugees access to Australia’s existing non-humanitarian migration programs; expand private sponsorship and family reunion visa options for refugees; and drop obstruction of resettlement offers from third countries such as New Zealand.

The Department of Immigration and Border Protection responded to the Amnesty report, stating that the claims in the report had been refuted by the department and service providers, on numerous occasions.

The department said Amnesty did not approach it for comment regarding its report.

“The department takes the health and safety of refugees and transferees in Nauru very seriously and welcomes independent scrutiny of Australia’s support of regional processing arrangements,” it said.

“Independent oversight is provided by a range of organisations, including the United Nations Human Rights Commission, international committee of the Red Cross and the commonwealth ombudsman – all of which have visited Nauru.

“In many cases the report references unsubstantiated claims made by individuals or advocacy groups as fact in the absence of evidence.”

ABC TV’s Four Corners on Monday focused on the mental health impacts on children of offshore processing on Nauru. Speaking with children from Nauru as well as former teachers on the island, the program reported a precipitous decline in mental health amongst children, massive rates of depression, and repeated suicide attempts.

One teacher recounted trying to convince a nine- or 10-year-old girl not to jump from the school balcony.

“I had one little girl which I’ll never forget, who I think had just had enough and there was a chair right on the balcony. And she stood on the balcony, and I came over and I said, ‘what are you doing?’

“And she said, ‘If I jump right now, it wouldn’t matter ... who cares?’ And so for 10 minutes I spoke to her about how much I would care if she did and how much her father would care if she did jump.

“So for that time I held my hand over in front of her, over the side of the balcony and what was going through my head, ‘if she jumps can I grab the back of her? Will I be able to grab her in time?’

“I’ll never forget that moment. For about ten minutes I’m trying to talk this beautiful [girl] - she was only nine, 10 at the time - to not to jump off the balcony of the school. I mean that’s how traumatised these children are.”

Major-General Andrew Bottrell, the operational commander of Operation Sovereign Borders, told the Senate estimates on Monday the risk of irregular boat arrivals remained real.

“People smugglers continue to try to convince uninformed and vulnerable people to get on boats.”

<https://www.theguardian.com/australia-news/2016/oct/17/australian-immigration-regime-on-nauru-an-open-air-prison-and-akin-to-torture-says-amnesty>

## **10. Amnesty International says Nauru refugee policy breaks international human rights laws**

ABC-TV - Four Corners

By Anne Davies, Deb Whitmont, Wayne Harley and Mary Fallon

First posted Mon 17 Oct 2016, 5:32pm

Updated Mon 17 Oct 2016, 8:28pm

Australia’s policy of holding refugees on Nauru indefinitely amounts to a systematic violation of human rights and possibly constitutes torture, international human rights organisation Amnesty has said in a damning report.

The report, *Island of Despair*, released on Monday night, says the failure to provide a safe environment prevents many refugees from attending school and amounts to a serious violation of children’s rights.

The report reflects the experiences of children revealed in tonight’s Four Corners report.

In interviews that were smuggled off the island, several children said they were too afraid to attend school because of levels of violence and sexual harassment directed at refugee children by locals.

More than 750 people who have been granted refugee status are now living in the Nauru community alongside the 10,000 locals that inhabit the remote Pacific Island, which has been heavily mined for phosphate.

But many say they now feel less safe than they did in detention.

According to Amnesty senior research director Anna Neistat, most refugee children are not attending the local schools because of these fears — and she says this amounts to a serious violation of their rights.

"No matter how horrible the detention was — and the conditions in detention were — quite a few families and children themselves told me that now that they're in the community, they feel less safe because they're subjected to attacks from the local population," she said.

"Of course they simply cannot go to school because there as well they are subjected to attacks and there's absolutely nothing being done about this by the authorities."

### ***Policy of 'cruelty and destruction'***

Ms Neistat, who has prepared reports for Amnesty around the world, said the conditions faced by the refugees on Nauru were worse, in her experience, than in Syria and Chechnya.

Island of Despair is based on Ms Neistat's interviews with 58 refugees and asylum seekers during a visit to Nauru in July.

She also interviewed staff and former staff at the regional processing centre and reviewed incident reports obtained by Guardian Australia.

Amnesty accuses Australia of running "a deliberate policy to inflict harm on refugees".

It is likely to place Australia's policies of holding refugees indefinitely under the international spotlight.

"In furtherance of a policy to deter people arriving by boat, the Government of Australia has made a calculation in which the intolerable cruelty and the destruction of the physical and mental integrity of hundreds of children, men and women, has been chosen as a tool of government policy," the report says.

"In so doing the Government of Australia is in breach of international human rights law and international refugee law."

In particular, Amnesty was concerned about the high levels of mental health issues among refugees, and described the health services as "inadequate."

It said the failure to provide a safe environment for the education of refugee children was another serious violation of Australia's obligations.

Amnesty found "the majority" of refugee and asylum seeker children on Nauru were not going to school, due to bullying and harassment by teachers and students.

### ***Nauru police yet to charge anyone: Amnesty***

While Amnesty acknowledged that the physical safety of refugees on Nauru was a matter for Nauru's Government, it said Australia could not absolve itself of responsibility because it was responsible for keeping the refugees on the island.

Amnesty was particularly concerned that serious assaults were occurring with impunity because the Nauru police declined to act.

Ms Neistat noted that the contractor, Broadspectrum, (formerly Transfield) had given evidence to a Senate select committee that there had been 67 allegations of child abuse in Nauru, 12 of which had been referred to the Nauru police. However as of July 2015, police had not charged anyone.

Amnesty said it had since received confidential information in September that in the preceding two years there had not been a single prosecution involving refugees or asylum seekers as complainants in cases of assault, rape or theft.

"I think it is safe to say in virtually none of the cases there has been any action where any refugee or asylum seeker was attacked or assaulted and a Nauruan was brought to justice for that," Ms Neistat said.

In contrast, Amnesty said refugees were being detained without charge for self-harming, even though suicide had been decriminalised by Nauru earlier this year.

### ***Department dismisses concerns***

Over the weekend, the Department of Immigration and Border Protection dismissed the picture painted of life on Nauru by the 2,000 incident reports released to Guardian Australia.

"It is clear the contention that the Nauru files represent thousands of cases of abuse of transferees and refugees cannot be supported by a review of the documents released by the Guardian," a spokesman said.

According to the departmental review only 23 were for "critical" incidents where life and limb was at risk or where violence, sexual or some other criminal offence had allegedly occurred.

Immigration Minister Peter Dutton has pointed out that the Australian Government provides transport, lunches and uniforms to support refugee children to attend school.

He also said there were 13 staff from Brisbane Catholic Education on the island to provide support services and curriculum advice to the Nauru Department of Education.

<http://www.abc.net.au/news/2016-10-17/nauru-detention-policy-a-'breach-of-human-rights'-amnesty/7940652>

## **11. Immigration Department head Mike Pezzullo rejects Amnesty findings Nauru conditions amount to 'torture'**

ABC News Online

By political reporter Naomi Woodley

Posted Tue 18 Oct 2016, 4:07am

The head of the Immigration Department has "categorically refuted" new allegations from Amnesty International that the conditions on Nauru for refugees and asylum seekers "amount to torture".

In the report titled *Island of Despair*, the international human rights organisation also accused the Federal Government of flouting international law, and running a "deliberate policy to inflict harm on refugees".

The secretary of the Immigration Department, Mike Pezzullo, had not read the report when he was questioned about it in a Senate Estimates hearing on Monday night.

"It doesn't surprise me, Senator, because I've seen Amnesty International reports that say similar things," Mr Pezzullo told the committee.

"I refute categorically, both on behalf of my own department and by way of explaining government policy in this regard, that it's not the Australian Government's position, nor the position of this department, that we flout any laws, international or otherwise.

"I understand both the legal as well as philosophical definition of torture and that is not a practice that's been engaged upon at all."

Greens Senator Nick McKim clashed repeatedly with Coalition senators as he put a series of quotes from the report to Mr Pezzullo and Government Minister Michaelia Cash.

"I'm speaking on behalf of people who don't have a voice at the moment, and I won't be silenced by you," Senator McKim said.

"The conditions on Nauru — refugees' severe mental anguish, the intentional nature of the system, and the fact that the goal of offshore processing is to intimidate or coerce people to achieve a specific outcome — amounts to torture," he read from the report.

### ***'We must be visiting different islands': Pezzullo***

Amnesty International said its findings were based on desk research and field work carried out on Nauru between July and October.

Amnesty's senior research director, Anna Neistat, told Four Corners interviews with 58 refugees and asylum seekers on Nauru revealed high levels of mental health issues, and safety fears which were preventing children from attending school.

But Mr Pezzullo said he had visited Nauru last week.

"There are no restrictions on my access to the facilities and I'll compare the field research that purports to be at the basis of this report with my own observations and that of my officers," he said.

"We might be visiting different islands, and we might be living in alternate, parallel universes."

"I don't think so," Senator McKim responded.

The Immigration Department said it will review the report, and follow up on any new information.

<http://www.abc.net.au/news/2016-10-18/new-amnesty-report-on-nauru/7941308>

## 12. Four of the most harrowing tales Amnesty International heard on Nauru, the 'Island of Despair'

Sydney Morning Herald  
October 17 2016 - 8:48PM  
Amy Remeikis

Amnesty International's new report, Island of Despair, outlines a series of allegations about life on Nauru for refugees and asylum seekers.

The human rights group says it interviewed more than 50 refugees and asylum seekers, most of who have "disturbing, detailed accounts of the disintegration of their own or others' mental health".

Fairfax Media has not been able to verify any of the claims but has summarised the stories of four families Amnesty International says it spoke to and viewed the medical records of. The government is yet to respond to the report. The interviewees gave Amnesty permission to release their stories.

### 1) Gazal and Jalil

A week after Gazal and Jalil's daughter was born on Nauru, Ghazal, already suffering post-partum depression, saw a another refugee she knew, Omid, set himself on fire.

She was left so traumatised, her breast milk dried up. A nurse visits, but only gives her sleeping pills. She sleeps all the time. Her baby doesn't. Their room is next to the laundry and the child wakes frequently. Shortly after their daughter was born, Gazal suffered an extremely high fever. Jalil was forced to take her to the hospital by bus – the ambulance wouldn't come. It was broken, they said.

It took hours to get her treatment, as Jalil was told her symptoms weren't an emergency by hospital staff, who sent him back to the medical centre.

FULL STORY AT <http://www.smh.com.au/federal-politics/political-news/four-of-the-most-harrowing-tales-amnesty-international-heard-on-nauru-the-island-of-despair-20161017-gs408j.html>

## 13. ABC and Nauru government clash over Four Corners exposé of offshore detention

Nauru government accuses corporation of coaching children for interviews but broadcaster defends 'important story of obvious public interest'

The Guardian  
Staff and agencies  
Tuesday 18 October 2016 12.32 AEDT

The ABC has rejected claims by the Nauru government that children who told of their trauma in detention had been coached and stage-managed.

The broadcaster's Four Corners program on Monday featured a series of powerful interviews with some of the 128 children in detention and former teachers on the island. The children, many recognised as refugees, have been held offshore on behalf of the Australian government after being refused entry to Australia.

The program, describing conditions at the centre and detailing some of the psychological damage caused by offshore detention, had echoes of the Guardian's reporting of the Nauru files earlier this year.

The Nauru government said in a statement it "was yet another example of the ABC's biased political propaganda and lies, and was an insult to the people of Nauru".

An ABC spokeswoman said: "The Four Corners report 'The Forgotten Children' told the story of the more than 100 refugee children who are living on Nauru, recognised as refugees and released from detention but trapped in a legal limbo. It was an important story, of obvious public interest.

"ABC News and Four Corners stand by the report and reject the claims of the government of Nauru. The interviews with the children were conducted remotely by Four Corners and their stories were subjected to the program's usual rigorous fact-checking processes.

"The program was made in this way because the Nauruan government routinely refuses journalists access to report on offshore processing and charges prohibitive fees for media visas, which are not refunded if the applications are refused."

The Nauru government said: "It was clear that these children were coached and that the entire process of filming the refugees was stage-managed, as the program has not been to Nauru. Despite this, viewers could clearly see that the refugees featured were well-dressed, well-groomed and healthy.

"We know they will say anything to influence the Australian government to bring them to Australia – a goal that motivated them to pay large amounts of money to people smugglers – which includes making false claims against the Nauruan people.

"The program, which did not seek comment from the government of Nauru before going to air, misrepresented the facts and allowed Save the Children – a discredited organisation that had a clear agenda when on Nauru – to make wild and unsubstantiated claims."

An Amnesty International report issued on Monday found that Nauru was, in the words of its research director, Dr Anna Neistat, "a system set up to cause deliberate harm to people".

Malcolm Turnbull rejected Amnesty's claims that the conditions amounted to torture as "absolutely false".

<https://www.theguardian.com/world/2016/oct/18/abc-and-nauru-government-clash-over-four-corners-expose-of-offshore-detention>

## **14. Nauru dismisses Four Corners' report as 'biased political propaganda and lies'**

ABC News Online

Posted Tue 18 Oct 2016, 8:34am

The Nauruan Government has hit back at a "racist" Four Corners report on the conditions faced by children sent to the Pacific Island under Australia's immigration policy, saying it was "biased political propaganda and lies".

The Four Corners episode, which aired last night, detailed the experiences of some of the 755 people — including 128 children — who have been granted refugee status and are now living in the Nauru community alongside the 10,000 locals.

A statement released by the Nauruan Government this morning said the report was an example of "ABC's biased political propaganda and lies, and was an insult to the people of Nauru".

"It was clear that these children were coached, and that the entire process of filming the refugees was stage-managed, as the program has not been to Nauru," the statement said.

"Viewers could clearly see that the refugees featured were well dressed, well-groomed and healthy.

"No child is in detention on Nauru, and children live with their families in safe and comfortable accommodation, mostly in new housing close to shops, facilities and beaches."

The statement said the Four Corners report featured incorrect images of schools on the island "in a deliberate attempt to misrepresent the facts" and referred to a hospital that is no longer being used.

"This report was an embarrassment to journalism. From start to finish it was denigrating, racist, false and pure political activism," the statement said.

The Nauruan Government also criticised the program for failing to offer them the chance to respond to allegations aired in the report and relying on "discredited organisation" Save the Children to make "wild and unsubstantiated claims".

An ABC spokeswoman defended the program, saying it was "an important story, of obvious public interest".

"The interviews with the children were conducted remotely by Four Corners, and their stories were subjected to the program's usual rigorous fact-checking processes," she said.

"The program was made in this way because the Nauruan Government routinely refuses journalists access to report on offshore processing, and charges prohibitive fees for media visas which are not refunded if the applications are refused."

Amnesty report Island of Despair, which was also released on Monday night, found Australia's policy of holding refugees on Nauru indefinitely amounts to a systematic violation of human rights and possibly constitutes torture.

<http://www.abc.net.au/news/2016-10-18/nauru-dismisses-four-corners-report-biased-political-propoganda/7941964>

## 15. Australian woman with family on Nauru pleads for end to offshore detention

'What they have done to be treated this way?' asks Fida as she begs the Australian government to reunite her with her two sisters who fled Lebanon

The Guardian  
Ben Doherty  
Tuesday 18 October 2016 14.35 AEDT

An Australian woman whose two sisters and eight nieces and nephews remain held on Nauru after three years, has pleaded with the Australian government to abandon offshore processing and allow her family – and others separated by the policy – to be reunited.

"What they have done to be treated this way?" Fida said in Sydney Tuesday. "In Australia we always have people talking about human rights, but in this case, I see there's no human rights at all."

An emotional Fida – the Guardian has chosen only to report her first name for fear of repercussions against her family – pleaded with the government to abandon the policy which she says has irreparably damaged her sisters' mental and physical health. One of her nephews was allegedly abused inside the processing centre.

Speaking at the official launch of Amnesty International's report into offshore processing on Nauru, Island of Despair, Fida, supported by her mother, said her family had fled Lebanon after violence had killed friends in her neighbourhood.

Both of her sisters have four children. The youngest was seven when they left their homeland.

"They left their country looking for a better life for their kids. They didn't know how they are going to end up. It's not a better future at all."

One of Fida's sisters on Nauru has been the subject of reports in the Guardian and other news outlets. After discovering possibly cancerous lumps in her breast more than three years ago, doctors on Nauru ordered a biopsy, which couldn't be performed on the island.

A medical transfer to Papua New Guinea last month ended without any treatment at all being performed because of other complicating health problems, and she was returned to Nauru. She has not yet received treatment.

"Her kids worry her, they say 'we lost everything, we have nothing left, except Mum. And if we lost Mum, there would be nothing'.

"I always ask myself, 'what has she done to be treated this way'."

The Amnesty report, compiled following a five-day visit to Nauru in July, and based on interviews with more than 60 asylum seekers, refugees, Nauruan locals, and processing centre staff, argues Australia's offshore detention regime is a form of torture, because the abuses that occur there are systemic, are sustained and not addressed by the Australian authorities in charge, and that the whole regime is designed to induce an outcome: that of coercing refugees to return home, and deterring others from making boat journeys to Australia.

Amnesty's senior director for research, Anna Neistat, said the allegation of torture was not made lightly.

"We believe that this policy amounts to torture. We make this conclusion based on the systematic nature of the harm that is being caused, it's intentional nature, and the fact that it is being perpetrated that the Australian government is, quite honestly, not even trying to hide: the goal is deterrence. The policy of deterrence relies on the idea of causing as much suffering as possible to ensure that others do not attempt to do what these asylum seekers have tried to do ... reaching Australia's shores."

FULL STORY AT <https://www.theguardian.com/world/2016/oct/18/australian-woman-with-family-on-nauru-pleads-for-end-to-offshore-detention>

## 16. Nauru files dominate Senate hearing as third detention facility in PNG revealed

Taskforce spent months analysing reports published by the Guardian, despite them already being the government's property

The Guardian  
Ben Doherty  
Monday 17 October 2016 19.42 AEDT

The Nauru files have dominated a bellicose Senate estimates hearing into the immigration department, which also revealed Australia is building a third detention facility in Papua New Guinea.

The government revealed it established a dedicated taskforce that spent several months conducting an analysis of the Nauru files, despite the fact the 2,100 incident reports contained within them were the property of the government.

Incident reports filed on Nauru are sent to no fewer than 19 @border.gov.au email addresses within the department.

In August, the Guardian published more than 2,100 incident reports from Nauru's detention centre, which included reports and allegations of sexual abuse on women and children, assaults of children, rape, widespread mental harm and epidemic rates of self-harm and suicide attempts, among other more prosaic complaints and reports.

The immigration department secretary, Mike Pezzullo, told estimates that bureaucrats spent several months, including working on weekends, cross-checking the Guardian's redacted reports.

The government's analysis confirmed the veracity of the incident reports: almost all were able to be cross-checked.

Pezzullo said, in response to the 304 critical and major incidents within the Nauru files, in 96% of cases, the actions taken were "immediate and appropriate". Critical and major incidents include an act of self-harm, suicide attempt, sexual assault of a child, or serious assault, estimates heard.

Pezzullo said the majority of reports on Nauru were "minor" or "information" reports and not allegations or evidence of serious criminality.

Guardian Australia did not report that every single file related to a sexual assault or child abuse allegation. The reports range from extremely serious allegations to mundane daily reports that show the totality of life on Nauru. Guardian Australia clearly documented the full spectrum of incidents and conducted a detailed data analysis of each of the incident categories.

The chairman of the committee, the Queensland senator Ian Macdonald, criticised the Guardian for publishing the files and said the reports were over-dramatised – "most of these were trifling at best" – while also telling the committee he hadn't read them.

"It's good to have the truth in this estimates today."

He wanted to know if people held in offshore detention were "middle class".

The circularity of discussion was evident in an exchange between the Greens senator Nick McKim and Pezzullo about the future of the Manus Island detention centre, which was ruled "illegal and unconstitutional" by the PNG supreme court in April but remains in operation.

Pezzullo: "The Manus regional processing centre is no longer required in the foreseeable future and it will close in the foreseeable future."

McKim: "How long is the foreseeable future?"

Pezzullo: "A future that we can foresee."

McKim: "What do you mean by that?"

Pezzullo: "The ordinary sense of the meaning."

The government confirmed it would spend \$20m building a third holding centre for detainees on Manus Island. It has already built the detention centre itself, at Lombrum, on a remote military base in Manus province, as well as the East Lorengau Refugee Transit Centre near Manus's main city, Lorengau.

The third secure facility will be built at Bomana, in Port Moresby, to house up to 50 people, as a transit centre for asylum seekers who are being deported or who have chosen to go home.

The government also confirmed it remained in discussions with third countries about resettling refugees it has sent to PNG but would not reveal which countries it was speaking to, or the progress of any discussions.

The department denied it ordered or requested Wilson Security to hire a private investigator to "aggressively" pursue confidential sources who provided information to refugee advocates and journalists, including Guardian reporters.

<https://www.theguardian.com/australia-news/2016/oct/17/nauru-giles-dominate-senate-hearing-as-third-detention-facility-in-png-revealed>

## 17. Nauru files: review confirms 19 police referrals over abuse claims, yet no prosecutions

Immigration department's analysis of thousands of leaked incident reports reveals more than a dozen referrals to Nauru police. There have been no convictions

The Guardian  
Ben Doherty  
Saturday 15 October 2016 15.49 AEDT

Nineteen cases of violence and sexual assault – including eight against children – were referred to Nauru police during the 18 months covered by the Nauru files, an official review has found, but there have been no prosecutions or convictions.

The Department of Immigration and Border Protection released analyses of the Nauru files at the weekend, which confirmed the referrals to police. The Nauru police have not charged any person with an offence against an asylum seeker or refugee in the three years of offshore processing on the island.

This is despite a series of alleged assaults on asylum seekers and refugees, including reports of gang rapes that were reported to police, physical and sexual assaults on children, and repeated attacks on unaccompanied minors outside the fences of the detention centre. Many of the assault claims are supported by video and photographic evidence.

The department says 11 allegations of sexual assault or violence against adults were referred to Nauru police. There were also eight investigations that related to offences against children – two alleged sexual assaults, four assaults and two unspecified investigations.

It is unclear if there are some investigations still continuing. Calls to the Nauru police by the Guardian have not been returned.

The department has spent months since the release of the Nauru files analysing the document: in effect a review of itself.

The government already had the Nauru files in its possession. The files comprised 2,123 incident reports logged by detention centre staff from Save the Children, Transfield, and Wilson Security between May 2013 and October 2015 – and were filed to the department.

It has released the figures in an apparent attempt to dampen the criticism of its offshore processing regime which followed release of The Nauru Files.

A spokesman for the department told the Australian newspaper “any allegation of sexual assault or other serious violence is of concern”.

But it said its analysis showed that “it is clear the contention that the Nauru files represent thousands of cases of abuse of transferees and refugees cannot be supported by a review of the documents”.

Guardian Australia did not report that every single file related to a sexual assault or child abuse allegation. The reports range from extremely serious allegations to mundane daily reports that show the totality of life on Nauru.

Guardian Australia clearly documented the full spectrum of incidents and conducted a detailed data analysis of each of the incident categories.

The department said 23 of the 2,123 reports detailed “critical” incidents, where life or serious injury was at risk, or serious violence, sexual assault or criminal activity had occurred.

A further 281 were classified as major – where serious injury was at risk. The remainder were minor or “unclassified”.

However, one of the consistent concerns raised in the Nauru files – and corroborated by whistleblowers before and subsequently – has been the practice of “downgrading” incident reports, where incidents in detention that should be classified as “critical” or “major” were downgraded to “minor” or “information”. Welfare staff were regularly pressured by Wilson Security guards to downgrade reports because of concern over missing reporting deadlines.

FULL STORY AT <https://www.theguardian.com/australia-news/2016/oct/15/nauru-files-review-confirms-19-police-referrals-over-abuse-claims-yet-no-prosecutions>

## 18. Journalist detained in PNG receives award

Radio New Zealand  
11:52 am, Oct 17, 2016

A Kurdish Iranian journalist detained on Papua New Guinea's Manus island by Australia has received a social justice award from a Sydney symposium.

Behrouz Boochani was recognised for reporting from detention at the Diaspora Symposium, which was staged at the Parliament of New South Wales.

The judge said Mr Boochani was chosen despite criteria requiring the award to be given to Australian citizens.

She said Mr Boochani was a citizen of the world, who's reports from detention with a small mobile phone and restricted internet access remind us of the possibilities for resistance.

Mr Boochani said he hoped the award will encourage notable Australians to criticise their country's system of offshore detention.

"Academic people, writer people, artist people," he said.

"Those people that they can make change and put pressure on the government.

"Why they are silent? I know some of them are trying, but I think the pressure is not enough."

Mr Boochani said he hoped the award gives him enough credit to continue to fight with the system.

<http://www.radionz.co.nz/international/pacific-news/315837/journalist-detained-in-png-receives-award>

## 19. Manus detainee confirms damning UN reports

Radio New Zealand  
From Dateline Pacific  
6:04 am on 12 October 2016

The United Nations refugee agency was due to meet with the Australian government yesterday to discuss its reports on conditions in offshore detention facilities on Manus Island and Nauru.

Information leaked to the Saturday Paper suggests the UN inspections found 90 percent of detainees on Manus Island were suffering from mental disorders due to their prolonged detention, a rate among the highest of any population in the world.

Unusable toilets and dangerously dilapidated sports equipment are also mentioned in the leak, along with excessive levels of security and the indifference of prison staff to allegations of sexual assault.

The United Nations would not discuss their reports with RNZ International, but the Kurdish Iranian journalist, Behrouz Boochani, who's detained on Manus Island says about half of its 900 male detainees take pills every day for mental disorders.

### TRANSCRIPT

BEHROUZ BOOCHANI: Of course that these people are separated from their families, some of them they have daughters, sons, wives, it's hard to explain, all the people have problems, all of the people, I can say 100 people in this prison have problems, mental problems or physical problems, because it's too long, more than three years.

BEN ROBINSON DRAWBRIDGE: You told me about, I think it was a basketball hoop, or some sports equipment that fell on top of you?

BB: Yeah, yeah, that was about a year ago, a basketball fell on my head and I had a headache and poor memory, that was a suspicious action, but the company and the immigration didn't allow me to have access to the PNG police because I made complaints that I think this was a suspicious accident. The camera completely recorded that accident, I don't want to say that they wanted to kill me, but I say that what happened was suspicious. For a few months I had headaches, poor memory, now I'm better, but sometimes I have, I feel pain, I feel headaches but I am much better.

BRD: And why do you think Australia has done nothing? despite all of the complaints, the reports and the criticism about your treatment and your detention?

BB: You know I think, I think most of the Australian people that they voted to liberal party they aggravate that with this policy, we can't say generally Australian people have kept us here in this prison, I know some people in Australia are trying and they are protesting against this policy but I think the pressure on the government is not enough. But academic people, writers, artist people, those people that can make change and put pressure on the government, why are they silent?

<http://www.radionz.co.nz/international/programmes/datelinepacific/audio/201819577/manus-detainee-confirms-damning-un-reports>

## 20. Get me off Manus Island: Assaulted Somali refugee and aid worker's plea for medical treatment

Canberra Times  
October 10 2016 - 7:15PM  
Michael Gordon

A refugee who has been helping disabled people on Manus Island has pleaded to be flown off the island for medical treatment after being the victim of a vicious, unprovoked attack over the weekend.

Masoud Ali Shiekh, 27, says his condition has deteriorated after being hit with a rock when a group of around seven young men confronted him as he walked a friend to the bus stop near the transit centre at East Lorengau on Saturday

"The thing is there is no X-ray. It is broken. There is no scan. There is no anything. The injury is deep in the head and I can't open my eyes," a desperate Mr Shiekh told Fairfax Media from the Lorengau hospital. "When I stand up I feel like I would fall."

Mr Shiekh said he was shocked by the attack because he thought he was well known to the local community, working as a volunteer for a small organisation providing wheelchairs and other aids for the disabled.

Now he is fearful that relatives of those arrested over the attack will come after him. He is also convinced the threat of violence against outsiders will be ongoing. "It shows me that they don't want us in their community," he said.

He is also concerned about the level of hygiene in the hospital, worried that the gaping wound in his forehead will become infected when his dressings are changed. "I wish I could find treatment. There is no treatment here."

A former humanitarian aid worker with the United Nations refugee agency and Save the Children in Yemen, Mr Shiekh spent more than two years in the Manus Island detention centre before moving to the island's transit centre after being recognised as a refugee.

In a move advocates fear will escalate local tensions, PNG officials are planning to move more than 800 asylum seekers who remain at the detention centre to the transit centre in response to a ruling by PNG's highest court in April that their detention was illegal.

Fluent in English, Arabic and Somali, and able to converse with locals in Pidgin, Mr Shiekh told UNHCR officials of his work with the agency when they visited Manus Island earlier this year.

The officials also visited Nauru and subsequently called on the government to immediately move asylum seekers who had suffered "immense" physical and mental harm in detention to "humane conditions with adequate support and services", a call that went unheeded. They are due to meet Border Force officials in Canberra on Tuesday.

Mr Shiekh's arrival with another Somali national in a small boat in the Torres Strait made headlines before the 2013 election, with the then opposition claiming it could mark the start of a "torrent" on boat arrivals into north Queensland.

Then shadow immigration minister, Scott Morrison, claimed the Rudd government's decision to reopen the Manus Island detention centre had opened "another front" for asylum seekers coming across the Torres Strait to Australia.

Mr Shiekh said he was forced to leave after receiving death threats from a people smuggling syndicate who accused him of spying on their operation in his work for the UNHCR in Yemen. His family had fled war-torn Somalia in 1993.

Telling his story publicly for the first time, he said he was confronted at a restaurant, where a gun was put to his head and he was told he had four hours to leave the country.

He went home and was told by his wife that strangers had been there asking for him. "The only option I had was to leave Yemen because I cannot hide anywhere because everybody knows me." He has not seen his wife, parents or siblings since.

Faced with the prospect of a very long wait for a visa to Europe, he chose to seek protection in Australia after fleeing to Indonesia. "I was thinking, as a humanitarian aid worker, wherever I go I will be welcomed," he said.

"I understand this is not the nation, but I am very shocked with the (Australian) government and how the government is dealing with human beings.

"It's not only me. When I look at Nauru and see children and women and elderly people ... I never expected this."

Mr Shiekh was at the Manus centre during the violence of February 2014, when Reza Barati was murdered and scores of asylum seekers were injured by guards and locals who invaded the centre. "I was beaten but I was not killed. My room was like a scene of slaughter."

Human rights lawyer Daniel Webb, who recently witnessed a similar attack on refugees at Lorengau, said the violence highlighted the urgent need to bring those on Manus to Australia.

"Despite three years of fear, violence and limbo he stayed incredibly strong and did everything he could to make the best of a truly horrible situation," said Mr Webb, director of legal advocacy at the Human Rights Law Centre.

"But even for Masoud, Manus has proven to be a harmful and dangerous dead end."

Mr Shiekh said he found it very difficult to talk about his experience on Manus Island. "I cannot differentiate between a nightmare, a dream and awakens. I have difficulty talking about yesterday, today and tomorrow. It feels like one day from when I arrived till now."

<http://www.canberratimes.com.au/federal-politics/political-news/get-me-off-manus-island-assaulted-somali-refugee-and-aid-workers-plea-for-medical-treatment-20161010-gryno8.html>

## **21. Q&A: border policy architect Jim Molan says Nauru facilities 'extraordinary'**

Operation Sovereign Borders co-author defends hardline policy and conditions on Nauru, saying it has 'medical facilities that most Australian towns would give their right arm for'

The Guardian

Elle Hunt

Tuesday 11 October 2016 07.35 AEDT

The co-author of Operation Sovereign Borders says that "every Australian should be extraordinarily proud of" the immigration policy and defended the "extraordinary medical facilities" on the island, claiming "most Australian towns would give their right arm" for similar services.

Jim Molan, a retired major general, said on Monday night's episode of Q&A the border security operation was a "pro-migration policy".

Appearing on an episode of the ABC panel show which discussed Australia's refugee policy and possible alternatives, Molan said offshore processing was the hardest part of the policy to maintain but there were "choices for those on Nauru and Manus".

"If you're a refugee, then you settle in those countries, or other countries that will take you. If you're not a refugee, you go home."

Molan – the only person on the panel in support of offshore processing – questioned the testimony of Dr Anna Neistat, a doctor with Amnesty International in London, that the conditions of refugees on Nauru was "one of the worst" she had ever seen.

Neistat said "the whole world" knew about the devastating effects of the policy on detainees' physical and mental health, citing the suicides, attempted suicides, self-immolation and self-harms that were "daily occurrences" on Nauru and Manus.

She questioned whether the success of the policy was dependent on subjecting people to "enormous levels of suffering and essentially keeping them hostages".

Molan said while he had not visited Nauru himself, he was convinced "that if you go to Nauru you will find the most extraordinary medical facilities that most Australian towns would give their right arm for".

He said he had been to Manus Island and said "we are so far ahead of refugee camps throughout the world that it is not funny".

Shen Narayanasamy, the human rights campaign director for GetUp and the founder of No Business in Abuse, said corporations tasked with running the processing centres were pulling out because of "overwhelming" evidence of mistreatment and abuse.

She had earlier remarked on the "incredible secrecy" of Operation Sovereign Borders, pointing to doctors' high court challenges against gag laws.

FULL STORY AT <https://www.theguardian.com/australia-news/2016/oct/11/qa-border-policy-architect-jim-molan-says-nauru-facilities-extraordinary>

## 22. Q&A: Most Aussies 'would give right arm' for Nauru facilities, says ex-government advisor

Sydney Morning Herald  
October 11 2016  
Georgina Mitchell

The architect of the Australian government's Operation Sovereign Borders policy has rejected claims by Amnesty International that conditions on Nauru are the worst in the world, despite admitting he has never been there.

On the ABC's Q&A on Monday night, retired army general Jim Molan was on the panel when the audience heard from Anna Neistat, a senior director for research at Amnesty International.

In a video question, Dr Neistat said Australia's offshore processing centre in Nauru was home to some of the worst treatment of refugees she has ever seen.

"I worked in conflict and crisis areas including Syria and Afghanistan and Chechnya and Yemen," Dr Neistat said.

"I've seen a lot of suffering that people are subjected to in these places. I was recently in Nauru, and I have to say that the situation for refugees there is one of the worst I've seen in my life.

"Does the success of this policy depend on subjecting people to these enormous levels of suffering, and essentially keeping them hostages on Nauru and on Manus Island?"

Mr Molan, who developed the policy that sees border protection overseen by a three-star general, said he was "absolutely astonished" at the question.

"I haven't been to Nauru, I have been to Manus and I've been to refugee camps all over the world," he said.

"I have seen enough information to convince me that if you go to Nauru you will find the most extraordinary medical facilities that most Australian towns will give their right arm for.

"Anna may have seen terrible things throughout the world. If I compare it to Manus, we are so far ahead of refugee camps around the world ... that it's not funny. I challenge what Anna said."

Lawyer and asylum-seeker advocate Shen Narayanasamy, who lobbies banks to abandon contentious clients like those involved in offshore detention, said corporations "can't stomach" detention centres any more.

"I talk to every single major bank across the world who are funding these companies," she said.

"They all said to us 'the evidence is overwhelming'. So you might believe, not having seen Nauru, what you believe, but unfortunately, and in the kind of conversation that we can have with banks, the evidence is overwhelming."

General Molan said perhaps it's the pressure Ms Narayanasamy put on the corporations, rather than a moral feeling, that led to all major service providers leaving Nauru.

"Well, it may have," she responded.

"But what kind of pressure is that? Stacking an entire stack of reports from every single international organisation. From doctors, from nurses, teachers, from whistleblowers across the board, on the table. If that's pressure, then I think what we're talking about here is pressure coming from real evidence and real facts.

"Having a discussion about facts and policy and evidence is far preferable than the discussion we're having, which is largely about slogans and rhetoric."

<http://www.smh.com.au/entertainment/tv-and-radio/qa-most-aussies-would-give-right-arm-for-nauru-facilities-says-exgovernment-advisor-20161010-grz8sc.html>

## 23. Q&A recap: shock value high as panel debate immigration and detention

Sydney Morning Herald  
October 11 2016  
Neil McMahon

Donald Trump copped a mention early on Monday night's Q&A - and while it had nothing to do with that notorious Trump sex-talk tape, there was still plenty of obscenity to go round.

When Australia gets to debating immigration and offshore detention - the policy that panellist Huy Truong described as "our version of the Trump Mexican wall" - you're sure to hear things that'll make you want to cover your ears. And on Q&A, which held the promise of a fresh look at an old and endlessly contentious issue, you heard things you really wouldn't want to explain to the children.

For sheer shock value, it was hard to beat the story told by Danielle Habib, whose question related to a recent poll showing 49 per cent of Australians want to ban Muslim immigration. Host Tony Jones told us that Ms Habib's question was about "fear in the community" - though technically it was less about fear and more about loathing.

"Recently a person jumped over the fence of my Muslim girlfriend's house and cut the heads off her baby rabbits," she said.

"She is spat at and sworn at in front of her children all because she is Muslim. Our political setting seems to be pushing a strong anti-Muslim sentiment through polls on Muslim immigration and senators with strong anti-Muslim rhetoric. Why are pollsters allowed to ask such inflammatory questions?"

Then there was Larissa Mitchell, a teacher working with students who arrived by boat as asylum seekers in 2012. Her students are busy studying for their exams while consumed by anxiety over whether they will be allowed to stay in Australia permanently. Ms Mitchell wanted to know: what was "Australia's responsibility in ensuring that asylum seekers like my students can consider their future with confidence in knowing that they will be able to call Australia their permanent and not temporary home?"

It was a question that prompted this revelation from Tony Jones: "There are a number of people in this audience, young people who submitted questions to us and then withdrew them, because they were afraid that their temporary protection status would be looked upon badly by the government so they have withdrawn questions. We have a teacher who is asking the questions on their behalf."

Yes, that's right: teenage asylum seekers whose understanding of modern Australia is of a country in which one should feel afraid of challenging the government on a TV show.

How did we come to this? Or to this: "A kind of epidemic that is unfolding itself before the nation's eyes."

That was how refugee advocate Shukufa Tahiri described the impact on refugee communities of government policies which she said were "driving people into self-harm and suicide. In our community alone in the past 12 months there has been six cases of suicide and self-harm". She wanted to know, was it worth paying this price to "stop the boats"?

FULL STORY AT <http://www.smh.com.au/entertainment/tv-and-radio/qa-recap-shock-value-high-as-panel-debate-immigration-and-detention-20161010-grz9ic.html>

## **24. Martin McKenzie-Murray: Leaked UNHCR report: Manus Island world's worst**

As the government prepares to meet with the UNHCR, urgent action is being demanded on mental decay.

The Saturday Paper  
Oct 8, 2016  
Martin McKenzie-Murray

On Tuesday, doctors and officials from the United Nations' refugee agency, UNHCR, will meet with senior staff from the immigration department. They will discuss the findings of the agency's inspections of offshore detention camps on Nauru and Manus Island, and their physical and psychological examinations of their occupants, which have yet to be made public. These trips were conducted in April and May this year, and draft reports were written in June. The Saturday Paper has acquired both reports, and they offer perhaps the clearest picture yet of the camps' disturbing structural, legal and procedural inadequacies.

The Saturday Paper understands the final reports have only recently been provided to the governments of Australia, Papua New Guinea and Nauru. Geneva was concerned providing the reports earlier, just before federal elections – Nauru's was held a week after our own – might be perceived as political mischief. However, interim reports – which make urgent recommendations – were quietly provided to the Australian government months ago and, an author tells me, subsequently ignored. "Even though rates of mental disorder are extraordinary," Dr Nina Zimmerman tells me, "they didn't listen." Zimmerman is a forensic psychiatrist with extensive experience in custodial settings and was invited by the UNHCR to conduct examinations in Nauru. "So they have been notified, but were dismissive."

Zimmerman now risks opprobrium. But she has come forward because, she says, she has a duty of care that's being frustrated by Geneva's timidity and the Australian government's indifference. She fears the reports will never be made public, much less acted upon. In her personal notes from a teleconference in June, she has written: "Geneva uncomfortable with the idea of a public release of the report."

The UNHCR made a similar reporting mission in October 2013 and released its reports the following month. What's useful now, though, is that with the two reporting missions – conducted at the beginning of the renewed offshore policy, and again three years later – we have a rough cross-sectional study of those subject to mandatory, indefinite detention.

One of the most damning aspects of the draft report on Manus Island is how clearly it shows that detention itself has contributed to endemic mental disorders. “Eighty-eight per cent of asylum-seekers and refugees assessed were suffering from a depressive or anxiety disorder and/or post-traumatic stress disorder,” the draft report says. “These are extremely high rates, among the highest recorded of any population in the world, but a predictable outcome of protracted detention.

FULL STORY AT <https://www.thesaturdaypaper.com.au/news/immigration/2016/10/08/leaked-unhcr-report-manus-island-worlds-worst/14758452003831>

## **25. UNHCR to urge Australia to end offshore detention as violence dogs island camps**

Refugee agency representatives to meet with immigration officials after UN's leaked report says condition on Manus 'equivalent to a maximum security prison'

The Guardian  
Ben Doherty and Katharine Murphy  
Tuesday 11 October 2016 08.31 AEDT

Representatives of the United Nations refugee agency and medical experts will meet with immigration department officials Tuesday to urge the end of Australia's offshore detention regime – as both island camps remain riven by violence and abuses.

On Saturday on Manus Island, Somali refugee Masoud Ali Sheikh was attacked by a gang of local men, who threw rocks at his head, leaving him bleeding and scarred. The attack follows a number of assaults on refugees on Manus Island.

In August, the Guardian published a massive trove of incident reports – redacted to protect identities – that revealed systemic physical and sexual violence committed against those in offshore detention on Nauru, in particular women and children. The Nauru Files showed, too, that those detained on the island suffer extreme rates of mental harm caused by detention, and commit self-harm and attempt suicide at endemic rates.

The UNHCR conducts regular inspection visits of offshore detention camps and provides reports of those inspections to government. It meets regularly with senior government officials.

However, details of the UNHCR's reports usually remain private.

This time, however, key details of reports have been leaked to the media, and the meeting comes as Australia's offshore policy has been placed under immense domestic and international pressure.

The Saturday Paper carried details of the UNHCR's reports on Nauru and Manus, which reportedly say the conditions on Manus are “equivalent to a maximum security prison in Australia”.

The report on Nauru says: “It appears that PTSD and depression have reached epidemic proportions ... UNHCR anticipates that mental illness, distress and suicide will continue to escalate in the immediate and foreseeable future.”

Labor senator Lisa Singh said this week's meeting between UNHCR and government officials was an opportunity for the Australian government to change its poor standing on refugee policy.

“Australia's treatment of offshore detained refugees is regarded as cruel and inhumane, and is costing more than \$570,000 per year, per refugee,” she said.

“Leaked information regarding refugees detained on Nauru, including women and children, has revealed they are being subjected to physical, mental and sexual abuse and are self-harming.

“The government has a duty of care to protect refugees from harm, not cause them further harm through indefinite detention.”

Singh, currently on secondment at the United Nations, said mandatory, indefinite detention was not the answer to an effective immigration policy.

“The flow of asylum-seeker vessels into Australia has virtually ceased due to the turnback policy. So if the government cannot find appropriate third country settlement options, there is no longer any reason why it cannot end their suffering and bring them to Australia.”

On Saturday, 27-year-old Somali refugee Masoud Ali Shiekh was attacked by a group of local men on Manus Island as he walked to a bus stop near the refugee transit centre in Lorengau on Manus. The men threw rocks at Sheikh, one of which gashed his forehead deeply.

Shiekh fled war-torn Somalia with his family in the early 90s, and formerly worked with the United Nations refugee agency and Save the Children in Yemen before being forced to flee again after receiving death threats from a criminal gang.

Behrouz Boochani, an Iranian refugee also detained on Manus, told the Guardian there was no real prospect the 900 refugees held on Manus could be resettled there.

"I don't want to make any judgment about local people and their culture because they are victims like us. But it's clear that Manusian people don't want refugees to settle in their community. The Australian government exiled us by force to this island and wants to settle us in the local community by force. The local people don't want to accept us in their community because their culture is a tribal system [and] it's clear that their community does not have the capacity to accept us."

Boochani said the men on Manus were fearful about their futures and did not trust the Australian government after more than three years in detention.

"It is a very strange situation. On one side local people don't want to accept refugees and cannot because of important and logical reasons (both economic and cultural). On the other side the refugees don't want to live in PNG and cannot because it is not safe and not viable for us. Who is guilty? The Australian government. Who is responsible? Australia."

<https://www.theguardian.com/australia-news/2016/oct/11/unhcr-to-urge-australia-to-end-offshore-detention-as-violence-dogs-island-camps>

## **26. UN slams Australia's regional processing centres in Nauru**

Canberra Times

October 7, 2016

Michael Koziol and Michael Gordon

The United Nations has delivered a blistering indictment of Nauru and Australia's failure to help children in detention-like conditions, especially those driven to attempt suicide and self-harm.

It also slammed the island nation's "limited capacity" to investigate allegations of sexual assault of children and its failure to follow up complaints, and severely criticised the harsh living conditions inside Australian's regional processing centres.

Among the global body's concerns were a lack of clean drinking water and poor sanitation, the absence of a dedicated paediatrician and the reported use of illegal corporal punishment against children at the camps.

The UN's Committee on the Rights of the Child also found that Nauru has made no progress towards honouring a promise made last year to establish a human rights watchdog.

The report identified "inhuman and degrading treatment, including physical, psychological and sexual abuse, against asylum seeking and refugee children", citing last year's independent review by former Commonwealth integrity commissioner Philip Moss.

It comes as the Turnbull government comes under increasing pressure to remove asylum seekers and refugees from Nauru and Manus Island or face the "high likelihood" that many more will attempt suicide.

The UN concluded that mental ill-health, including "feelings of hopeless and often suicidal ideation", was exacerbated by prolonged uncertainty and poor living conditions inside the hot, humid camps.

Recovery options for traumatised children were systemically poor in Nauru, the UN suggested. It slammed the lack of assistance for "physical and mental recovery" of children who experienced trauma before arriving in Nauru and then spent long periods languishing in detention.

There were 410 people in Australian immigration detention in Nauru at the end of August: 306 men, 55 women and 49 children, according to the Department of Immigration and Border Protection.

While the government insists that none of those on Nauru or Manus will come to Australia, Fairfax Media believes it has made progress towards finding a third country option, with the US being a possibility.

Well-placed sources say an announcement on third-country options is not imminent, but that much work is being done and that Prime Minister Malcolm Turnbull is determined that the issue be resolved.

The CRC issued its report based on hearings in Geneva, meetings with civil society groups, Nauru's own submissions and a review of previously published literature.

The committee urged Nauru - and by extension, Australia - to immediately remove asylum-seeking children and their families from the RPCs, and find "permanent, sustainable resettlement options" for recognised refugees, including reasonable access to employment.

It also called on Nauru to ensure that staff working at the RPCs were adequately trained in the identification of vulnerable children and those at risk of self-harm, and to develop a system to ensure incidents of self-harm were referred to the appropriate powers and followed up.

In January, Fairfax Media revealed asylum seekers in detention on Nauru were committing acts of self-harm every two days, including swallowing insect repellent, bashing their heads against walls and dousing their bodies with boiling water.

The UN said it was also "gravely concerned" about reports that RPC detainees had their daily water intake rationed. Limited access to clean, safe drinking water and sanitation left children and families "vulnerable to dehydration and other serious health problems", the report said.

The committee slammed the lack of health services available for asylum-seeking and refugee children, and in particular noted the main medical provider at the RPCs did not have a paediatrician.

There was also evidence that children in detention, including Australia's RPCs, were still being subjected to corporal punishment despite the practice being prohibited in Nauruan schools and jails.

The report harshly condemned the iron curtain of secrecy surrounding the detention centres, which journalists and foreign organisations have found it extremely difficult to penetrate. Reports that "some international organisations have been subjected to intimidation" were of particular concern.

Last month, Paris Aristotle, the pre-eminent adviser on refugee issues to both sides of politics, urged the Turnbull government to move quickly to remove the asylum seekers from both Nauru and Manus.

Speaking in his capacity as head of the Victorian Foundation for Survivors of Torture, Mr Aristotle said: "If the governments involved don't take swift action to restore hope, we believe it is highly likely that many more men and women will express their despair by attempting to harm and kill themselves.

"We also hold grave concerns that children and young people in Nauru will respond in the same ways."

<http://www.canberratimes.com.au/federal-politics/political-news/un-slams-australias-regional-processing-centres-in-nauru-20161007-grxj17.html>

## **27. UN tells Nauru to take urgent action to investigate abuse of refugee children**

UN committee also criticises restrictions imposed on international NGOs and journalists from looking into children's rights and protection on the island

The Guardian  
Helen Davidson  
Friday 7 October 2016 19.30 AEDT

The Nauruan government must take "immediate action" to investigate all allegations of mistreatment, abuse and sexual assault against refugee and asylum-seeker children, the United Nations has said in a report card on the Pacific island nation.

The report follows a UN committee on the rights of the child hearing, which reviewed the state of children's rights in Nauru. Many of its findings, or concluding observations, relate to the refugee and asylum-seeker children held or hosted on the island as part of its agreement with Australia to process boat arrivals.

The committee concluded that the Nauruan government had accepted asylum-seeking and refugee children from Australia "without taking their best interests into account".

The memorandum of understanding between the two countries also failed in this respect, it said.

The UN committee also criticised the restrictions on civil society groups and media, and expressed concern that some international organisations had faced intimidation.

Earlier this year, the Guardian revealed thousands of leaked documents from inside the Nauru processing centre, which detailed widespread trauma and abuse among detainees, including children.

The findings were dismissed by the Australian and Nauruan governments as being allegations and historical, despite the reports containing first-hand accounts from employees, up until October 2015.

On Friday, the UN committee called on the Nauruan government to "take immediate action to independently investigate all allegations of ill-treatment, abuse and sexual assault" against asylum seeking and refugee children, and Nauruan children.

It noted the efforts made by Nauru to develop a child protection system, but expressed concern at the limited capacity of the police force to investigate allegations of sexual assault and violence against children.

The committee was also concerned about the “inhuman and degrading treatment, including physical, psychological and sexual abuse, against asylum seeking and refugee children living in the Regional Processing Centres”, and reports of intimidation and violence against people living in the community.

It criticised the lack of assistance for the recovery of children who “experienced trauma prior to their arrival in Nauru and the subsequent impact of prolonged periods of living in detention-like conditions, which has resulted in many cases of attempted suicide, self-immolation, acts of self-harm and depression”.

It called for compulsory training and mandatory reporting requirements for all professionals working with children, and immediate protection, prevention and rehabilitation measures. Separately, it urged the creation of a national database of domestic violence against children, and thorough assessment of the extent, causes, and nature of the violence in order to develop effective prevention and protection programs.

It noted that despite recent law reform, corporal punishment continued to be widely socially accepted, and was still used in detention-like settings such as the regional processing centre.

The committee expressed serious concern that international organisations and journalists had been restricted from conducting research relating to children’s rights, and that there had been reports of international organisations being subjected to intimidation. It recommended that the Nauruan government involve civil society groups in policy, and build “an environment of trust and cooperation” with NGOs and journalists.

The Nauruan government has increasingly sought to prevent any potential critics from entering the country.

Journalists are now charged a US\$8,000 (A\$10,500) non-refundable visa application fee, and only two Australian journalists have since been granted access. In September, it refused to allow some members of a Danish political delegation, including members of parliament, who had hoped to visit the processing centre as part of a fact-finding mission on Australia’s immigration policy.

Last month, the Nauruan president, Baron Waqa, told the United Nations summit on refugees and migrants that the processing system gave people protection while also undermining the business model of people smugglers.

Waqa said that while “implementation of this model is not without its issues”, it had a robust and fair determination system, and complied with UNHCR guidance.

The UN committee welcomed the recent ratification by Nauru of the Optional Protocol of the Convention against Torture, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of Persons with Disabilities, and the Convention on the Elimination of All Forms of Discrimination against Women, as well as key pieces of law reform and policy.

However, it was concerned about stalled or minimal efforts at the implementation into domestic law and regulations.

<https://www.theguardian.com/australia-news/2016/oct/07/exclusive-un-tells-nauru-to-take-urgent-action-to-investigate-child-abuse>

## **28. UN slams Nauru's treatment of asylum seeker, refugee children**

ABC News Online

By political reporter Stephanie Anderson

First posted Fri 7 Oct 2016, 4:30pm

Updated Fri 7 Oct 2016, 6:31pm

The Nauruan Government's treatment of asylum seeker and refugee children has been heavily criticised by the United Nations, which has called for action on a number of fronts.

In its latest report, the UN's Committee on the Rights of the Child outlined the "cramped, humid and life-threatening conditions" that children are exposed to in the regional processing centres, including reported restrictions on drinking water and the lack of a paediatrician.

The 17-page report also highlighted the "inhuman and degrading treatment, including physical, psychological and sexual abuse, against asylum seeking and refugee children living in the Regional Processing Centres".

"It is further concerned that spending prolonged periods in such conditions is detrimental to the mental and physical well-being of these children, and has led to some as young as 11 years attempting suicide and engaging in other forms of self-harm," it stated.

The committee urged the Nauruan Government to implement more than 100 measures — relating to all children on the island nation — including:

- Developing campaigns to counter hate speech against asylum seekers and refugees, particularly children
- Ensuring children have access to a safe and child-friendly complaint process
- Increasing the number of personnel specialised in children with mental health issues

The committee also called on the Nauruan Government to take immediate action to independently investigate all allegations of "ill treatment, abuse and sexual assault against asylum seeking and refugee children".

It follows last month's push by the Australian Senate to establish an inquiry into allegations of abuse and self-harm in offshore detention centres.

The inquiry comes after the publishing of thousands of leaked files alleging abuse of children and adults in Nauru's processing centre, as well as a report from Amnesty International and Human Rights Watch.

Both have been rejected by the Department of Immigration and Border Protection.

### ***Concerns over media access to centres***

The committee also called for the establishment of "an environment of trust and cooperation" with international media, following restrictions in accessing the island.

"The committee is seriously concerned that international civil society organisations and journalists have been restricted in their ability to conduct research relating to children's rights, particularly in relation to the processing of child asylum seekers and refugees at the Regional Processing Centres," it read.

"It is further concerned at reports indicating that some international organisations have been subjected to intimidation, and that non-refundable visa application fees for visiting journalists have been increased from \$US200 (\$264) to \$US8,000 (\$10,559)."

Australian politicians Andrew Wilkie and Sarah Hanson-Young have had visa applications denied by the Nauruan Government this year, as had a group of Danish politicians.

Immigration Minister Peter Dutton said last month that Australia's relationship with Nauru in relation to processing asylum seekers will "continue for decades", while Prime Minister Malcolm Turnbull has thanked President Baron Waqa for his country's "ongoing support" in the area.

The committee did praise Nauru for accepting the recommendations made through last year's Universal Periodic Review, but added it was "concerned that to date no progress has been made".

Comment has been sought from the Nauruan Government.

<http://www.abc.net.au/news/2016-10-07/un-slams-nauru-treatment-of-refugee-children/7914132>

## **29. Film about abuse in Australia's refugee camps screened on London embassy**

Extract from Chasing Asylum, which describes assaults and self-harm in Nauru and Manus detention centres, projected on to Australian high commission

The Guardian  
Amelia Hill  
Thursday 6 October 2016 08.02 AEDT

A guerrilla screening of secretly obtained film footage showing an unprecedented view of Australia's offshore refugee detention camps was projected on to the outside of the Australian high commission in central London on Wednesday night.

The building became the backdrop to the screening of 20 minutes of footage from Chasing Asylum, a 1.5 hour documentary which breaks Australian law by using hidden-camera footage and testimony from whistleblowers inside the camp to describe for the first time the assaults, sexual abuse, self-harm attempts, child abuse and living conditions endured by asylum seekers held by the Australian government. The picture they paint is one of routine dysfunction and deliberate cruelty.

“If women aren’t being raped in these detention camps, if children aren’t being abused and men aren’t losing their minds on Nauru and Manus, then why can’t journalists and independent observers go into the camps to see what’s going on?” said Eva Orner, the Academy and Emmy award-winning Australian documentary-maker who made *Chasing Asylum*.

Orner calls her documentary “the film Australia doesn’t want you to see”. No journalist has ever been allowed to visit the two detention centres where intercepted refugees are taken. Both camps are far from Australia: one in Nauru, a small, impoverished Pacific island republic; the other in Papua New Guinea.

The documentary’s footage was clandestinely filmed during riots at the Manus and Nauru camps, which resulted in beatings and the death of Iranian asylum seeker Reza Berati. The media is banned from both centres. In the middle of filming, the Australian government passed the Australian Border Force Act, which made it a crime, punishable by two years’ imprisonment, for whistleblowers to speak publicly.

“Why is it a crime with two years’ imprisonment for employees to talk about what goes on there? Why am I and my whistleblowers in breach of the law for telling the truth in our documentary?” said Orner, whose documentary features exclusive footage from inside Nauru and Manus detention centres and new whistleblower interviews.

The Guardian published all 8,000 leaked pages of the Nauru Files – the largest cache of leaked documents released from inside Australia’s immigration regime, containing the personal accounts of sexual abuse, torture and humiliation inflicted on children held by Australia in offshore detention camps – earlier this year.

In August, the International Alliance Against Mandatory Detention organised a 10-hour reading of the 2,000 leaked incident reports from the Nauru detention camp outside the high commission.

*Chasing Asylum* has already been a national and international triumph: it has won multiple awards, has secured European TV deals and will have US and UK deals soon. There are DVDs, an iTunes release and streaming releases coming up as well as an announcement in the coming weeks concerning further international releases.

The documentary is to have its UK premiere this week with two screenings of the work at the London Film Festival. Orner is in talks with the United Nations for screenings in Geneva and New York. It will be screened at the New York University law school later this year.

“Projecting our film on the Australian high commission isn’t just a stunt,” said Orner. “This film has already been seen by thousands of people across Australia and will shortly be released far more widely and publicly, in a way that will mean it’s seen by millions of people in every corner of the globe. I’ll be able to announce the details over the next month but it’s going to be a very widely watched film.

“But despite us continuously asking the Australian government to comment on the claims made in our film about what’s happening on Nauru and Manus islands, the only time our politicians will comment is when the international media run the story, specifically the Guardian, the BBC and the New York Times. But even then, they refuse to engage properly: they’ve never answered the claims we make in the film.

“By projecting our film on to the high commission building in the centre of London, I’m hoping to goad Alexander Downer, the Australian high commissioner to the UK – who was an architect of the Pacific Solution and is a vocal supporter of them – to finally engage in a debate about what’s going on in them,” she said.

Last month, a young Iranian refugee, Omid Masoumali, set himself alight on Nauru and died in a Brisbane hospital. Soon after, a 21-year-old Somali refugee, identified only as Hodan, set herself on fire and was taken in critical condition to Brisbane.

“I hope this film helps to educate and galvanise people to stand up and say this is unacceptable and to pressure the government to change its policies,” said Orner.

<https://www.theguardian.com/world/2016/oct/05/film-about-australian-refugee-detention-centres-screened-on-london-embassy>

## **30. PNG minister says 'refugee transit centre' on Manus Island will remain open**

Pacific Beat

First posted Tue 4 Oct 2016, 6:53pm

Updated Tue 4 Oct 2016, 7:12pm

Papua New Guinea's Government says it will close Australia's offshore detention centre on Manus Island, but keep another asylum seeker facility open.

In April, PNG's Supreme Court ruled the Regional Processing Centre was unconstitutional and ordered its closure.

Foreign Minister Rimbink Pato, who is in Canberra to discuss the future of Manus, said there are two facilities on the island.

Mr Pato told the ABC's Pacific Beat program the court order applied only to the Lombrum naval base facility, not the larger centre at Lorengau.

"We have a refugee transit centre for [the] purpose of resettlement in Papua New Guinea, and to all those who do not want to be settling in PNG — there's about 560 of them — that centre is not affected by the court order so that's where they will be held," Mr Pato said.

"The court order related to, and arose from, circumstances which were concerned with the naval base on Lombrum, which is where all asylum seekers are held for the purpose of refugee status determination.

"Following the determination, after all the reviews and everything else is completed, there is another centre which is called the East Lorengau Transit Centre which is not affected by the court order because there, that transit centre houses refugees who have been determined to be genuine refugees under the Vienna Convention and who would be resettled in PNG or elsewhere."

## **Unlawful to hold refugees: lawyer**

But executive director of Refugee Legal, David Manne, said the PNG Government is misinterpreting the Supreme Court's decision.

"The Supreme Court of PNG was not saying that there is a particular detention centre where it's unlawful to hold refugees and there's others where it is lawful to detain or hold refugees. It's not saying that at all," he said.

Mr Manne said in the context of the ruling, it was made "very clear" there are no laws in PNG that regulate or restrict the rights and freedoms of asylum seekers.

"Indeed and that to hold and restrain and to detain a refugee lawfully in PNG is unconstitutional or illegal, means that to do so in this transit centre or any other place in PNG, would again fall foul of the law."

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

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

<http://www.abc.net.au/news/2016-10-04/png-to-keep-refugee-facility-on-manus-island-open/7903020>

## **31. Manus Island: PNG Government under fire from Opposition, Greens after keeping asylum facility open**

ABC News Online - Pacific Beat  
First posted Wed 5 Oct 2016, 6:42pm  
Updated Wed 5 Oct 2016, 7:34pm

Papua New Guinea's Opposition Leader and the Australian Greens have called on the PNG Government to respect a supreme court decision ordering the closure of Australia's offshore detention facilities on Manus Island.

The Papua New Guinea Government says it will close an offshore detention centre on Manus Island, but keep another asylum seeker facility open.

In April, PNG's Supreme Court ruled the Regional Processing Centre was unconstitutional and ordered its closure.

PNG Opposition Leader Don Polye told ABC's Pacific Beat program that the Government is not adhering to the court decision.

"A court order is a court order and it must be respected," he said.

"The Foreign Minister, neither the Prime Minister can give excuses in interpreting the court order in a completely different perspective."

"The court order is clear that the Manus asylum centre is closed. It's unconstitutional."

PNG Foreign Minister Rimbink Pato, who visited Canberra this week to discuss the future of Manus, said there are two facilities on the island.

Mr Pato told the ABC's Pacific Beat program the court order applied only to the Lombrum naval base facility, not the larger centre at Lorengau.

"We have a refugee transit centre for [the] purpose of resettlement in Papua New Guinea, and to all those who do not want to be settling in PNG — there's about 560 of them — that centre is not affected by the court order so that's where they will be held," Mr Pato said.

"The court order related to, and arose from, circumstances which were concerned with the naval base on Lombrum, which is where all asylum seekers are held for the purpose of refugee status determination.

"Following the determination, after all the reviews and everything else is completed, there is another centre which is called the East Lorengau Transit Centre which is not affected by the court order because there, that transit centre houses refugees who have been determined to be genuine refugees under the Vienna Convention and who would be resettled in PNG or elsewhere."

### ***'We will take the matter to court'***

Mr Poyle said the PNG Government is distorting the court's decision.

"I think the Government is doing it for reasons, none other than serving business and serving political interests," he said.

He has also called on Australia to recognise the court's decision.

"The Australian Government has the responsibility also to look at the court decision and Australia should maintain its compliance to the order of the court," he said.

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

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

Mr Polye said if the PNG Government doesn't recognise the supreme court decision, the opposition will take legal action.

"What I will do, if the Government interprets it wrongly ... we will take the matter to the court," he said.

"We will also make sure that those giving a completely different interpretation of the supreme court decision are in contempt of court. They should be charged for contempt of the decision by the supreme court."

### ***Greens slam PNG Government***

Australian Greens Immigration Spokesman Nick McKim said the court ruling can't be ignored.

Senator Nick McKim said it was an extraordinary move that flew in the face of public comments from the PNG Government and Mr Dutton.

"It wouldn't matter where people are being processed, where on Manus or anywhere else in Papua New Guinea that people are being processed," he said.

"The whole system of indefinite offshore detention is inhumane, is illegal.

"Now they seem to us to be trying to work around a decision made by the Supreme Court of Papua New Guinea, when the solution is actually staring Peter Dutton in the face, and that is to bring the people who are currently detained on Manus Island here to Australia."

Independent community legal centre Refugee Legal has also criticised the PNG Government's reading of the supreme court decision.

<http://www.abc.net.au/news/2016-10-05/png-manus-detention-opposition-legal-decision/7906036>

## **32. Papua New Guinea asks Australia for help resettling refugees from Manus Island**

After more than three years of 'processing', just 24 refugee men have been resettled across PNG, minister says

The Guardian  
Ben Doherty  
Tuesday 4 October 2016 14.51 AEDT

Papua New Guinea has again asked Australia for help resettling more than 500 refugees who have said they are not safe in the country and do not want to live there.

After more than three years of “processing” at the Manus Island detention centre, just 24 refugee men have been resettled across PNG, its foreign affairs minister, Rimbink Pato, told the ABC.

But more than 560 men who have been found to be refugees by PNG’s immigration authorities remain in detention.

PNG’s immigration authority has ruled the men have a “well-founded fear of persecution” in their homeland and are legally owed protection. It is illegal under international law if a refugee is sent to any place “where his (or her) life or freedom would be threatened” – known as refoulement.

Pato told the UN last week his country needed international help in resettling the refugees and said he would raise the issue of more help from Australia in a meeting with his Australian counterpart, Julie Bishop, in Canberra on Tuesday.

“These 560 people do not want to resettle in PNG and that’s why I was ... explaining to the membership of the UN ... that there was a need for help in the settlement of the persons who did not want to settle in PNG,” he said.

“If the world was able to help, then we are looking to the international community. And of course we would need Australia to help us.”

The men on Manus Island have been told there is no third-country resettlement option for them – they must either resettle in PNG or return to their home country.

Australia has consistently told asylum seekers and refugees that they will never be moved to Australia.

Detainees inside the Manus Island detention say they are unwilling to settle in PNG because they feel they will not be safe there.

Kamran, an Afghan refugee who fled the Taliban in his homeland, was brutally assaulted with an iron bar by a gang of men in Manus’s main city of Lorengau in August. He said other refugee friends had been assaulted on Manus too and that they feared resettlement.

“We are all very scared. After three years of this I am exhausted. I fled my country looking for safety. I still haven’t found it.”

Some of the refugees already moved to cities like Lae have been assaulted, robbed and left homeless just days after leaving detention. Some have made their own way back to Manus and tried to break into detention, where they feel safer.

Inside the Manus Island detention centre, refugees have told the Guardian that security staff are preparing to separate asylum seekers from refugees into separate compounds. Forcible deportations of those found not to be refugees will begin “within a month” according to island sources.

Refugees say they believe they will be forced out into the PNG community – likely to islands other than Manus – within the next few weeks.

<https://www.theguardian.com/australia-news/2016/oct/04/papua-new-guinea-asks-australia-for-help-resettling-refugees-from-manus-island>

### **33. Manus Island staff told deportations will begin this month**

Future of the vast majority of men on island – the more than 98% found to be refugees – still unclear

The Guardian

Ben Doherty

Thursday 6 October 2016 13.59 AEDT

Papua New Guinea plans to begin deporting men from the Manus Island detention centre at the end of the month, the strongest indication yet that the long-running and controversial camp will soon close.

Staff on the island were called into meetings this week to outline the future of the detention centre, which has been holding men at Australia’s behest for more than three years – and is still in operation despite the PNG supreme court ruling the camp was “illegal and unconstitutional”.

At the meetings, run by PNG immigration and the Australian Border Force, staff were told no deportations would take place until all processing of refugee claims was complete. It is anticipated the final refugee status determinations will be made by the end of the month.

“When processing is complete, it will no longer be a processing centre,” the meeting was told. “At this point ‘negatives’ – those whose claim for asylum has been rejected – will have no right to stay there. They will be obliged to return home.”

Those with negative assessment will be deemed by the PNG government to be “illegal overstayers” and, as such, could be forcibly returned to their country of origin.

Sources inside the meeting have reported that there was significant disquiet at the announcement, largely among Australian expatriate staff from the healthcare company International Health and Medical Services and other service providers.

Staff asked how the men could be classified “illegal overstayers” when none of them came to PNG voluntarily or of their own volition.

They were told: “This is the way it will be.”

Staff also asked about Iranians being forcibly returned to their home country. Iranians are the largest cohort on Manus – more than 500 of the 850 in the detention centre – but Tehran’s regime has refused to accept the forcible return of any of its citizens by Australia.

Staff at the meeting were told the absence of an arrangement between Australia and Iran “does not mean PNG has been not able to come to some other arrangement with Iran to send them back”.

The future of the vast majority of the men on Manus – those found to be refugees are more than 98% of the population who have had claims finalised so far – is no clearer.

Several dozen have refused to present their claims for refugee status to PNG authorities, arguing they never sought asylum there. Some men who have refused to take part have had their claims accepted anyway (based on publicly available evidence of their persecution) and found to be refugees.

Australia has consistently refused to accept any men being moved to Australia and, after initially telling refugees there would be suitable third countries found for resettlement, told them last week there was no option to settle in any other country.

Those refugees have been told they must settle in PNG or return to their home countries (where PNG immigration has judged they have a “well-founded fear of persecution”).

But PNG has said it cannot resettle the more than 800 men on Manus and has called for Australia’s – and other countries’ – help in finding them new places to live.

As well, the ongoing detention of the refugee and asylum seeker men on Manus Island is still subject to legal challenge.

An initial challenge was decided in April when the supreme court ruled that the entire detention centre regime was “illegal and unconstitutional” under PNG law. The court ruled that Australia had responsibility for the centre and that it must close.

Since then, superficial changes have been made to the centre’s operation – including a daily bus to the town of Lorengau – but the men are still separated in guarded compounds, still live behind three-metre wire fencing, are not permitted to leave the detention centre of their own volition, and have their communications monitored.

A second supreme court challenge brought by the Port Moresby lawyer Ben Lomai will return to the court on 27 October, seeking the immediate transfer of all of the men held on Manus to Australia – where they sought asylum – and compensation for their illegal detention.

Most of the men held on Manus have been there more than three years, and the damages payout could run to hundreds of millions of dollars.

The detention centre remains beset by self-harming and suicide attempts.

A week ago an asylum seeker tried to self-immolate, dousing himself in flammable liquid and attempting to set himself alight with a lighter. Other detainees intervened to save him.

<https://www.theguardian.com/australia-news/2016/oct/06/manus-island-staff-told-deportations-will-begin-this-month>