

Project SafeCom News and Updates

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1. Senate blocks government's changes to section 18C of Racial Discrimination Act
2. Palestinian activist Bassem Tamimi visa cancellation 'an attack on free speech': supporters
3. 'Disaster alley': Australia could be set to receive new wave of climate refugees
4. The New Yorker: The trauma of facing deportation
5. Five things you need to know about Australia's secretive — and abusive — refugee policy
6. Tom Ballard: Satire, free speech and Mehdi Savari
7. Klaus Neumann: Injustices and the Art of Realpolitik
8. Rosemary Brennan-Herrera: 'I don't understand how such a place became normal in the Australian psyche'
9. Refugee court challenge to be streamed live on Manus Island
10. Martin McKenzie-Murray: Filming 'Chauka' at Manus Island's detention facilities
11. Australia urged to accept fresh intake of Syrian refugees
12. Michael Gordon: Time for honesty and humanity on the fate of Manus asylum seekers
13. PM Malcolm Turnbull and PNG's Peter O'Neill tight-lipped on fate of Manus refugees
14. Malcolm Turnbull leaves asylum seekers' futures in doubt after PNG meeting
15. Manus refugees not accepted by US to remain on PNG island, Dutton says
16. Peter Dutton says refugee advocates 'can bleat all they want' after PM dodges questions
17. Amnesty warns any company taking over Manus and Nauru camps complicit in 'abuse'
18. Amnesty International report says billion-dollar offshore centre contracts should be made public
19. Amnesty calls for release of refugee Loghman Sawari in Papua New Guinea
20. Australians who blew the whistle on offshore detention to speak at global summit
21. Iranian refugee's film shot on mobile phone shows life inside Manus Island detention centre
22. Nauru president in Sydney to talk with PM
23. US officials fingerprint refugees on Manus Island as part of US-Australia resettlement deal
24. Manus healthcare provider forced to leave for practising unlicensed
25. Australian Hazaras protest visit of Afghan president Ashraf Ghani
26. Ashraf Ghani: Canberra protesters greet Afghan president
27. Turnbull pledges Afghanistan support but forced return of asylum seekers 'not discussed'
28. Details of Australia's asylum seeker turnback operations released in Fol battle
29. Paul Farrell: Australia's government muddles its way through to hide details of boat turnbacks
30. Human Rights Commission to investigate bid to deport Fijian parents of Australian children
31. Schoolgirl pleads with government to reunite her with refugee dad on Manus
32. Three arrested over plot to smuggle Nepalese from Indonesia to Darwin by boat

1. Senate blocks government's changes to section 18C of Racial Discrimination Act

George Brandis says 18C will remain in 'current, distorted fashion' as bill defeated in late-night vote by alliance of Labor, Greens, NXT and Jacqui Lambie

The Guardian
Katharine Murphy Political editor
Thursday 30 March 2017 23.58 AEDT

The Senate has thrown out the Turnbull government's controversial legislative changes weakening section 18C of the Racial Discrimination Act.

The government had sought to replace the words "offend, insult or humiliate" in section 18C with the term "harass" – which would have eroded the current protections against hate speech substantially.

But in a late night Senate debate on Thursday, a majority of senators in the chamber rejected the proposed reworking of the section, meaning the legislation will remain as it is.

Labor, the Greens, the Nick Xenophon Team and the Tasmanian independent Jacqui Lambie voted together to defeat the proposed legislative change.

The late-night defeat on 18C came amid corridor wrangling on the government's \$48bn company tax cut package.

The negotiations have been complicated because the NXT leader, Nick Xenophon, had to leave Canberra because of a family bereavement and did not return to parliament until early on Thursday evening.

Xenophon has been arguing he will only allow a tax cut for firms with turnovers up to \$10m but the government has been attempting to persuade the NXT to vote for a higher threshold – a turnover of \$50m.

The government has persuaded the One Nation Senate bloc, and the Victorian senator Derryn Hinch, to vote for a tax cut for firms with turnovers of \$50m.

The government needs a vote on the company tax package this week because it is the last sitting week before the May budget.

In an interview with the ABC on Thursday evening, the treasurer, Scott Morrison, refused to say whether the government would preserve the full \$48bn package in the budget if the Senate only endorsed tax cuts for smaller firms.

The government is under significant pressure from big business lobby groups to commit to keeping the full tax cut package, regardless of the Senate result.

After the defeat of the proposed 18C changes at 10.30pm on Thursday night, the Senate went on to determine some changes to the Australian Human Rights Commission's procedures.

The attorney general, George Brandis, summing up the lengthy and at times combative chamber debate on 18C, declared it was "a very sad day for the country".

"As a result of tonight, the law will continue in its current, distorted fashion," Brandis said.

He had attempted to amend the government's 18C proposal to make it clear that harassment could occur online and did not require people to be in each other's presence.

The government amendment also made it clear that harassment in the revised 18C could involve a single act – a definition that troubled the One Nation leader, Pauline Hanson, and the Australian Conservatives senator Cory Bernardi, who argued that the commonsense meaning of the word harassment was multiple acts.

Regardless of the amendments, a majority of the Senate went on and rejected the entire legislative proposal.

Labor and the Greens declared the result a victory for racial tolerance and for multicultural Australia.

The Greens senator Nick McKim said the result meant senators stood "shoulder to shoulder" with multicultural Australia.

Immediately after the vote, the influential rightwing thinktank the Institute of Public Affairs declared the Turnbull government must take its proposed changes to section 18C to the next federal election.

FULL STORY AT <https://www.theguardian.com/australia-news/2017/mar/30/senate-blocks-governments-changes-to-section-18c-of-racial-discrimination-act>

2. Palestinian activist Bassem Tamimi visa cancellation 'an attack on free speech': supporters

Canberra Times
April 8 2017 - 11:45PM
Heath Aston

A Palestinian political activist has been prevented from speaking in Australia after the Turnbull government cancelled his visa on the grounds that "members of the public will react adversely" to him.

Supporters of Bassem Tamimi believe he is the victim of pressure by pro-Israel groups and have accused Immigration Minister Peter Dutton of conducting "an attack on free speech".

Mr Tamimi, 50, a longtime vocal critic of Israeli settlements in the West Bank, was due to speak in Melbourne and Sydney as a guest of pro-Palestinian groups.

He was granted a three-month visa on April 4 but within 24 hours it was revoked.

In a letter from the Department of Immigration and Border Protection, Mr Tamimi was told the minister can cancel a visa if he is satisfied that its holder is a "risk to the health, safety or good order of the Australian community or a segment of the Australian community".

"The Department has recently been made aware of information that indicates there is a risk that members of the public will react adversely to Mr Tamimi's presence in Australia regarding his views of the ongoing political tensions in the Middle East. Therefore, there is a risk that his presence in Australia would or might pose a risk to the good order of the Australian community," the Department said.

A Department spokeswoman denied the cancellation was an "act of extreme censorship", as Mr Tamimi's supporters claim.

"The Australian government supports freedom of speech and freedom of religious and political beliefs. The exercise of this freedom does involve a responsibility to avoid vilification of, inciting discord in, or representing a danger to, the Australian community," she said.

A spokesman for Immigration Minister Peter Dutton said the decision to cancel was made by the Department but Mr Dutton's office was "aware of the case".

Mr Tamimi, who had left his West Bank home town of Nabi Saleh to travel to Jordan to fly to Australia before his visa was revoked, said he had been blocked by the powerful influence of the pro-Israel lobby.

"I feel that not only Palestine is occupied, the Zionists and their allies dominate the decision in all the world," AAP quoted him as saying.

Vashti Kenway, an organiser of the speaking engagements, said there was a double standard after the government rolled out the red carpet for visiting Israeli Prime Minister Benjamin Netanyahu when he visited in February.

"The hypocrisy of the department couldn't be starker, recently Benjamin Netanyahu was allowed entry to Australia and met with large demonstrations opposing the military occupation of Palestine, reflecting a clear adverse public reaction," she said.

"Yet Netanyahu was not only granted entry but invited to address the Prime Minister. It is clear that this decision is motivated to silence Pro-Palestinian views rather than avoiding politically controversial views."

Mr Tamimi has previously been convicted by an Israeli military court for taking part in "illegal demonstrations and soliciting protesters to throw stones".

Amnesty International campaigned for his release from prison in 2012 after he was jailed for his involvement in protests.

In Nabi Saleh, there have been weekly protests against settlements every week since 2009.

<http://www.canberratimes.com.au/federal-politics/political-news/palestinian-activist-bassem-tamimi-visa-cancellation-an-attack-on-free-speech-supporters-20170408-gvqgcw.html>

3. 'Disaster alley': Australia could be set to receive new wave of climate refugees

US defence expert warns people fleeing low-lying Pacific islands a precursor to 'climate-exacerbated water insecurities' that could trigger wider conflict

The Guardian

Ben Doherty

Wednesday 5 April 2017 06.00 AEST

Australia could be on the frontline of a new wave of "climate refugees" displaced by extreme weather events, droughts and rising seas, a US expert on the national security impacts of climate change has warned.

Sherri Goodman, a former US deputy undersecretary of defence, argues the impact of climate change – rising seas, extreme weather, prolonged droughts – will be a "threat multiplier" for security challenges, and could be the spark that ignites conflict and drives new waves of mass forced migration.

The Asia-Pacific region was acutely vulnerable, she said.

"You may be on the frontlines here in Australia for climate refugees," she told the Guardian in Sydney. "The first wave will be those who have to flee the low-lying Pacific islands, because many of them will be uninhabitable, even in our lifetimes."

"But you're also in 'disaster alley' here in the Asia-Pacific region and while there have begun to be efforts to reduce risks of disasters, I'm concerned that we're not acting as quickly as we should to protect our societies from those risks, which is going to mean more migration."

Goodman cited the example of the ongoing civil war in Syria, which has produced more than five million refugees over six years of fighting.

But the political conflict in Syria was exacerbated by a long-running drought which drove people into food insecurity, poverty and rapid, unsustainable urbanisation.

"From 2006 to 2010, 60% of Syria had its worst long-term drought and crop failures since civilisation began," Goodman says. "About 800,000 people in rural areas lost their livelihood by 2009. Three million people were driven into extreme poverty, and 1.5 million migrated to cities."

"Those conditions enable terrorists like the Islamic State of Boko Haram in parts of Nigeria or al-Qaida in Iraq to rise and take advantage of desperate people in desperate circumstances."

Goodman is careful not to posit climate change as the sole cause of future conflicts, but argues it will be a contributory, compounding factor.

"Climate is a threat multiplier because it aggravates others tensions and conflicts that already exist.

"Climate-exacerbated water insecurities could eventually become a tipping [point] to wider conflict or instability in the region. We see this now playing out in various ways around the world, but particularly here in the Asia-Pacific region."

Regionally, Goodman sees the example of Pakistan and India, where historical enmity, long-running religious, political and cultural fractures, and territorial disputes over Kashmir, could be reignited by conflict over water or other resources.

Low-lying Bangladesh, the eighth-most populous country in the world with more than 160 million people, has been identified as being extremely vulnerable to climate change, on some measures the most vulnerable country in the world.

"Another extreme weather event, combined with sea-level rise and storm surge, could send upwards up 10 million people or more along that low-lying coastline in Bangladesh fleeing towards higher ground, which is towards India, which is building a massive wall to keep Bangladeshis out.

"I think that could create consequences for which we're currently unprepared. India shows no signs of wanting or being able to absorb those numbers of refugees. And then where do they flee? These are mostly people who can't afford to get on a cruise ship and leave. And if they can't flee by land into India does that mean they, there's either a massive loss of life or head off in rickety boats, where they might lose their lives at sea."

In 2008, the then president of the Maldives, Mohamed Nasheed, speculated about buying land in Australia in order to house his country's population when the archipelago nation was consumed by the rising Indian Ocean.

Under the global standard for refugee protection, the 1951 refugee convention, there is no such thing as a "climate change refugee".

The refugee convention, written in the aftermath of the massive displacement caused by the second world war, only recognises refugees displaced from their home countries, and suffering a “well-founded fear of persecution” on the grounds of race, religion, nationality, membership of a particular social group, or political opinion.

Some regional treaties – such as Latin America’s Cartagena declaration – have a broader definition, recognising as refugees people displaced by “circumstances which have seriously disturbed public order”, which is taken to include natural disasters and food insecurity.

Goodman argues national governments, and supranational organisations, will need to redraw, or add to, the current global protection framework.

“We do need to rethink the governance for refugees better to reflect the types of refugees we face today. Current governance structures are just inadequate for the modern era.”

Governments and militaries around the world are becoming increasingly cognisant of the national security threat posed by climate change.

In his confirmation hearing in January, the US’s new secretary of defence, James Mattis, said climate change posed a current security threat to America.

“Climate change is impacting stability in areas of the world where our troops are operating today. It is appropriate for the combatant commands to incorporate drivers of instability that impact the security environment in their areas into their planning.”

In 2015, Australia’s Climate Council released a report, co-authored by the former chief of the Australian defence force, Chris Barrie, that argued climate change “poses a significant and growing threat to human and societal wellbeing, threatening food, water, health and national security”.

In 2016, the army chief, Angus Campbell, made climate security a focus of the annual chief of army’s exercise. He said climate change was “immediately relevant” for militaries and “the scale of climate change problems, their unpredictability, and the level of support required from land forces are key issues for us to better understand”.

The Centre for Policy Development policy director, Rob Sturrock, co-authored a report in 2015 arguing that Australia’s struggle to deal with climate vulnerabilities domestically and across the region was the country’s “longest conflict”.

The report recommended the federal government appoint a climate security advisory council, connecting the defence, environment and foreign affairs departments to develop a national climate security strategy.

Goodman, founder of the CNA Military Advisory Board, is speaking in Sydney, Canberra and Melbourne this week at screenings of The Age of Consequences documentary, about the security threat posed by climate change.

<https://www.theguardian.com/environment/2017/apr/05/disaster-alley-australia-could-be-set-to-receive-new-wave-of-climate-refugees>

4. The New Yorker: The trauma of facing deportation

In Sweden, hundreds of refugee children have fallen unconscious after being informed that their families will be expelled from the country.

The New Yorker
March 3, 2017
By Rachel Aviv

Georgi, a Russian refugee who came to Sweden with his family when he was five years old, could talk at length about the virtues of the Volvo. His doctor described him as “the most ‘Swedeified’ in his family.” He was also one of the most popular boys in his class. For his thirteenth birthday, two friends listed some of the qualities that he evoked: energetic, fun, happy all the time, good human being, amazingly kind, awesome at soccer, sly.

Georgi’s father, Soslan, had helped found a pacifist religious sect in North Ossetia, a Russian province that borders Georgia. Soslan said that in 2007 security forces demanded that he disband the sect, which rejected the entanglement of the Russian Orthodox Church with the state, and threatened to kill him if he refused. He fled to Sweden with his wife, Regina, and their two children, and applied for asylum, but his claim was denied, because the Swedish Migration Board said that he hadn’t proved that he would be persecuted if he returned to Russia.

Sweden permits refugees to reapply for asylum, and in 2014, having lived in hiding in central Sweden for six years, the family tried again. They argued that there were now “particularly distressing circumstances,” a provision that allowed the board to consider how deportation will affect a child’s psychological health. “It would be devastating if Georgi were forced to leave his community, his friends, his school, and his life,” the headmaster of Georgi’s school, Rikard Floridan, wrote in a letter to the

board. He described Georgi as “an example to all classmates,” a student who spoke in “mature and nuanced language” and showed a “deep gratitude for the school.”

In the summer of 2015, shortly before he entered seventh grade, Georgi learned that the Migration Board had rejected his family’s application again. The news came in a letter, which he translated for his parents, who couldn’t read Swedish.

They appealed the board’s decision, and Georgi tried to focus on school as he waited for more news. Not long afterward, a friend on his floor-hockey team stopped coming to practice. Georgi was distraught when he learned that the teammate, a refugee from Afghanistan, had been deported with his family, “as if they were criminals,” he said. Georgi became sullen and aloof, and he stopped speaking Russian. He said that the words were just sounds, whose meaning he could no longer decipher. He withdrew from his parents, whom he accused of having failed to assimilate. His nine-year-old brother, Savl, acted as the family’s interpreter. “Why haven’t you been learning Swedish?” Georgi said in Swedish to his brother, who translated the words into Russian for their parents.

In December, 2015, the Migration Board rejected their final appeal, and, in a letter, told the family, “You must leave Sweden.” Their deportation to Russia was scheduled for April. Soslan said that to his children Russia “might as well be the moon.” Georgi read the letter silently, dropped it on the floor, went upstairs to his room, and lay down on the bed. He said that his body began to feel as if it were entirely liquid. His limbs felt soft and porous. All he wanted to do was close his eyes. Even swallowing required an effort that he didn’t feel he could muster. He felt a deep pressure in his brain and in his ears. He turned toward the wall and pounded his fist against it. In the morning, he refused to get out of bed or to eat. Savl poured Coca-Cola into a teaspoon and fed Georgi small sips. The soda dribbled down his chin.

At the recommendation of neighbors, Georgi’s parents called Elisabeth Hultcrantz, an ear-nose-and-throat doctor who volunteers for the charity Doctors of the World. Three days after Georgi took to his bed, Hultcrantz drove to his home, a red wooden cottage with white trim in the farmlands of Garpenberg, a hundred and twenty miles northwest of Stockholm. Georgi was wearing boxers and short athletic socks. He appeared to be asleep. A tulip-patterned blanket had been pulled up to his chin. When Hultcrantz touched him, his eyelids trembled, but he didn’t move. Using a pillow, she propped up his head, but it flopped to the side. “He provides no contact whatsoever,” she wrote.

After a week, Georgi had lost thirteen pounds. Hultcrantz, a professor emeritus at Linköping University, urged the family to take him to the emergency room in Falun, a city forty miles away. He hadn’t eaten for four days and had not spoken a full sentence in a week.

A doctor at the hospital wrote that Georgi “lies completely still on the examination table.” His reflexes were intact and his pulse and blood pressure were normal. The doctor lifted Georgi’s wrists a few inches above his forehead and then dropped them. “They fall down on his face,” she wrote. A nurse noted that he showed “no reaction to caregiving.”

FULL STORY AT <http://www.newyorker.com/magazine/2017/04/03/the-trauma-of-facing-deportation>

5. Five things you need to know about Australia’s secretive — and abusive — refugee policy

“Our children and our grandchildren will ask us: How could we have been so cruel to people seeking our protection?”

New York Times
By Lance Richardson
04.06.2017

Signatories to the Convention Relating to the Status of Refugees are obligated to assist asylum seekers or refugees who ask for help. But that is not what is happening in Australia. The country has refused to consider any asylum seeker who arrives by boat for settlement. Instead, these individuals are held indefinitely in offshore processing centers; in recent years, human rights groups have documented systemic abuses at these sites.

“I have to say, I’m proud to be Australian,” said Jennifer Robinson, a civil liberties barrister, on Thursday afternoon at the Women in the World Summit. “But this policy is shaming for all Australians.... Our children and our grandchildren will ask us: How could we have been so cruel to people seeking our protection?”

Here are five things you need to know about a human rights crisis that few people are talking about.

FULL STORY AT <http://nytlive.nytimes.com/womenintheworld/2017/04/06/5-things-you-need-to-know-about-australias-secretive-and-abusive-refugee-policy/>

6. Tom Ballard: Satire, free speech and Mehdi Savari

The Saturday Paper
Issue #150 April 1 – 7, 2017
Tom Ballard

[....]

Censorship and persecution of comedians is one indicator of a repressive regime. So why is Australia detaining a comedian on Manus Island? By Tom Ballard.

My gut lurched when I heard there was a stand-up comedian being held on Manus Island. Mehdi Savari is not much older than I am. He put his life at risk when he dared to tell some jokes about the Iranian government's intolerance of free speech. He had no choice but to flee. His boat to Australia was intercepted by the Australian Navy and he was brought to the camp in Papua New Guinea more than three years ago. He's been languishing there ever since, despite being recognised as a refugee.

When speaking to Mehdi, even through a translator, you can tell just how passionate he is about comedy. He considers his ability to make others laugh a special gift. Mehdi is famous among the men on Manus for the performances he would organise to help keep up some skerrick of morale in such dire circumstances. Today, Mehdi's mental and physical health has deteriorated to such a point that he can no longer bring himself to perform. His gift is going to waste.

"We know that our precious freedoms, our freedom of speech, is the very foundation of the nation," Malcolm Turnbull bellowed as he defended the proposed changes to section 18C of the Racial Discrimination Act. I can only imagine that this might come as surprising news to Mehdi.

[....]

FULL STORY AT <https://www.thesaturdaypaper.com.au/2017/03/31/satire-free-speech-and-mehdi-savari/14909147014423>

7. Klaus Neumann: Injustices and the Art of Realpolitik

Refugee Research Blog
Researchers for Asylum Seekers, University of Melbourne
Klaus Neumann
27 March 2017

The latest instalment of Australia's Pacific Solution has been an exercise in state-sanctioned cruelty.

Hardly a week goes by without new revelations about the mistreatment of refugees and asylum seekers on Manus Island and in Nauru. According to a group of legal experts, the "harrowing practices of the Australian state and corporations towards asylum seekers" might amount to crimes against humanity. In a submission coordinated by Stanford's International Human Rights and Conflict Resolution Clinic, last month seventeen international lawyers (including Melbourne University's Anne Orford) have petitioned the International Criminal Court to open an investigation.

There are now indications that the refugee swap agreed between the Australian government and the Obama administration might go ahead after all, despite misgivings by Donald Trump. But not all refugees on Manus and in Nauru would benefit from the deal, and as the Turnbull government has categorically ruled out resettling anybody from Manus or Nauru in Australia, the best outcome possible under the current policy would be a reduction in the number of refugees and asylum seekers banished to Nauru and Manus.

This is where a proposal by Frank Brennan, Tim Costello, Robert Manne and John Menadue comes in. It is premised on the idea that the treatment of asylum seekers and refugees on Manus and in Nauru is the main problem – or at least the only problem that is of immediate concern to "us" as Australians. In opinion pieces published in August last year and in February, and detailed in a longer piece by Robert Manne in the March edition of the Monthly, they have demanded that the facilities in Nauru and on Manus Island be closed down, and that the punitive measures against tens of thousands of asylum seekers living in Australia be discontinued. It's hard to argue with that.

According to Brennan, Costello, Manne and Menadue, refugee advocates such as the Refugee Council of Australia are largely to blame for the current impasse, because they are committed to "political point scoring" and "purist disengagement". Instead advocates ought to accept that the abolition of the Pacific Solution needs to have a price: the acknowledgment that the government's policy of "stopping the boats" is both effective and necessary.

FULL STORY AT <http://refugeereseearchblog.org/injustices-and-the-art-of-realpolitik/>

8. Rosemary Brennan-Herrera: 'I don't understand how such a place became normal in the Australian psyche'

Canberra Times
Monday April 10, 2017
Rosemary Brennan-Herrera

To my dear students, as of this month, I have resigned from my teaching position at the Manus Island Regional Processing Centre after nearly three years teaching you.

I want to thank you from the bottom of my heart for being students any teacher would hope for. I will miss you.

I won't miss the teaching conditions. You attended classes in what can only be described as appalling conditions: stifling heat, unfurnished tents and a chaotic program. For the most part this was done with resignation and courtesy on your part.

But for me, as I walked back from my classes, I wondered in what universe this place could be called moral. I don't know when it became all right for an Australian government to treat people the way you are being treated. I don't know when it became all right for the Australian public to allow this to continue. I don't know when it became all right for both sides of politics to ignore the tomes of expert evidence on the damage this policy is doing to men, women and children.

I don't know why our politicians have allowed themselves to become so crass and opportunistic in their thinking and expression; why your kids are seen as less precious than theirs, your time as less valuable than theirs, your mental health as more dispensable than theirs.

I don't understand how such a place became normal in the Australian psyche. We are, as a nation, less admirable than we were. Nothing I saw as I walked from compound to compound equates to what I know of my country. What I saw was gratuitously cruel, insensitive and punishing. It was mortifying. It is Orwellian; Australians know we are not like that, even as we are.

No policy justifies what you have had to go through; nothing justifies it. You have borne so much that is illogical and spiteful. You have lost so much, that you can never get back. Our politicians have overreached themselves; they have chased votes into unacceptable territory.

It will end; it must end and you will have your lives back, your children back, your studies back and your professions back. I will never forget your ability to learn English in those conditions (and many taught it, as well), your astuteness, your resourcefulness, your many acts of kindness to me and your ability to find shared moments of pure joy amid the sadness; the raft, the cockatiels, the puppies, the cricket, the poetry, the cooking and the long conversations. You are a very impressive bunch of guys. I truly hope we will be neighbours and friends into the future. You are certainly welcome at my house, anytime.

---->>> *Rosemary Brennan-Herrera taught English at the Manus Island Regional Processing Centre in PNG.*

<http://www.canberratimes.com.au/comment/i-dont-understand-how-such-a-place-became-normal-in-the-australian-psyche-20170410-qvhmws.html>

9. Refugee court challenge to be streamed live on Manus Island

Canberra Times
April 9 2017 - 3:37PM
Michael Gordon, Port Moresby

Asylum seekers on Manus Island who are suing the Turnbull government for false imprisonment will be able to watch the proceedings live from Papua New Guinea, following a landmark ruling by the Victorian Supreme Court.

Lawyers representing the asylum seekers say it is the first time Australian court proceedings will be steamed live overseas.

They say the case, to begin in May and run for six or seven months, will be the largest and most forensic public examination of events and conditions at the Manus Island detention centre.

In the ruling, handed down on Friday, Justice Michael McDonald found that it was appropriate to make the live streaming order to ensure that justice was done in the proceeding.

"The current proceedings is unusual in that a very significant proportion of group members are outside of Victoria and would have no prospect of attending the hearing in person," the judge said.

Almost 2000 asylum seekers are party to the action against the federal government and contractors running and providing security at the centre since 2012.

Most of the asylum seekers are among around 1000 men who are still on Manus Island.

They allege they suffered serious physical and psychological injuries because of the conditions in which they were held and are seeking damages for false imprisonment.

PNG's highest court ruled that the centre was unconstitutional in April last year, but more than 900 men continue to be held there, though they are able to leave the centre during the day.

During a visit to Port Moresby, Malcolm Turnbull said he expected the centre to be closed by the end of this year.

PNG officials had previously nominated October as the likely date for closure, but insiders say it could remain open into 2018 because many of the asylum seekers and refugees will not be included in the United States resettlement deal.

Slater and Gordon practice group leader Rory Walsh said the Commonwealth had initially opposed live streaming proceedings completely, but later modified its position and argued the stream should not be available to the general public and restricted to those involved in the action.

"The Supreme Court rejected this approach, citing the high degree of public interest, which extends well beyond those who live in Victoria," Mr Walsh told Fairfax Media.

Noting the high degree of public interest in the proceedings, Justice McDonald said media coverage of the trial was likely to be extensive.

"The current proceedings are not a commission of inquiry into the merits of the Commonwealth's offshore detention policy. However, the allegations which the plaintiff makes against the Commonwealth are serious."

These include that the Commonwealth was aware that, or aware of the risk that, the detention was unlawful under PNG law; that its negligence caused injury; and that its conduct was in breach of international conventions.

"Needless to say, setting out the allegations against the Commonwealth in no way entails any endorsement of the merits thereof," Justice McDonald said.

Lawyers for the asylum seekers have advised the court that they have asked the Commonwealth to facilitate witnesses currently on Manus Island coming to Melbourne to testify.

The Commonwealth has opposed this, prompting the lawyers to signal that they will seek to have some proceedings conducted in PNG.

"We do not wish to inconvenience the court and incur the considerable expense of travelling to Manus Island to sit for weeks to hear our clients' evidence," Mr Walsh said.

"But if the Commonwealth continues to oppose our request that they be brought here to give evidence, we will seek those orders.

"The detainees have waited a very long time to have their voices heard in this proceeding. When they do so, we want it to be done properly, in person."

<http://www.canberratimes.com.au/federal-politics/political-news/refugee-court-challenge-to-be-streamed-live-on-manus-island-20170409-gvh0np.html>

10. Martin McKenzie-Murray: Filming 'Chauka' at Manus Island's detention facilities

A collaboration between a journalist held on Manus Island and a filmmaker in Holland shows life in detention in all its stark monotony. By Martin McKenzie-Murray.

The Saturday Paper
ISSUE APRIL 8 – 14, 2017
Martin McKenzie-Murray

Last year, an Iranian-Dutch filmmaker, Arash Kamali Sarvestani, made contact with Behrouz Boochani, an Iranian-Kurdish journalist detained on Manus Island. Sarvestani had a proposal: if Boochani could film life inside the camp, he would help direct and edit the project. "It was amazing because our vision for the project was the same," Boochani tells me. "We found out that we both like Abbas Kiarostami, who was one of the greatest film directors in the world. We talked a lot about [him] and how we could make a film inspired by his work."

Boochani began work, using his phone to secretly film life inside – and sometimes out of – the camp. The secrecy – and slow internet connection – meant the collaboration took many months. "The project was completely secret," Boochani says.

“Nobody could know except the few actors in the film. The guards are always suspicious of me. All parts of the prison are covered by CCTV cameras. If they knew I was making a movie, it would have definitely made trouble for me.”

More than 13,000 kilometres away in Eindhoven, Holland, Sarvestani began receiving short clips from Boochani. Sarvestani then made suggestions. “We had a rather long time of audio communications to exchange our ideas,” he says. “I shared my artistic views with him and he told me about the history and real life of experience in the camp. We started taking first shots. Some shots needed a retake, some of them needed a change. In parallel, I was sending him some early edited versions of the movie and through this he got a good understanding of how his future shots will fit into the final result.

FULL STORY AT <https://www.thesaturdaypaper.com.au/news/politics/2017/04/08/filming-chauka-manus-islands-detention-facilities/14915736004471>

11. Australia urged to accept fresh intake of Syrian refugees

Refugee advocates including Oxfam urge second quota as number forced from homes passes 5 million

The Guardian
Ben Doherty
Tuesday 11 April 2017 06.04 AEST

Australia should announce another extraordinary additional humanitarian resettlement of refugees from the conflict in Syria, refugee advocates say, as the civil war in the country descends – again – into the illegal use of chemical weapons and the number of people forced from their homes by the conflict passes 5 million.

The quota for Australia’s initial additional resettlement of 12,000 refugees from Syria and Iraq – external to its annual humanitarian intake of 13,750 – has been filled.

All 12,000 visas have been assigned, according to the latest federal government figures, and more than 10,400 refugees have arrived in the country as part of the program.

Oxfam Australia’s chief executive, Dr Helen Szoke, said that, “considering the success” of Australia’s resettlement of the initial 12,000, and the ongoing outflow of refugees fleeing the conflict, the Australian government was well-placed to resettle more people.

“The international community seems intent on watching on as millions of people are stuck between the rock that their country has become and the hard place that exile offers them,” she said.

“Oxfam calls on rich countries to show their support for Syria’s neighbours that have welcomed these refugees and to resettle at least the most vulnerable 10% of Syrian refugees by the end of 2017.”

A former Australian ambassador to Syria, Bob Bowker, said Australia was in a position to accept more refugees from the conflict in that country.

“I would like to see Australia doing much more to accept Syrian refugees that have been assessed as such and provide more support in local communities to assist their settling into Australia.”

Bowker, plenipotentiary to Damascus from 2005 to 2008, said “the Australian community will benefit” from accepting more refugees – particularly those that are well-supported in their initial months in the country – and that the experience of the current cohort was that younger refugees adapt better, and more quickly, to their new country.

But he said Australia needed to accept refugees from the conflict on the basis of those in most acute need of protection, not on any sectarian division.

“Our response needs to be based on our common humanity, not on the basis of religious affiliation.”

Australia’s one-off additional resettlement program, announced by the then prime minister, Tony Abbott, in September 2015, has been widely hailed as a success, though it has not been without controversy.

Initially, Australia’s pace of resettlement lagged well behind comparable countries such as the US and Canada. In the same 12 months those countries had settled 10,000 and 30,000 refugees under additional intakes respectively, Australia had accepted just 2,000.

There were also concerns that Australia, in identifying persecuted minorities for resettlement, had preferred Christians over refugees of other religions.

Both Iraq and Syria are Muslim-majority countries and, while Christians in those nations face religious persecution, Muslims, both from sectarian minorities and majorities, are also significantly persecuted.

There was concern that, once in Australia, too many refugees were being resettled in too few areas: in particular Fairfield and Liverpool in Sydney's west, Hume in north-western Melbourne and Logan, south of Brisbane.

In February, the Fairfield city mayor, Frank Carbone, said his council had resettled one fifth of all of Australia's humanitarian migrants last financial year. Nearly 5,000 refugees moved into the area, the equivalent of an entire suburb's population.

"More funding needs to be provided locally for better coordination of services and to ensure job creation, housing, health and youth services are adequate," he said.

Governments, state and federal, responded, with additional funding for resettlement, health and education services.

The federal government has sought to reform and streamline its humanitarian settlement program, to prioritise integration and independence.

"Central to this reform is improving English, education and employment outcomes, ensuring humanitarian arrivals have the best chance at thriving in Australia," the assistant minister for social services, Zed Seselja, said.

<https://www.theguardian.com/australia-news/2017/apr/11/australia-urged-fresh-syrian-refugees>

12. Michael Gordon: Time for honesty and humanity on the fate of Manus asylum seekers

Canberra Times
April 8 2017
Michael Gordon

The most pressing, fraught and urgent issue for discussion between Australia and Papua New Guinea did not warrant a mention in the Prime Minister's statement announcing his trip to Port Moresby.

"My first official visits to Papua New Guinea and India will focus on trade, security, economic growth and security," Mr Turnbull, who was due to arrive in PNG late on Friday, says in the statement.

Nowhere does Mr Turnbull mention the fate of around 1000 refugees and asylum seekers who are well into their fourth year in limbo in PNG and are battling some of the highest rates of depressive and anxiety disorders ever recorded.

Around 300 of the refugees have been fingerprinted and photographed in the second phase of "extreme vetting" for potential resettlement in the United States and another 300 are likely to be interviewed in coming months.

But there is no certainty about the process or timeline for their departure and, even if 600 are taken by the US, that would still leave around 400 men who the United Nations refugee agency says have no possibility of being integrated into PNG.

Mr Turnbull will accompany Peter O'Neill to the Kokoda Track to commemorate the 75th anniversary on the New Guinea campaign in World War II early on Saturday, before the two prime ministers meet for talks, stage a joint media conference and attend a number of business events.

Human rights organisations have urged Mr Turnbull to commit to a plan to resettle all of the caseload in countries with established resettlement programs and a timeline.

"There are many very frank conversations Prime Minister Turnbull needs to have while in PNG, the first and foremost must be to make a clear commitment that no refugee or person seeking asylum will be left behind in Papua New Guinea," said Graham Thom, refugee coordinator at Amnesty International Australia.

But there have been no signs that there is such a plan. On the contrary, a tiny number of refugees have been successfully resettled in PNG and the Australia government says it is not talking to any other countries about resettling those in PNG and on Nauru who do not go to the US.

While the PNG government has indicated it intends to close the detention centre on Manus Island that holds most of the refugees and asylum seekers in October, when the contract held by Broadpectrum to run the centre expires, insiders doubt that this will happen.

"Put simply, there is no possibility for integration in Papua New Guinea for those refugees who have been transferred by Australia to Manus Island. In light of the serious negative impact of prolonged detention, regular health services are inadequate for refugees' specific medical needs," says Thomas Albrecht, the UNHCR's regional representative in Canberra.

"While the Government and many people of Papua New Guinea have made commendable efforts to support settlement, it is now abundantly clear that even temporary integration for refugees in Papua New Guinea is out of the question."

The Refugee Council of Australia is among many groups urging Mr Turnbull to bring those on Manus to Australia until resettlement countries are found.

"Top of Prime Minister Turnbull's agenda in PNG must be addressing the plight of the hundreds of men still trapped in limbo. PM Turnbull should make preparations with PNG authorities to bring those trapped in PNG to Australia until the option of US resettlement is finally available," says the council's Tim O'Connor.

Whether it is top of the agenda will become clear on Saturday. Mr Turnbull will leave Port Moresby on Sunday morning, bound for India, a nation he describes as a "land of immense opportunity for Australia" where a far less problematic agenda beckons.

<http://www.canberratimes.com.au/federal-politics/political-opinion/time-for-honesty-and-humanity-on-the-fate-of-manus-asylum-seekers-20170407-gvg0ko.html>

13. PM Malcolm Turnbull and PNG's Peter O'Neill tight-lipped on fate of Manus refugees

Canberra Times
April 8 2017 - 9:27PM
Michael Gordon

Malcolm Turnbull has refused to rule out sending asylum seekers who are not included in the resettlement deal with the United States from Manus Island to Nauru.

The Prime Minister has also placed a longer timeline on the closure of the Manus Island detention centre, saying he expects it to close by the end of this year. Previously, Papua New Guinean officials have spoken of closure by October to comply with a court ruling last April that asylum seekers were being held illegally.

Refusing to be drawn on the fate of those who are not resettled in America, Mr Turnbull congratulated Papua New Guinea for making "significant progress" in its attempts to resettle around 1000 asylum seekers who are in their fourth year in PNG.

But neither Mr Turnbull nor PNG Prime Minister Peter O'Neill could provide a number for those who have been successfully resettled, which is believed to be fewer than 15.

"It's clearly worked in a number of cases and the Prime Minister and I talked about that earlier," Mr Turnbull said, inviting Mr O'Neill to expand.

"We cannot force people in a resettlement exercise when they are not able to accept our offer," Mr O'Neill replied, after noting that many local businesses had put their hands up to employ refugees.

The two leaders addressed the media after an hour of talks in Port Moresby on Saturday, with Mr Turnbull thanking Mr O'Neill for his help in stopping "the scourge of people smuggling".

Around 300 of the refugees on Manus Island have been fingerprinted and photographed in the second phase of "extreme vetting" for potential resettlement in the US, under a deal negotiated with the Obama administration that President Trump has reluctantly agreed to honour. Another 300 are likely to be interviewed in coming months.

But there is no certainty about the process or timeline for their departure and, even if 600 are taken, that could still leave around 400 men who the United Nations refugee agency says have no possibility of being integrated into PNG.

"While the government and many people of Papua New Guinea have made commendable efforts to support settlement, it is now abundantly clear that even temporary integration for refugees in Papua New Guinea is out of the question," the UNHCR's regional representative in Canberra, Thomas Albrecht, has told Fairfax Media.

A study late last year by three mental health experts for the UNHCR found rates of depressive or anxiety disorders and post-traumatic stress disorder among the asylum seekers and refugees on Manus "amongst the highest recorded rates of any surveyed population".

Mr Turnbull spoke of working with third countries on durable solutions for those now on Manus Island and Nauru who do not go to the US, but this is at odds with recent testimony to a Senate committee by immigration department head, Michael Pezzullo. Mr Pezzullo said there were no other third country agreements currently being negotiated.

Pressed on whether asylum seekers and refugees who are not included in the US agreement could be sent to Nauru, Mr Turnbull said: "We'll take this process on step at a time."

<http://www.canberratimes.com.au/federal-politics/political-news/pm-malcolm-turnbull-and-pngs-peter-oneill-tightlipped-on-fate-of-manus-refugees-20170408-gvgrkr.html>

14. Malcolm Turnbull leaves asylum seekers' futures in doubt after PNG meeting

Australian prime minister dodges questions about where men on Manus Island will be sent if US deal falls through

The Guardian

Associated Press

Sunday 9 April 2017 11.25 AEST

The future of hundreds of asylum seekers languishing at an Australian-run detention centre in Papua New Guinea remains in doubt, with the leaders of both countries declining to provide details about what will happen to the men if a deal to resettle them in the United States falls through.

The Australian prime minister, Malcolm Turnbull, said during a visit to Papua New Guinea that Australia had made “significant progress” towards resettling the nearly 900 men being held at the Manus Island detention centre, which is expected to close by the end of the year. But Turnbull dodged questions about exactly where the government planned to send the men if the US did not accept them all under a deal struck by the Obama administration.

Australia will not settle any asylum seekers who try to arrive by boat, a policy that the government says dissuades migrants from attempting the dangerous and occasionally deadly ocean crossing from Indonesia.

Australia instead pays Papua New Guinea and the Pacific island nation of Nauru to house asylum seekers in detention camps that have been plagued by reports of abuse and draconian conditions.

“We are working to solutions, enduring solutions, of people who have been detained here and Nauru,” Turnbull told reporters after meeting with Papua New Guinea’s prime minister, Peter O’Neill. “Working with third countries most notably, of course, the United States, to that regard. We’ll take this process one step at a time.”

Australia’s immigration minister, Peter Dutton, remains adamant no refugees presently in detention on Manus Island will be sent to Australia when the centre closes.

The Manus Island detention centre is due to close on 31 October but Dutton on Sunday said those refugees who weren’t taken under an agreement with the US would settle in PNG, while non-refugees would be sent back to their home country.

“The art here is to make sure we don’t do anything to restart boats [arrivals],” Dutton told Sky News on Sunday.

In April 2016, O’Neill said he would close the Manus centre after the nation’s supreme court ruled that detaining asylum seekers and refugees there was a violation of their constitutional right to personal liberty. The decision sent Australian officials scrambling to find a place to resettle the detainees.

In November 2016 the Obama administration said the US would accept up to 1,250 refugees living on Nauru and Manus. But the US president, Donald Trump, was infuriated by the deal, dubbing it “dumb” and throwing the entire plan into doubt. Trump eventually agreed to honour the deal but has said the refugees will be subjected to “extreme vetting” before they are accepted. There are few details on what that would entail.

The refugees have the option of resettling in Papua New Guinea, but few have agreed to do so. The vast majority have expressed concerns about a lack of job opportunities in the impoverished country, as well as safety fears.

“We cannot force people in a resettlement exercise,” O’Neill said. “But if a third country is willing to accept their resettlement, we are quite happy to participate.”

Asked whether those on Manus who are not accepted by the US could be resettled instead on Nauru, Turnbull said only, “We’ll take this process one step at a time.”

Turnbull’s visit to Papua New Guinea comes just days after the president of Nauru travelled to Sydney to discuss the fate of hundreds of refugees in limbo at his country’s detention camp.

The president of Nauru, Baron Waqa, insisted on Thursday that Australia’s asylum seeker program was “working well” despite the uncertain future of those stuck on the island.

<https://www.theguardian.com/australia-news/2017/apr/09/malcolm-turnbull-leaves-asylum-seekers-futures-in-doubt-after-png-meeting>

15. Manus refugees not accepted by US to remain on PNG island, Dutton says

ABC News Online

By political reporter Dan Conifer

Sunday 9 April 2017

Immigration Minister Peter Dutton says refugees on Manus Island who are not accepted by the United States will remain in Papua New Guinea.

Australia has a deal with the US to take refugees from Australia's offshore facilities but there is no guarantee how many it will accept.

Mr Dutton said the former Labor government struck a deal for PNG to resettle people and he expected the country to fulfil the commitment.

"We'll work with the PNG Government but some people will remain in PNG," he told Sky News.

"We've been very clear with the PNG Government: that's the nature of the agreement struck between Prime Ministers [Peter] O'Neill and [Kevin] Rudd.

"PNG itself is a signatory to the [refugee] convention and to the protocols, PNG has the responsibility to settle those people.

"We have been very clear: those people are not going to settle in our country."

The Immigration Minister said "some 36 people or so" have already been settled in the country.

Mr Dutton also said he expected the Manus Island detention centre to close before the end of October after a court decision last year.

Australia 'encouraged' by US approach but no numbers yet

The Immigration Minister said US Homeland Security and State Department officials were examining the cases of people on Manus and sounded hopeful many would be accepted.

"We've been very encouraged by the approach of the officials," he said.

"We think there's significant scope for a large number of people but we don't have an exact number as yet."

The Federal Government has been very reluctant to speculate on how many people the US would accept.

The refugee deal was struck with former US president Barack Obama's administration.

US President Donald Trump labelled the agreement "dumb" and blasted Prime Minister Malcolm Turnbull about it earlier this year.

The Coalition has also previously said women, children and families on Nauru would be prioritised in the process.

<http://www.abc.net.au/news/2017-04-09/refugees-not-accepted-by-us-to-remain-on-manus-island/8428780>

16. Peter Dutton says refugee advocates 'can bleat all they want' after PM dodges questions

Malcolm Turnbull avoids questions about where men on Manus Island will be sent if US does not accept them all

The Guardian

Associated Press

Sunday 9 April 2017 13.41 AEST First published on Sunday 9 April 2017 11.25 AEST

The Australian immigration minister, Peter Dutton, says refugees from the Manus Island detention centre not taken by the US will be settled in Papua New Guinea, while non-refugees will be sent back to their home country, telling refugee advocates they can "bleat all they want" on the issue.

The comments were made after Malcolm Turnbull dodged questions about exactly where the government planned to send the men if the US did not accept them all under a deal struck by the Obama administration. The Australian prime minister said during a visit to Papua New Guinea that Australia had made "significant progress" towards resettling the nearly 900 men being held at the Manus Island detention centre, which is expected to close on 31 October.

“We are working to solutions, enduring solutions, of people who have been detained here and Nauru,” Turnbull told reporters after meeting with Papua New Guinea’s prime minister, Peter O’Neill. “Working with third countries most notably, of course, the United States, to that regard. We’ll take this process one step at a time.”

On Sunday, Dutton said people presently detained on Manus Island would not be coming to Australia when the Papua New Guinea centre closes, no matter how hard refugee advocates push.

“They are not coming to Australia,” Dutton told Sky News on Sunday. “The advocates can bleat all they want, they can protest all they want. We have been very clear those people are not going to settle in our country because that would restart the people trade.”

He said the threat from people smugglers and boat arrivals would “never go away” and he did not want to see people drowning at sea trying to get to Australia. Because of that, he said there would be an enduring need to keep the Nauru detention centre open.

Dutton said the government was working with the PNG government, the US Homeland Security and other state departments who are looking at each individual case in their decision who would be settled in the US.

“We think there is scope for a large number of people but we don’t have an exact number as yet,” he said.

He said that, under the agreement with the Rudd Labor government, PNG had the responsibility to settle refugees not taken by the US. He said 36 people had already settled in the PNG community. He said people found to be refugees on Nauru can be resettled in Cambodia, and some people had done that, or they could settle on Nauru under a 20-year visa agreement.

“The art here is to make sure we don’t do anything to restart boats [arrivals],” Dutton said.

The shadow immigration minister, Shayne Neumann, said while Labor supported 1,250 refugees from Manus and Nauru being resettled in the US, potentially hundreds would miss out.

He said the Turnbull government needed to clarify what the government’s role would be in Manus once the offshore processing centre closed in October and what support and assistance would be offered to refugees who were forced to remain in PNG.

“The Turnbull government has put all their eggs in one basket with the US agreement and failed to secure other third country resettlement arrangements,” Neumann said. “Immigration officials confirmed last month that the Turnbull government is not negotiating other resettlement options.”

In April 2016, O’Neill said he would close the Manus centre after the nation’s supreme court ruled that detaining asylum seekers and refugees there was a violation of their constitutional right to personal liberty. The decision sent Australian officials scrambling to find a place to resettle the detainees.

In November 2016 the Obama administration said the US would accept up to 1,250 refugees living on Nauru and Manus. But the US president, Donald Trump, was infuriated by the deal, dubbing it “dumb” and throwing the entire plan into doubt. Trump eventually agreed to honour the deal but has said the refugees will be subjected to “extreme vetting” before they are accepted. There are few details on what that would entail.

The refugees have the option of resettling in Papua New Guinea but few have agreed to do so. The vast majority have expressed concerns about a lack of job opportunities in the impoverished country, as well as safety fears.

“We cannot force people in a resettlement exercise,” O’Neill said. “But if a third country is willing to accept their resettlement, we are quite happy to participate.”

Asked whether those on Manus who are not accepted by the US could be resettled instead on Nauru, Turnbull said only, “We’ll take this process one step at a time.”

Turnbull’s visit to Papua New Guinea comes just days after the president of Nauru travelled to Sydney to discuss the fate of hundreds of refugees in limbo at his country’s detention camp.

The president of Nauru, Baron Waqa, insisted on Thursday that Australia’s asylum seeker program was “working well” despite the uncertain future of those stuck on the island.

<https://www.theguardian.com/australia-news/2017/apr/09/malcolm-turnbull-leaves-asylum-seekers-futures-in-doubt-after-png-meeting>

17. Amnesty warns any company taking over Manus and Nauru camps complicit in 'abuse'

Spanish infrastructure giant Ferrovial will not renew its lease at offshore detention centres after contract expires in October

The Guardian

Ben Doherty

Wednesday 5 April 2017 09.35 AEST

Amnesty International has issued a pre-emptive warning to any companies considering taking over Australia's offshore detention centres, that to assume the contract to run the camps would be to be complicit in "human rights abuses".

Ferrovial, the Spanish infrastructure giant which owns camp management company Broadspectrum, has already told the Australian government it will not work on the island camps on Nauru and PNG's Manus Island beyond the expiration of its current contract in October 2017.

A new Amnesty briefing *Treasure Island: How companies are profiting from Australia's abuse of refugees on Nauru*, argues that any companies stepping into the breach after Broadspectrum leaves will be participating in a deliberately abusive regime.

"Any company or organisation considering taking up this toxic baton will be complicit in an intentionally abusive system, in direct contravention of its human rights responsibilities, and will be exposing itself to potential criminal liability and damages claims," Lucy Graham, Amnesty International's researcher on business and human rights, said.

"The regime of cruelty at the refugee processing centre on Nauru leaves a stain that no responsible company would want on its conscience or reputation.

"The Australian government has created an island of despair for refugees and people seeking asylum on Nauru, but an island of profit for companies making millions of dollars from a system so deliberately and inherently cruel and abusive it amounts to torture," Graham said.

In response, Ferrovial told the Guardian Amnesty's report was repetitious of previous statements, and "gratuitous, since it fails to take account of the company's announcement, immediately after acquiring Australian company Broadspectrum, that it would not bid for the contracts when they came up for renewal ... as they are not part of its strategic business portfolio".

Ferrovial said the camps were regularly visited by representatives of the United Nations, International Organisation for Migration, and Australia's ombudsman.

Broadspectrum said it would be "happy to incorporate suggestions to improve conditions in the regional processing centres and has done this several times".

"Broadspectrum has repeatedly called on Amnesty International to make specific suggestions to improve living conditions, however Amnesty International has failed to respond."

The Nauru and Manus camps have been riven by allegations of systemic physical and sexual abuse of asylum seekers by guards, rape, murder and death in detention, violence, acts of self-harm, suicide attempts, widespread and chronic mental health problems, poor medical care, and harsh physical conditions.

The Australian government has ultimate authority over the camps and has escalated its efforts to clear them in recent months.

Forced deportations of people assessed as not meeting refugee convention criteria have increased dramatically, and asylum seekers are being offered up to \$30,000 to prematurely abandon their protection claim and return home.

Officials from the US state department are currently on Manus Island conducting fingerprint and other biometric testing for possible resettlement in America. But it's unknown how many refugees the US will accept and the Australian government has conceded there will be a "balance" of refugees - who are legally owed protection - remaining on the two islands.

The corporate side of the detention centre operation is proving most difficult for the Australian government to manage.

Along with Ferrovial's refusal to work on the islands any longer, Medical services provider IHMS was expelled from Manus Island last week after the PNG government ruled it was not licensed to practice. It has been replaced by a PNG company, which is providing only basic and emergency medical care.

The President of Nauru, Baron Waqa, begins a four-day state visit to Australia on Wednesday.

<https://www.theguardian.com/australia-news/2017/apr/05/amnesty-warns-any-company-taking-over-manus-and-nauru-camps-complicit-in-torture>

18. Amnesty International report says billion-dollar offshore centre contracts should be made public

ABC News Online

By political reporter Stephanie Anderson

Wednesday April 5, 2017

Billions of dollars' worth of contracts for offshore processing centres should be made public, Amnesty International says.

The push coincides with a visit from Nauruan President Baron Waqa, who will meet with Prime Minister Malcolm Turnbull as the two countries continue to wait on the United States to resettle refugees from the island.

The Department of Immigration and Border Protection (DIBP) has previously been accused of mismanaging contracts for the centres on Nauru and Manus Island in a series of independent audits.

Reports from Australian National Audit Office (ANAO) alleged more than \$1 billion was spent over the last four years without proper authorisation.

In its report issued today, Amnesty International criticised the "secrecy" surrounding contracts with Broadspectrum — previously known as Transfield — and its parent company Ferrovial.

Broadspectrum is the leading private contractor for the centres and had provided garrison services on Nauru since September, 2012.

The company expanded its contract — previously worth \$350 million — in 2014 to cover garrison and welfare services on Nauru and Manus Island.

Its \$2.5 billion contract with the Immigration Department was originally supposed to end in October 2015, but was extended until October this year when the company will not bid to renew it.

Money made in 'stark contrast to shockingly poor conditions'

The report, titled *Treasure I\$land*, stated that the exact profit Broadspectrum makes from its contract with the DIBP has never been disclosed.

"Ferrovial has not released details of Broadspectrum's exact profits from the DIBP contract, saying that it is confidential," it read.

"The vast amount of money that Ferrovial and Broadspectrum make from the DIBP contract stands in stark contrast to the shockingly poor conditions in which refugees and people seeking asylum have been forced to live at the RPC [regional processing centre] on Nauru since it has been operated by Broadspectrum."

Amnesty International said the cost of keeping people in offshore centres — estimated at \$573,111 per person per year by the ANAO — meant taxpayers had a "legitimate interest" in the full disclosure of the contracts.

It also called on the Government to stop using offshore processing as part of its border protection policies, which have reportedly cost around \$10 billion since 2013.

The Gillard Government was responsible for first transferring asylum seekers to the centres in 2012 after former Labor leader Kevin Rudd dismantled the Howard Government's Pacific Solution in 2008.

Immigration Minister Peter Dutton has previously blamed former Labor Governments for mishandling contracts for the centres before the Coalition came to power in 2013.

<http://www.abc.net.au/news/2017-04-05/billion-dollar-offshore-contracts-should-made-public-amnesty/8415096>

19. Amnesty calls for release of refugee Loghman Sawari in Papua New Guinea

Iranian rearrested and charged while on trial on almost identical charges after attempt to seek asylum in Fiji

The Guardian

Helen Davidson

Wednesday 5 April 2017 18.07 AEST

Amnesty International has called for the immediate release of a refugee who has been rearrested and charged in Papua New Guinea while on trial after his attempt to seek asylum in Fiji.

Loghman Sawari, a 21-year-old Iranian refugee, was already facing charges after fleeing PNG on a false passport in January, when he was arrested on Tuesday.

The new charges are broader but nearly identical to those he was already facing – for making a false statement on a passport application – and were allegedly brought after prosecutors failed to provide a court with evidence requested for the original accusations.

Sawari was erroneously detained as a 17-year-old minor on Manus Island in 2013 after seeking asylum in Australia by boat. He was found to be a refugee by Papua New Guinean authorities and was released to settle in the community but soon found himself homeless on the streets of Lae. He also says he was assaulted by detention centre staff on Manus Island.

Earlier this year he fled to Fiji, where he told local media he faced persecution in PNG. He sought asylum and arranged a meeting with authorities. But before he reached the meeting the car he was in was stopped and he was bundled away to the airport and forcibly deported.

Upon return to PNG Sawari was arrested and charged. He was granted bail.

Sawari's trial was adjourned last week to allow prosecutors time to gather their evidence but, according to reports received by Amnesty International, Sawari was on Tuesday leaving court after a hearing and surrounded by almost a dozen police officers, rearrested and remanded into custody.

"The charges are substantially similar to the existing charges and it just seems like a complete abuse of process to be doing this now," said Kate Schuetze, Pacific researcher for Amnesty International.

"The charges are slightly different in the way the laws are framed but we'd argue this is an attempt at double jeopardy and does undermine the right to a fair trial."

Sawari was on bail over the first set of charges and had been complying with all requirements, Amnesty said. It has called for his immediate and unconditional release, noting he will have to wait upwards of 10 days for a new bail hearing.

"It really is starting to look like a witch hunt, with him as a scapegoat for the passport officials stuffing up," Schuetze said.

She said the new charges appeared to be an attempt to circumvent Sawari's bail release and to keep him in custody. "Our major concerns are for his welfare and medical treatments because he does have a number of physical and mental ailments," she said. "Police don't seem to be taking his medical condition seriously, so that's a really serious concern of ours."

Sawari's rearrest comes as PNG ramps up its deportations of detainees.

A Lebanese man has allegedly resisted deportation and is being held in a police cell in Lorengau. The man, Azzam el Sheik, claimed in a video he was being denied medication for injuries sustained while resisting. He believed he had broken ribs.

According to the Kurdish Iranian refugee and journalist, Behrouz Boochani, several Lebanese and Bangladeshi detainees have returned or been deported to their home country in recent weeks. US officials are also on site this week, continuing screening under a deal struck between the Australian government and the Obama administration to resettle some refugees.

<https://www.theguardian.com/australia-news/2017/apr/05/amnesty-calls-for-release-of-refugee-loghman-sawari-in-papua-new-guinea>

20. Australians who blew the whistle on offshore detention to speak at global summit

Sydney Morning Herald
April 2 2017 - 12:15AM
Kim Arlington

After the September 11 terrorist attacks in New York, Viktoria Vibhakar was part of the American Red Cross mental health team working at Ground Zero.

She counselled emergency workers "digging through rubble and sifting for body parts" – but they were not the most traumatised people she has encountered.

"The mental harm I saw in Nauru was worse," she said.

As a child protection worker with Save the Children, Ms Vibhakar saw dozens of young asylum seekers detained indefinitely in harsh conditions on the remote island.

She learned of cases of sexual abuse, physical assault, self-harm and emotional and verbal abuse, and felt ethically bound to tell the Australian Human Rights Commission inquiry into children in immigration detention of the damage being done.

She risked going to jail by breaching a deed of confidentiality with the disclosure. When she posted her anonymous submission to the inquiry in 2014, she disguised herself with sunglasses and a baseball cap.

But next week she will speak on the most public of stages, at a global summit alongside Hillary Clinton and Justin Trudeau.

Ms Vibhakar is one of three Australians invited to the Women in the World Summit in New York, where international leaders and advocates will discuss issues affecting women and girls.

With paediatric nurse Alanna Maycock and human rights lawyer Jennifer Robinson, she will discuss "Australia's Shame" – the offshore detention of asylum seekers.

They will be preceded by Scottish First Minister Nicola Sturgeon and followed by Mrs Clinton, and are speaking on the same day as Canadian Prime Minister Trudeau, who has made clear his country's support for refugees escaping conflict and persecution.

Blowing the whistle cost Ms Vibhakar her job. She was among the Save the Children workers referred to the Australian Federal Police by the then Immigration Minister, Scott Morrison, and later cleared of any wrongdoing by the Moss review.

"I was so afraid, but I knew this information had to get [out]," Ms Vibhakar said. "I believed if the Australian public knew what was happening, they absolutely would not support this. Nobody actually could."

Australia's treatment of detained asylum seekers has been condemned by the UN's Committee on the Rights of the Child, the UN's special rapporteur on torture and Amnesty International.

Yet the Australian government had promoted its hardline policy as a model for other countries, Ms Vibhakar said. "It's so important for the international community to be aware of the human consequences."

Despite the threat of prosecution, Alanna Maycock also felt compelled to speak publicly about the despair she witnessed when consulting on Nauru's child detainees in 2014.

"We met a six-year-old girl who had marks around her neck, where she'd tried to hang herself with fence ties," she said.

Forty-nine women and 45 children are still detained on Nauru. The children had been there two-and-a-half years on average, Ms Maycock said. "They're just living and breathing misery, day in, day out."

Ms Maycock hoped addressing the summit would help the world comprehend the impact of mandatory detention on children and persuade other countries "not to make the same mistakes Australia is making".

"There will come a time when Australia will turn around and say, 'What the hell did we do?'"

"Australia's Shame" will be live-streamed from the summit on Friday at 6am AEST.

<https://nytlive.nytimes.com/womenintheworld/>

<http://www.smh.com.au/national/australians-who-blew-the-whistle-on-offshore-detention-to-speak-at-global-summit-20170330-gv9yqd.html>

21. Iranian refugee's film shot on mobile phone shows life inside Manus Island detention centre

ABC News Online

By PNG correspondent Eric Tlozek

Monday April 3, 2017

Audiences around the world will soon have the chance see what life is like inside one of Australia's offshore detention centres.

An Iranian refugee in the Manus Island detention centre has released a feature film he shot from inside its walls.

Behrouz Boochani, a Kurdish journalist who continues to write articles from detention, shot the film entirely on a mobile phone.

He worked with a Dutch-Iranian director to put it together, giving audiences a unique insight into a place where the media is not allowed to go.

"Making a movie anywhere is very hard and making a movie from inside the prison camp of Manus is harder," Boochani said.

It took Boochani months to collect the material, sending the files one tiny piece at a time on the incredibly slow mobile phone internet to his co-director, Arash Kamali Sarvestani, in the Netherlands.

"After the film was finished, I found out my beard had gone grey from too much stress," he said.

"I was continuing my work as a journalist at the same time so I was also busy with that.

"It was very hard, very hard."

Sarvestani approached Boochani about making the film.

He had initially wanted to make a movie asking how children in detention on Nauru felt about the sea, but could not find a family in that centre to work with.

"I couldn't find any connection there," he said.

"But I could find out what's really happening in those camps, in Manus and Nauru, and after some time I just wanted to make something about those camps, it didn't matter if it was Nauru or Manus.

"I wanted to make a movie with a smartphone with someone who was detained in the camp and I found Boochani on Facebook.

"I saw he had lots of articles on The Guardian and other websites, so I thought he was brave enough to contact and ask him about making a movie."

'We didn't want to make an action movie'

The film is called Chauka, Please Tell Us the Time.

The title refers to both a well-known Manus Island bird and the name of a notorious isolation compound within the Manus centre — a place dreaded by detainees.

The filmmakers said they wanted to show audiences the debilitating nature of indefinite detention.

They believe the passing of time and the asylum seekers' uncertainty about their fate have become a type of torture.

"When you are in jail, you are a criminal and you will stay there for five years, two months, or 50 years and you know when the jail will be finished," Sarvestani said.

"But the people held in Manus and Nauru detention centres, they have no idea about the time anymore, and that's absolutely horrible."

The film focuses on the mundane events in the centre, to highlight the boredom of detainees and the seemingly endless days of life on Manus Island.

"We absolutely didn't want to make an action movie," Boochani said.

"I took a lot of shots of violence, but we didn't use any of those shots because this movie draws on a style of cinema that uses silence and poetry and it is completely different from a documentary film.

"We wanted to talk with people in a different language."

'Australia knows what's happening in camps'

The Manus Island detention centre remains off limits for the media and film crews, and there has only been limited access to Australia's other offshore centre on Nauru.

The filmmakers hope this movie will give the public a view inside the centre the Australian and PNG governments have denied them.

"Australia knows what's happening in those camps and they are responsible for these people in the camp, those kids, and we just make it for the history," Sarvestani said.

"This should be part of the history of Australia."

The PNG Government has set a deadline of October 31 to close the Manus Island detention centre.

Some of the refugees there are expected to be resettled in the United States, but it is unclear how many will go, or what will happen to the others.

As the men wait to learn what their future holds, audiences at film festivals around the world will be watching and learning about their lives.

<http://www.abc.net.au/news/2017-04-03/refugees-film-shot-mobile-shows-life-inside-manus-island-centre/8411048>

22. Nauru president in Sydney to talk with PM

April 6, 2017 3:31am
News.com.au
Australian Associated Press

Progress on the US refugee resettlement deal and immigration detention arrangements are likely to top the agenda when Malcolm Turnbull meets with Nauru President Baron Waqa in Sydney.

Mr Waqa and his wife Louisa are in Australia for a four-day official visit to Sydney, Brisbane and Canberra.

He'll meet with the prime minister in Sydney on Thursday as well as Foreign Minister Julie Bishop.

"This visit will provide a valuable opportunity to reaffirm the friendship between Australia and the Republic of Nauru, and will allow us to explore ways to strengthen the many links between our two nations," Mr Turnbull said.

As well as immigration, the pair is expected to discuss infrastructure and renewable energy.

Mr Waqa will also meet with officials from the Asian Development Bank, opposition MPs and Governor-General Sir Peter Cosgrove and Queensland Governor Paul de Jersey.

In Canberra on Friday, he'll tour the Mount Majura Solar Farm and lay a wreath at the War Memorial.

The US has agreed to take a yet to be specified number of refugees Australia sent to Nauru and Manus Island in Papua New Guinea.

The deal was struck with the Obama administration but US President Donald Trump has reluctantly agreed to honour the agreement.

Last month, US Homeland Security officials were on Nauru doing fingerprinting and security interviews.

Medical screening is expected to follow.

<http://www.news.com.au/national/breaking-news/nauru-president-in-sydney-to-talk-with-pm/news-story/6bdcae9b06499b39e5ad457a431cc98a>

23. US officials fingerprint refugees on Manus Island as part of US-Australia resettlement deal

ABC News Online
By Washington bureau chief Zoe Daniel
Wednesday April 5, 2017

Officials from the US Department of Homeland Security (DHS) are now on Manus Island fingerprinting and photographing refugees as part of the US-Australia refugee deal.

The officials are expected to spend three days on the island and plan to return to conduct further interviews later this month.

Refugees who have expressed interest in moving to the United States have been provided with documents outlining the support that will be provided should they be accepted.

"A resettlement agency will provide assistance with housing, medical appointments, job seeking support and other essential services for at least 30 to 90 days after your arrival in the United States," the documents state.

The documents go on to outline eligibility for family members to follow those who are accepted, including children, spouses, parents and possibly other relatives.

"Your resettlement agency can assist you with family reunification efforts after you are resettled."

About three hundred people on Manus Island were interviewed during visits by officials earlier this year, with about the same number yet to be spoken to.

Department of Homeland Security staff have already been on Nauru conducting a similar process.

Those who are being fingerprinted and photographed have been issued with an "appointment for collection of biometric information" letter.

Security and health checks will also be conducted before any refugees are approved for acceptance into the US.

'Extreme vetting' specifics remain vague

All will have to meet 'extreme vetting' requirements being implemented by the Trump administration.

The specifics of those requirements remain vague.

None of the refugees have yet been given a timeframe for potential transfer to the United States under the deal brokered between the Turnbull Government and the administration of former president Barack Obama.

"Once all interviews and security checks are complete, DHS/USCIS [United States Citizenship and Immigration Services] will make the decision about whether you are eligible for resettlement to the United States and will issue a decision letter," the paperwork states.

There is concern Mr Trump's reduction of refugee places from 110,000 to 50,000 for 2017 could affect the timetable for resettlement, even if refugees from Australian-run detention centres are approved.

Latest figures show that 39,093 of the 50,000 places had already been filled by March 31.

Several people have recently been deported from Manus Island after their refugee applications were rejected.

A number of those deported over the last few weeks have been Lebanese men.

<http://www.abc.net.au/news/2017-04-05/us-officials-fingerprinting-refugees-on-manus-island/8416574>

24. Manus healthcare provider forced to leave for practising unlicensed

IHMS replaced by skeleton staff from PNG company providing detainees only basic and emergency medical care

The Guardian
Ben Doherty and Helen Davidson
Monday 3 April 2017 18.46 AEST

The Manus Island detention centre's controversial healthcare provider – International Health and Medical Services – has been forced to abandon the island because it was found to be practising medicine unlicensed.

The company has left the island, replaced from midnight on 31 March by a skeleton staff from a PNG company, Paradise, which is providing only basic and emergency medical care.

Some detainees requiring medication for chronic conditions have been left without medication during the changeover, the Guardian has been told.

Those held in the detention centre say they fear their healthcare, already compromised, will deteriorate further.

"We are worried that our situation is getting worse. Hundreds of refugees are seriously sick and need medical treatment. We have a logical fear of our medical needs being neglected again," Iranian refugee Behrouz Boochani said.

"The refugees are happy that IHMS left Manus, not because they think Paradise will provide medical treatment for them, but because they hate IHMS. IHMS was one of the main tools for torturing people in Manus during four years of suffering."

In a statement, IHMS confirmed it had been forced to temporarily cease operations because of ongoing issues over its medical licence.

"Despite extensive representations by IHMS and the Australian government, the PNG Medical Board has to date only renewed the authorities to practise for 27% of staff, meaning that the majority are unregistered to practise in PNG."

In March, an independent review undertaken on behalf of the PNG government found that IHMS's parent company, International SOS, had not been licensed under the Medical Registration Act to operate its Manus Island facility.

In response, IHMS said it was licensed to work on Manus, but had “received conflicting advice from the PNG Government regarding who should hold the licence.”

“Overlaying the licensing issue, as a result of competing commercial interests within the healthcare sector in PNG, IHMS has been the target of multiple unfounded accusations including that IHMS has not complied with PNG labour, immigration and taxation laws. IHMS provided the PNG government all the information required to refute these allegations.”

IHMS employed about 130 staff on the island under contract with the Australian Department of Immigration and Border Protection.

IHMS said it hoped to resolve the licensing issues and to resume services “in the very near future”.

But the company’s four-year tenure on the island has been marred by controversy.

In 2014, Hamid Kehazaei died from a treatable infection that was allowed to deteriorate into sepsis and, ultimately, multiple organ failure. A coroner’s court heard Kehazaei’s condition was misdiagnosed, mistreated and that the IHMS-run medical centre on the island had broken equipment, insufficient medicine and inadequately-trained staff. Staff working for IHMS ignored instructions from doctors and failed to administer fundamental care for Kehazaei, such as proper pain relief and intubation, before he was evacuated from the island in an air ambulance, already critically ill.

In December, Sudanese refugee Faysal Ishak Ahmed died after having repeated seizures on the island, falling and hitting his head.

He had sought medical treatment from the IHMS clinic more than 20 times over several months, but had been repeatedly turned away, told there was no bed for him, and that he was pretending to be unwell.

A 2015 Guardian investigation revealed IHMS consistently failed to meet medical targets and deliberately included incorrect data in reports to the department. It said it was “inevitable” that its healthcare reports to government would be fraudulent.

It also hired staff without police checks, and its record-keeping was so poor it didn’t know in which country its patients were.

Reviews commissioned by the department found it had failed to appropriately oversee IHMS operations.

<https://www.theguardian.com/australia-news/2017/apr/03/manus-healthcare-provider-forced-to-leave-for-practising-unlicensed>

25. Australian Hazaras protest visit of Afghan president Ashraf Ghani

Ghani draws Canberra crowd of several thousand Hazaras and supporters outside Yarralumla and parliament

The Guardian
Ben Doherty
Monday 3 April 2017 15.48 AEST

Thousands of Australian Hazaras, many of whom fled persecution in Afghanistan, have taken to the streets of Canberra to protest the state visit of the Afghan president, Ashraf Ghani.

Ghani’s presence in Australia drew a crowd of protestors to Yarralumla and on to the streets of Canberra where Hazaras – an ethnic and religious minority in Afghanistan who have been subject to generations of persecution – protested his three-day state visit, which began with a meeting with the governor general, Sir Peter Cosgrove.

Several thousands Hazaras and supporters demonstrated outside Government House and parliament. Busloads of Afghan nationals drove from Sydney, and some from Perth, to protest Ghani’s reception by the Australian government.

The prime minister, Malcolm Turnbull, said Afghanistan and Australia shared a solid connection that had been forged over more than a century; tracing ties from the Afghan cameleers of the 1860s through to Australia’s military efforts to free Afghanistan of terrorism in the 21st century.

“During this visit, discussions will focus on our ongoing security and development cooperation to help Afghanistan in its efforts to become more prosperous, secure and self-reliant,” Turnbull said.

“In particular, we will seek to enhance partnership between our nations in a number of fields including women’s and girls’ empowerment, public sector capacity building and agricultural productivity.”

Ghani, president of conflict-riven Afghanistan since 2014, is a divisive figure whose administration has been heavily criticised for a series of governance crises, a failing economy and worsening security situation across the country.

He is especially unpopular within the Hazara community, which argues he has failed to protect it from attack from anti-Shia insurgent groups, and over the Tutap powerline, a major electricity line which was re-routed away from the Hazara-majority area of Afghanistan, and which would have brought electricity and industry to Hazara communities.

In Australia there is particular concern too over the forcible return of Hazara asylum seekers to Afghanistan.

Sajjad Askary, who fled to Australia as a child and was afforded protection as a refugee, urged the Australian government to refuse any deal to expedite the forced return of asylum seekers.

“As a former Afghan refugee, I had to make the dangerous journey to Australia, travelling through deadly oceans on a tiny boat, and it was the Australian government who generously answered my desperate call for help,” Askary said.

“This country has given me a second chance at life but there are still thousands of Hazara people in desperate need of help.

“If Hazara people are deported back to Afghanistan, they will be subject to significant torture, abuse and potentially death.”

Australia has been one of the few countries to consistently forcibly return Afghan asylum seekers to their home country. The deportation of Afghans has been blocked by superior courts of several countries, including the UK, but Ghani has been pushing for new agreements over recent months to encourage European nations in particular to return Afghans.

Since 2014, Australia has forcibly returned several – The Guardian understands fewer than 10 – Hazara Afghans to Afghanistan, after it judged they did not meet Australia’s protection obligations.

Afghanistan’s minister for refugees and repatriations, Sayed Husaain Alemi Balkhi, told Australian government officials in February 2015 that Afghans should not be forcibly repatriated because of the worsening security situation.

Australia’s 2011 memorandum of understanding with Afghanistan allows for the forcible deportation of Afghan citizens (although it says voluntary returns are “preferable”). But Balkhi said that agreement was signed in 2011, when the security situation, with the presence in Afghanistan of thousands of foreign troops, was significantly more stable.

The most controversial case was the deportation of Zainullah Naseri, who was deported in August 2014, but who was reportedly captured within days by the Taliban as he travelled to his home province of Jaghori.

Naseri escaped after two days, having been beaten, whipped and tortured while the Taliban tried to secure a ransom for him.

The US department of state, in its 2016 human rights report on Afghanistan, said Hazara were specifically targeted by the Taliban and other insurgent groups, as well as facing broader discrimination and persecution.

“The Taliban continued to target and kidnap members of the Hazara ethnic community, executing Hazara hostages in certain instances,” the report says.

“Societal discrimination against Shia Hazaras continued along class, race and religious lines in the form of extortion of money through illegal taxation, forced recruitment and forced labor, physical abuse and detention.

“Multiple kidnappings of Hazara were reported in several provinces, including Ghazni, Zabul and Baghlan. The abductors reportedly shot, beheaded, ransomed or released the kidnapping victims.”

The Australian Department of Foreign Affairs and Trade (Dfat) warns citizens not to travel to Afghanistan. It says: “no region in Afghanistan is immune from violence. Serious large-scale terrorist incidents, including suicide bombings and attacks using vehicle-borne improvised explosive devices, occur regularly throughout Afghanistan. Terrorist attacks can occur anywhere, anytime and are particularly common in Kabul, and the southern and eastern provinces.

“The frequency of attacks in Kabul and across the country has increased significantly, with many killed and wounded. There are credible reports of imminent attacks.”

Dfat’s specific thematic report on the safety of Hazaras in Afghanistan says the intercity roads of the country are not safe for Hazara.

“Multiple credible sources informed Dfat that some bus companies are refusing to sell tickets to Hazaras because of the risk to their vehicles and drivers of being stopped by insurgents or criminals because of the possibility of Hazaras being on board. There are also credible anecdotal reports of ‘spotters’ being used at bus stations to call ahead and alert insurgents as to which buses are carrying Hazara people.”

But Dfat says it is safe – and legal – to forcibly return Hazara to Afghanistan, even if there is violence in their home province or village, because they are able to live safely elsewhere in the country, particularly in the capital Kabul, to where many Hazara have fled.

The Australian government has consistently maintained that all returns are conducted in accordance with domestic and international law and that people are not returned to harm.

Professor William Maley, professor of diplomacy at the Australian National University, was asked to provide an expert opinion on the safety of return to Afghanistan for members of the Hazara minority, in March.

He wrote: "It is a serious mistake to conclude that Afghanistan is safe for Hazaras. The disposition of extremists to strike at them is not disappeared."

He said claims that Hazara did not face systematic targeting because of their status as ethnic and religious minorities were, in the face of recent attacks directed against them, "completely untenable".

<https://www.theguardian.com/world/2017/apr/03/australian-hazaras-protest-visit-of-afghan-president-ashraf-ghani>

26. Ashraf Ghani: Canberra protesters greet Afghan president

AAP / news.com.au

April 3, 2017

Australian Associated Press

Thousands of Hazara protesters have descended on Government House in Canberra where Afghan President Mohammad Ashraf Ghani is meeting with Governor-General Peter Cosgrove.

The protesters, many of whom travelled from interstate, demanded Australia and Afghanistan revisit a 2011 deal to send failed Afghan asylum seekers back.

They are urging the Turnbull government to refuse any such deals to send asylum seekers and refugees to Afghanistan.

Barat Ali Batoor, a young Hazara photographer driven from Afghanistan by civil war, said security in the country had changed dramatically since the agreement was reached.

"Afghanistan is extremely dangerous for the Hazaras if they are forced or voluntarily deported to Afghanistan," he told AAP on Monday.

Mr Batoor said one Hazara man was deported from Adelaide to Afghanistan last week.

"There is an extremely high risk of being targeted there," he said.

The protesters also want assurances Hazaras are kept safe in Afghanistan, saying the community has been subjected to systemic discrimination, genocide and ethnic cleansing.

"Hazaras have been systematically discriminated against for a very long period and during President Ghani's (time in power) it has spread widely," Mr Batoor said.

"Peaceful rallies there have been hit by suicide and targeted attacks."

Inside the official residence in Yarralumla, Sir Peter and Dr Ghani inspected Australia's military guard before stepping inside for formal discussions.

The pair exchanged pleasantries about Canberra's dreary weather and the last time they met before their topic of conversation took a more personal turn.

"You look good," Dr Ghani told the governor-general as the pair took their seats.

"Since last time I saw you, I've probably taken off quite a bit of weight," Sir Peter replied.

"How much?" the president asked.

"About 22kg ... I just did it deliberately because I wanted to be energetic in this job," Sir Peter said.

Dr Ghani's four-day visit to Australia - the first by an Afghan president - will wrap up on Wednesday.

<http://www.news.com.au/national/breaking-news/governorgeneral-welcomes-afghan-president/news-story/b3c2b82858d9ba955eb66918f76e9717>

27. Turnbull pledges Afghanistan support but forced return of asylum seekers 'not discussed'

Afghan president Ashraf Ghani says the return of Hazaras needs to be considered in a broader context

The Guardian

Ben Doherty

Wednesday 5 April 2017 14.13 AEST

The prime minister, Malcolm Turnbull, has recommitted Australia to long-term economic and security support for Afghanistan during a state visit by the Afghan president, Ashraf Ghani.

The two countries signed a memorandum of understanding over Australia's four-year \$320m aid commitment pledged in October last year, which will focus on economic infrastructure, agricultural productivity, civil service training, anti-corruption initiatives and programs to educate and empower women and girls.

But the two governments did not discuss the involuntary return by Australia of Afghan asylum seekers to their country, the Afghan president said.

Turnbull said Australia and Afghanistan had a strong and enduring connection.

"This historic visit has also underscored the growing partnership between our nations and has been a valuable opportunity to discuss our ongoing security and development cooperation," he said. "Since 2001, we have supported Afghanistan in its efforts to tackle terrorism and build a stronger, more stable and resilient nation."

In an interview on ABC's 7.30, Ghani said the government and people of Afghanistan were grateful for Australia's long-running assistance.

"May I start by paying tribute to the 42 Australians who paid the ultimate sacrifice and to thank the 18,500 Australians who served with enormous dignity, honour and courage in my country," he said.

He conceded Afghanistan had suffered "reversals" since the withdrawal of international combat forces but said his government remained committed to creating a stable, centrally governed Afghanistan.

In 2011, Australia and Afghanistan signed a memorandum of understanding that allowed for the forcible return of Afghan asylum seekers whom Australia judged not to meet its protection obligations under the refugees convention.

Since 2014, Australia has forcibly returned a small number – the Guardian understands fewer than 10 – Afghan asylum seekers to the country. The majority have been Hazaras, an ethnic and religious minority that faces systemic and sustained persecution across much of the country, according to the US state department and expert Australian evidence.

The Australian government has consistently maintained that no person is returned to danger and that Hazaras, if they are unsafe in their home village or province, can relocate to live safely in other places – in particular the capital, Kabul, to where many Hazaras have fled.

Ghani's presence in Australia was vociferously demonstrated against on the streets of Canberra by members of Afghanistan's Hazara diaspora, who said their compatriots faced being sent home to persecution, torture or death. Ghani said the issue of forcible returns of asylum seekers was not discussed when the two leaders met.

"We have not discussed this issue," he said. "This has not been part of our discussion. There have been protests of course. People are concerned. "But, again, let me give you context. Afghanistan is a country where last year 1.2 million refugees returned – 650,000 from Pakistan and the rest from Europe."

Neighbouring Pakistan and Iran have hosted more than a million Afghan refugees for decades and many of the "returns" are said to be circular, where people cross back and forth across the porous borders and are possibly counted several times.

Ghani, a US-educated anthropologist and former finance minister, with expertise in building institutions in poorly governed or failed states, has had a difficult presidency since assuming the role from Hamid Karzai in 2014.

Afghanistan's economy has stalled and the security situation has steadily deteriorated.

The Australian government's own assessment of the security situation in Afghanistan says that security has continued to decline in 2016 and that at least 29 of Afghanistan's 34 provinces were affected by conflict. "The Taliban now controls or contests more territory than at any other time since 2001."

<https://www.theguardian.com/australia-news/2017/apr/05/turnbull-pledges-afghanistan-support-but-forced-return-of-asylum-seekers-not-discussed>

28. Details of Australia's asylum seeker turnback operations released in Fol battle

The Guardian
Christopher Knaus
Monday 3 April 2017 10.35 AEST

Previously classified documents about Australia's asylum seeker turnback missions have been released during a landmark court battle, but parts of them will remain secret after a tribunal ruled they would "subvert" operations.

The administrative appeals tribunal has ruled that many documents sought under freedom of information laws on boat turnbacks will remain secret in part because they could damage the security of the commonwealth and its international relations.

In 2014 the Guardian Australia journalist Paul Farrell sought access to documents about Australia's asylum seeker turnback operations between November 2013 and February 2014.

During this period a number of turnback operations occurred, including at least one that led to Australian vessels breaching Indonesian waters. Four watch logs were identified within scope, along with another 11 documents that were internal requests, cables, briefing papers and emails relating to turnback operations.

Farrell took the matter to the information commissioner, who ruled only one document could be partially released. But Australia's immigration department appealed to the administrative appeals tribunal, which began hearings in August 2016

The tribunal's deputy president, Dennis Cowdroy, ruled the material "could be used by people smugglers to subvert or otherwise render useless the methods adopted ... to prevent people smuggling operations and thereby render vulnerable the integrity of the Australian borders against the influx of illegal entrants.

"Insofar as Australia's international relations are concerned, there is material which shows that Indonesia does not approve of turnback operations. The disclosure of material could prejudice such relations by revealing the places at which turnback operations occur and the methods used in such operations."

He also found that releasing all the documents could cause a "substantial adverse effect" on the government's turnback operations.

But Australia's immigration department had already agreed to release parts of all 15 documents during the course of the proceedings, far more than the information commissioner had previously found should be released.

They have disclosed to Guardian Australia a series of documents relating to the turnback missions that provide insight into how the government began to implement the policy, including:

- • A previously secret letter from then immigration minister Scott Morrison's first order to execute asylum seeker boat turnbacks at sea. The letter sets out a request from Morrison to then Lieutenant-General Angus Campbell to begin the operations.
- • Angus Campbell's subsequent order surrounding the turnbacks that authorised commanders to undertake turnback operations, subject to an "on-scene" commander's assessment that the operation can be safely undertaken.
- • A series of on board ship logs from customs vessels involved in turnback operations, and the orders from the government's command centres permitting them. Many crucial details such as the names of vessels and the location of asylum seeker interceptions are redacted in these documents.
- • Parts of a policy document that sets out in what circumstances asylum seeker turnback operations are to occur.

The policy document from the quasi-military taskforce sets out new details about some of the risks of turnback operations.

"Previous experience indicates that it is likely ACBPS [Australian Customs and Border Protection Service] and ADF [Australian defence force] personnel will be collectively and individually confronted with a range of complex situations, including hazards of a physical and/or psychological nature and ethical and moral dilemmas between enforcement and humanitarian," the document said.

"Therefore all personnel must act, behave and communicate professionally, honourably, clearly and with self-control and discipline. To this end, no matter how PII [potential illegal immigrant] might behave in reaction to an ETB [enforced turnback], they are not adversaries and must never be portrayed as such. The sensitivity of ETB in the political and public domains cannot be overemphasised."

The document stressed the importance of maintaining strict record-keeping and response measures to prevent "damaging strategic and operational consequences of unauthorised release of official information and unauthorised public commentary".

Australia's practice of turning back asylum seeker vessels bound for its shores has drawn heavy domestic and international criticism. The government has also adopted a blanket policy of secrecy for "on-water" matters, citing operational reasons for refusing to disclose when and how turnback operations are occurring.

During the course of the freedom of information case the head of Operation Sovereign Borders, Andrew Bottrell, gave evidence that hiding details of asylum seeker boat turnbacks from the Australian public was essential to protect the security of the commonwealth, because it helped "educate ... potentially illegal immigrants".

The tribunal found that although there had been "inadvertent incursions" into Indonesian waters it did not mean the turnbacks were unlawful.

Cowdroy also ruled that the merits of the government's turnback operations shouldn't be considered in the course of a freedom of information matter.

"That is not the purpose for which the FoI Act was enacted," he said. "The objects of such act are to facilitate access to documentation held by the commonwealth and its agencies: it is not the intent of the FoI Act that it should operate so as to provide a forum of fact-finding more appropriate to a court of law."

<https://www.theguardian.com/australia-news/2017/apr/03/details-of-australias-asylum-seeker-turnback-operations-released-in-foi-battle>

29. Paul Farrell: Australia's government muddles its way through to hide details of boat turnbacks

Documents on turnbacks are the official record of one of the most important and divisive issues of our time, and they should be public

The Guardian
Monday 3 April 2017 10.38 AEST
Paul Farrell

It has been three years since the Australian government began turning back asylum seeker vessels at sea, and in that three years it has done everything it can to keep those missions secret.

When the operations began in November 2013 under then immigration minister Scott Morrison, there was widespread criticism of the policy. Australia was criticised for potentially endangering asylum seekers, not providing an opportunity for their claims to be heard properly, and for the secrecy around it.

In a press conferences replete with Australian flags, Morrison proclaimed that there would no discussion of "on water matters". On a weekly basis journalists would front up to these press conferences only to be met with an almost prayer-like chant: "I won't comment on operational matters."

But could the government legitimately claim these operations should be kept from the public?

In January 2014 I sought access under freedom of information laws to a series of documents about the turnbacks. When the government refused the request, I appealed the decision to the Office of the Australian Information Commissioner.

The former information commissioner John McMillan ruled almost entirely in the government's favour. He found only a small part of one document should be released.

It was a slim win for transparency, but a greater win for the government.

But surprisingly the government appealed almost immediately to the Administrative Appeals Tribunal, where it has been heard over the last 18 months.

The government has argued these documents are a matter of national security, could damage international relations and affect future turnback operations. We argued that disclosing three-year-old ships' logs and policy documents could not harm national security, and that questions remained about the lawfulness of the operations.

Given the government's decision to appeal, you would assume the documents were incredibly significant. As it turned out, the government was not quite as bothered about them as it initially indicated.

After a few months of deliberating, the department decided to release parts of the very document the information commissioner had ruled should be disclosed. And not just that – even parts of the 14 documents McMillan ruled should be kept secret have now been released.

For the first time we can see Morrison's initial order to commence turnbacks. We can see the government's advice on how and when it should execute turnbacks, including how close Australian vessels should get to Indonesia. And the sketchy, handwritten details of the officers on board Australia's vessels have been set out for the first time; their scrawls that say: "permission granted to launch", referring to the orange lifeboats the government used to return asylum seekers to Indonesia.

These documents are critical to Australia. They are the official record of one of the most important and divisive issues of our time. And they should be public.

But following their release, AAT deputy president Dennis Cowdroy ruled in the government's favour. He found that many of the remaining documents, if released, would jeopardise the security of the Commonwealth.

The documents, Cowdroy wrote, "could be used by people smugglers to subvert or otherwise render useless the methods adopted ... to prevent people smuggling operations and thereby render vulnerable the integrity of the Australian Borders against the influx of illegal entrants".

He was persuaded that it would be contrary to the public interest to release the documents on the basis that they "comprise sensitive documents relating to maritime operations for the protection of Australia's national borders, and thereby, the interests of the security of the Commonwealth, which is the public interest".

This decision is likely to be invoked by the government in future cases where its opaque asylum seeker policies are at risk of public exposure. The court proceedings are likely to have cost the taxpayer well over \$100,000.

But for all the government's drum-beating about national security, it twice accidentally disclosed details it was trying to protect during the course of the proceedings.

The Australian government solicitor's staff failed to properly redact several parts of the documents that set out how the turnbacks had occurred,, exposing some of the details the government was seeking to hide.

A subsequent order by the tribunal prohibited their publication.

Litigation is not the only measure the government has taken to keep these operations secret. Many of these documents relate to the period when Australian vessels entered Indonesian waters, breaching the government's stated policy.

When I reported on the Ocean Protector's role in these incursions in 2014, the now head of the immigration department, Michael Pezzullo, referred the story to the Australian federal police for investigation. This prompted a hunt for my sources by the AFP, in which my phone and email records were accessed without a warrant.

The story was also referred to the Australian Commission for Law Enforcement Integrity. The government tried to suggest public interest journalism was a corruption matter, within the commission's powers to investigate. A file note released under FOI by the commission said the agency declined to investigate following the AFP's investigation.

There is still a lot that the government is trying to keep secret about Australia's actions on the high seas.

<https://www.theguardian.com/australia-news/2017/apr/03/australias-government-muddles-its-way-through-to-hide-details-of-boat-turnbacks>

30. Human Rights Commission to investigate bid to deport Fijian parents of Australian children

Sydney Morning Herald
March 30 2017 - 11:45PM
Heath Aston

A family that could be split apart by government moves to deport the two parents back to Fiji has been given a flicker of hope after the Human Rights Commission agreed to examine their case.

The Prasad family, ethnic Indians who arrived in Sydney in 2000, includes two Australian-born children who cannot be deported because they are full citizens, with Australian passports.

Assistant Immigration Minister Alex Hawke has declined to exercise his discretionary powers to keep the family together and compliance officials from the Immigration Department have warned the family that deportation action could begin from Tuesday.

Fairfax Media has confirmed the HRC, led by president Gillian Triggs, has accepted a complaint by Jitend Prasad and his wife Joytika that their Australian children's human rights would be breached if they were sent back to Fiji.

The HRC has found in a number of recent cases that a child's right "not to be subject to arbitrary or unlawful interference with their family" is breached when the government removes their foreign-born parents.

In a 2013 case that closely mirrors the Prasads', Ms Triggs found that removing the Bangladeshi parents of an Australian boy, Master Aishik Antar Paul, back to their country of origin would be "inconsistent" with his rights under the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.

Both the previous Labor government and the Coalition refused to intervene in the Paul case and the government has recently cut off Medicare rights to the family from Campsie as it continues to seek their removal, according to their lawyer, Christopher Levingston.

"The continuing failure of the Minister [Peter Dutton] and Assistant Minister of Immigration [Mr Hawke] to act in conformity with the recommendations of the Human Rights Commission concerning the best interests of Australian citizen children, is in my view totally inconsistent with the precept that the family is the fundamental unit of society," Mr Levingston said.

"The impulse to punish and remove the parents of Australian citizen children is not only inconsistent with international treaty obligations it is an affront to common sense and does nothing to instil confidence in the integrity of the migration program. It is unfair, unjust and makes absolutely no political sense at all."

The Prasads' migration agent, Farnam Razzaghipour, said the department should be notified on Friday but the family remained "petrified" about being sent to immigration detention.

It is usual for the HRC to ask the department to pause any deportation action while the commission investigates but Immigration is not bound by such a request.

An investigator for the HRC said she was unable to comment on the status of any complaint until the commission reports its findings.

The Prasads have lived for 17 years in Eastlakes, southern Sydney, with Jasmita, 15, and her brother Jasneel, 12, both Australian citizens, attending local schools Randwick Girls' High and Mascot Public, respectively.

The Prasads, who have had their claim for asylum refused, claim they were caught up in threats and violence by indigenous Fijians from a nearby village during the 2000 military coup in Fiji and would suffer discrimination and degrading treatment on the grounds of their ethnicity if they returned.

According to the law, the minister can use discretionary power if there are "strong, compassionate circumstances that, if not recognised, would result in serious, ongoing and irreversible harm and continuing hardship to an Australian citizen or an Australian family unit, where at least one member of the family is an Australian citizen or Australian permanent resident."

<http://www.smh.com.au/federal-politics/political-news/human-rights-commission-to-investigate-bid-to-deport-fijian-parents-of-australian-children-20170330-gva5ks.html>

31. Schoolgirl pleads with government to reunite her with refugee dad on Manus

Nine News / AAP
March 28, 2017 7:35am

A schoolgirl has been to Canberra fighting to have her father released from Manus Island, where he has lived for three and a half years. Zaharah (not her real name) is a Rohingya refugee from Myanmar and her father Naysar has spent the last three and half years in limbo at the Manus Island detention centre in Papua New Guinea. Her family was split up when they were forced to board separate asylum-seeker boats from Indonesia bound for Australia in 2013.

Only 11 people could fit in the van which took them to the boat and her father was the 12th person, so the driver said he couldn't get in, Zaharah said.

The year 12 student has been in Canberra on Monday and Tuesday to urge federal MPs to lobby Immigration Minister Peter Dutton to use his ministerial discretion to allow her father, who has refugee status, to come to Australia.

Both Labor and the coalition governments have maintained no refugees will be settled in Australia if they arrived by boat after July 19, 2013. Zaharah's father arrived after this deadline, unlike the rest of the family.

Zaharah loves life in Australia, enjoys studying maths at school and wants to study pharmacy at university. But her heart aches for her dad, who used to help her with her homework. "I miss his smile, I miss his voice, I miss his walk," she told AAP.

"We would always eat dinner together as a family - we rarely missed one for as long as I can remember. Now, dinner time is hard."

Her toddler niece was born in Australia and has never met her grandfather. "He talks to her on the phone and tells her he wants to hug her," Zaharah said.

While her father might be eligible to resettle in America under the upcoming US resettlement deal, Zaharah says it's unclear whether her family would be able to go too. They are already rebuilding their lives in Australia and don't want to start all over again.

The 1.3 million Rohingya population is effectively stateless because they have no citizenship status in Myanmar. Violence against Rohingyas at the hands of extremist Buddhists and the military has led to greater unrest in the past five years.

<http://www.9news.com.au/national/2017/03/28/03/32/schoolgirl-pleads-for-refugee-dad-on-manus>

32. Three arrested over plot to smuggle Nepalese from Indonesia to Darwin by boat

Canberra Times / AAP
March 30 2017 - 11:35AM
Lauren Farrow and Heru Rahadi

Jakarta: Three men have been arrested in Indonesia over an alleged plot to smuggle Nepalese people to Darwin by boat.

Dressed in orange jumpsuits, the trio were paraded to local media in Jakarta on Wednesday following their arrest in February and March over the failed bid.

"We all know actually there has been tight guard by Australia, especially of Christmas Island ... but they still insisted on trying to go through this route," Brigadier General Herry Rudolf Nahak from Indonesian National Police told reporters.

General Herry said officers and immigration officials raided a house in Makassar on Sulawesi island, northeast of Bali, in January. Inside were nine Nepalese people.

They had allegedly flown into Jakarta with a visiting visa and had paid up to \$US12,000 (\$15,672) to a Nepalese smuggler named Muhammad Alif.

At first, Alif tried to organise their passage to Australia by applying for visas.

When this plan failed, Alif contacted alleged fellow smuggler Haji Tara to organise a boat to Darwin, General Herry said.

A third man, Jemmy Arifah Tutu, was allegedly assisting Tara to organise a boat and crew.

The attempt failed before they even hit the water, with the arrest of the Nepalese people in Makassar.

Police also announced the March arrest of five people in Dumai, Sumatra, just south of Malaysia, who were attached to another smuggling network.

Those attempting to be smuggled had entered Jakarta through the airport and were being sheltered while waiting to go to Malaysia.

"They were entering Malaysia to work there, to gather money so they could pay the organiser to take them to Australia," General Herry said.

He said the network was believed to have been operating since 2011 and had smuggled about 2710 people from Indonesia to Malaysia since August 2016.

"[People smuggling] is not a simple problem because there are so many people wanting to enter Australia via Indonesia.

"We have conveyed this [to Australian Federal Police] and we also have regular meeting with Malaysia and Australia."

The AFP were aware of the current cases, he said.

The three men are expected to be charged under Indonesia's people-smuggling laws, which carries penalties up to 15 years in prison.

<http://www.canberraticimes.com.au/world/three-arrested-over-plot-to-smuggle-nepalese-from-indonesia-to-darwin-by-boat-20170329-gv9jcf.html>