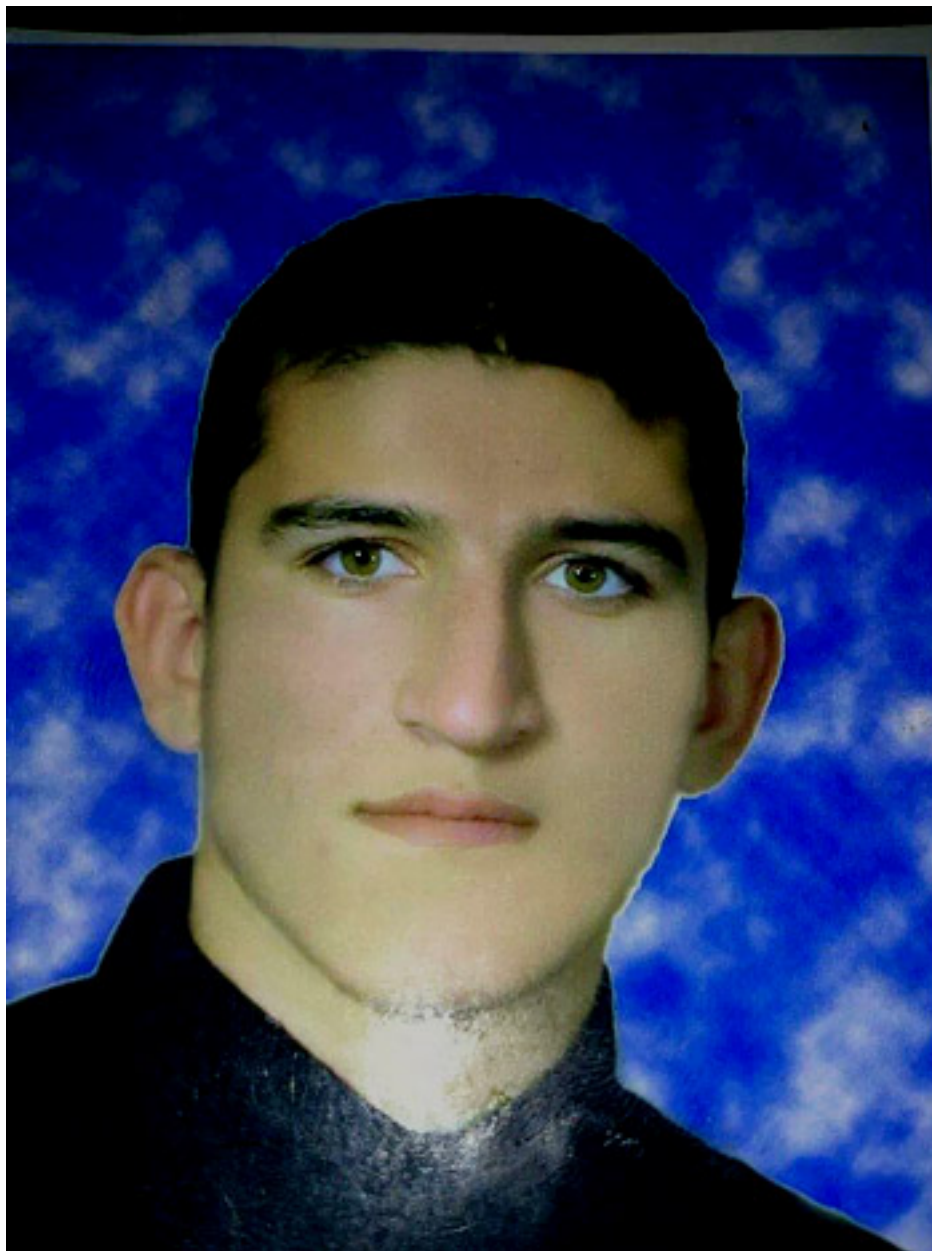


THE WILFUL KILLING OF REZA BERATI

on February 17, 2014
inside the Manus Island detention centre
media reports and published opinion

2. Published Opinion

Home page for this document: <http://www.safecom.org.au/reza-berati.htm>



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“I have been struggling with the ethics of sharing this information, but now, as the info I was given has been corroborated elsewhere, I feel I must:

“One of my long standing crime research contacts informed me of what happened on Manus Island, shortly after it happened. He is currently stationed there and worked on the now deceased Mr Reza Berati for 20 minutes before he passed.

“He described Mr Berati as an 'exemplary human being' showing 'all the hallmarks' of someone who would be 'an asset to any community'.

“My contact, who wished to remain anonymous because they all sign confidentiality contracts, gave me a full run down on the events, before the details became public: the '20+ shots fired' (not 'a couple' as previously claimed).

“The spent shells. The evacuation of staff (but not asylum seekers) before the violence began.

“The fact that people from outside came in and opened fire on the people there. The fact that it happened deep within the compound where people were trapped, far from the entry gate.

“All of his info has proved true so far. Every last detail.

“And though he is stationed there, and can't speak publicly, he wanted me to know that many of the staff there are excellent, highly-qualified expat Australians doing the best they can in bad conditions, but that Manus Island detention centre should be shut down as unsafe.

“Since this conversation, my contact has been unreachable and I have not been able to get any further info or to find out if he is okay.

Anonymous witness on Facebook, Febr. 24, 2014

Jeff Sparrow: Australia's sick and proud message to the world: refugees are going to suffer

You might think that, now that desperate asylum seekers have been killed or severely injured in an Australian-run camp, we cannot possibly sink any lower. That's unfortunately not true

Jeff Sparrow
theguardian.com
Monday 17 February 2014

Last week, we learned that the Australian government had funded a nasty little comic book intended to deter those seeking asylum from making the journey to Australia; the narrative culminates with images of asylum seekers languishing miserably in mosquito-plagued camps.

Perhaps an updated version can now depict them being shot or hacked at with machetes.

Why not? That's the logic of deterrence, isn't it? Continue to make refugees miserable until the oppression they face from Australians becomes worse than that which they're fleeing.

Immigration minister Scott Morrison has, naturally, provided few details of the tragedy unfolding on Manus Island other than to confirm the death of one asylum seeker and injuries to 77 others during a riot in the Australian-sponsored detention centre, but description from refugee advocate Ian Rintoul sounds almost like a tsarist pogrom:

Gangs of armed police and locals actually went from compound to compound, hunting down asylum seekers and inflicting very serious injuries on people that they got their hands on.

Of course, Rintoul's version can't currently be confirmed – but that's scarcely surprising. Australia has deliberately cloaked its detention centre archipelago in so many layers of secrecy that we know almost nothing about what goes on there. The camps are the equivalent of private businesses remotely located in foreign countries, and everything about them is designed to frustrate journalists seeking to report on them.

In Vietnam, the press corp dubbed general Westmoreland's press conferences the "five o'clock follies", since the information divulged there bore so little relation to the truth. The staged presentations by Scott Morrison and his tame generals might be described in the same way, except that journalists – especially those at the ABC – have learned that overt cynicism about the Great War on People Smugglers will bring the concerted wrath of Murdoch's odious culture warriors.

In any case, Morrison, and behind him, Tony Abbott, understand that there's no political pressure on them to reveal anything very much, especially since the Labor party possesses no appetite at all for a debate on refugees. Let's not forget that the PNG solution was Kevin Rudd's signature policy, a typically too-clever-by-half move to outflank the Tories on border security that simply resulted in pushing the debate further to the right.

And yet we can't say we don't know what happens in the camps. We know. Of course we know. We know and we are meant to know.

Orwell says somewhere that, by the late 1930s, everyone who didn't deliberately blind themselves understood what Stalin was doing in Russia. It's the same with our own little cluster of 21st century refugee gulags.

The camps are designed to be cruel. Again, that's what deterrence means, spelled out in the immigration department's graphical grief porn – try to come here and we will make your life a living hell.

Sure, details might remain hazy (how many Australians knew their government was paying a PNG police unit implicated in murders and torture to guard refugees?) but the government has made sure the central message came through loud and clear, both to domestic and international audiences: asylum seekers are going to suffer. And suffer they duly have, with today's incident underscores.

So the sinister, cynical double game will continue.

On the one hand, the government will deny any knowledge and any responsibility of whatever atrocities just took place on Manus Island. Nothing happened – and if it did, it's now a matter for PNG authorities. On the other hand, the deaths and the injuries and the general wretchedness of life in limbo in a jungle camp will be tacitly used to deter asylum seekers overseas and, more importantly, to remind voters that Abbott is hard on refugees, just as he promised.

You might think that, now that desperate people have been shot, killed or severely injured in an Australian-run camp, we cannot possibly sink any lower. But that's not true. At the moment, the dynamic of refugee policy is one of escalation. The only limit is that which we're prepared to bear.

www.theguardian.com/commentisfree/2014/feb/18/australias-sick-and-proud-message-to-the-world-refugees-are-going-to-suffer

Michael Gordon: Demonising and secrecy must stop, Mr Abbott

The Age

February 18, 2014

Michael Gordon

The apparent delivery of the first of Tony Abbott's three-word promises as Prime Minister is being undermined by a lack of accountability that is unsustainable.

It is one thing to hold back information that might be useful to people smugglers. It is another to dismiss serious allegations as unworthy of investigation, and to besmirch those who consider it in the public interest to report them.

And it is another to continually demonise those already in indefinite detention in punishing conditions on Nauru and Manus Island, and to obfuscate on their fate.

Abbott's "stop the boats" promise clearly resonated with the electorate, but voters are entitled to know how that promise is being implemented and even Coalition supporters - or a majority of them - believe the claims of "torture at sea" should be subjected to scrutiny.

Immigration Minister Scott Morrison rejects calls for an inquiry because he has been assured that nothing untoward happened when a group of asylum seekers was turned back to Indonesia.

He says the claims that asylum seekers were deliberately burned are being "endlessly repeated" in a bid by "smugglers and others" to undermine the government's policy, yet surely a short, sharp and independent probe could have quickly put them to bed.

The Prime Minister says he is "thrilled" Indonesia and the US can have candid talks, but his joy will be tempered if our largest, nearest neighbour expresses its displeasure at how its opposition to his turn-back-the-boats policy has been so flagrantly disregarded.

Moreover, the lack of clarity about what awaits those already on Nauru and Manus Island is an invitation for tensions to erupt, as they did in a minor way at Manus Island on the weekend.

Telling them, as Abbott did on Monday, that "if you don't want to be in detention, don't come illegally" might deter others from coming but only worsens an already fraught situation in the camps.

So does prejudging their claims by casting them as people who "are living in a horrible country" and want a better life.

www.theage.com.au/federal-politics/political-opinion/demonising-and-secrecy-must-stop-mr-abbott-20140217-32wfw.html

Guy Rundle: in the race to be brutal, you have to finish the job

Crikey

Wednesday 19 February 2014

Guy Rundle

There's a story, probably apocryphal, about Stalin, in the immediate aftermath of the Russian revolution. Sent south to put a bit of steel into the backbones of some local anarchists the Bolsheviks were in temporary alliance with. He breezes into their office and says, "right, how many priests have you shot?". When he hears the answer "none", he says, "oh, you people aren't serious at all!". Nor is there any doubt he meant it, by that time.

Ruthlessness, see. It is a quality not easily achieved, the indifference to the fate of the other. The Bolsheviks cultivated it. Humanists and intellectuals, they realised that their habitual pose was questioning, reflective, at worst diffident. To do what they felt they must, they became their own opposite.

The liberal tradition, as defined by Tim Wilson, our latest rights bureaucrat, is a universal commitment. The rights spring from the nature of the human being, any human being, as purposive, loving, conscious of death, meaning-making. But the Right is not only liberal, it is conservative too. And conservatism is anti-liberal. Against the abstract notion of the "human", it opposes given and self-identified societies, and refuses all obligation to those outside them. Generosity, maybe, if conditions permit. But generosity as the gift bestowed, not the duty to another fulfilled.

That conservatism is what both major parties draw on in prosecuting our lethal mandatory detention policy. At its most confident, that sort of conservatism ascends to a total indifference to the people over the hill, beyond the shore, across the border. Ruthlessness -- parochial ruthlessness -- is grounded in that indifference. It sees reciprocity as a fixed quantity, to be extended to family first, then community. Nationalism mimics that sense of affinity, tries to generalise it, to give a sense of commonality to everyone from Broome to Bicheno, and to then direct it outwards, against the others.

But of course that's self-cutting against the grain. The border, even for the world's only continent-island-nation-state, is now a fictional one via trade, media, travel and all those other things that liberals enthusiastically spruik. You can't help but deal with the others on their own terms, which is why refugee policy for two decades has been determined by the desperate search for some notion of "fairness" that can be applied to it -- a justification for ruthlessness, not in conservative terms, but in liberal ones. These people didn't queue, we're punishing the people smugglers, legitimate migrants want family reunions, etc. The desperate search for an abstract reason to impose the sternest measures.

But the need for such universalism imposes strict limits. By invoking notions such as fairness, you have already ceased to be "indifferent" to the others, since you have differentiated them. Honest migrants from queue jumpers, huddled masses from people smugglers, the persecuted from opportunists and so on. Having failed to be systematically, one might say courageously, ruthless, any sudden lurch into it looks merely grotesque -- witness Immigration Minister Scott Morrison's sniggering remarks on *Insiders* about the Indian student who committed suicide after being detained for overstaying his visa. Could Morrison order someone killed for overstaying their visa? Not in a million years. So the tough guy stance directed at someone brought to fatal despair sounds more hyena than human. It is the expression of someone willing to do let circumstance do their dirty work for them, a type of lethal passivity. Ruthlessness is hard won, an achievement.

The politics of Australia is uniquely soft. The people who talk of being "hard men", etc, are simply those who have won some tedious factional battle in some union somewhere, or one wacko young Lib faction having stacked another wacko faction's branch. Ditto the wider culture. The utter disdain for the other that can be released or revived in other cultures, with lethal results, simply isn't present. Instead it is, for the most part, channelled into sports and talkback radio. That it then determines politics doesn't mean that it can be lived up to. Though the death of asylum seekers by drowning has been the justification for the new harsh regimes and leapfrog "solutions" -- once again, a measure of just how liberal the arguments must be -- the notion of a border was sufficient for many people to preserve just enough indifference to not ask whether our navy had done all it could to save such people.

But shooting people dead, in an Australian-run camp, in a situation where security guards appear to be much of the cause of violence, cruelty and chaos, is something else again. It's an event that can't help but disorder the whole regime. Any number of people can commit suicide in a detention camp, and that too can be sheeted back to them. But kill someone and there's two choices: you either abandon any idea of law altogether, or you have to own the process in some way. The first option is simply impossible. The latter means that the dead guy or guys will be around forever -- and will exist as persons in the system far more visibly than they did when they were alive. Ruthlessness. When you start a process, you better be ready to finish it.

Of course there is no way of finishing it.

Once you open a concentration camp on a far-flung island, you better be willing to go all the way with it. Since a concentration camp reduces any inmate to nothing, to a mere unit, sooner or later people will reclaim their humanity by resisting, on any terms. At that point, you can either respond with absolute ruthless force, or you've already started to lose. The camp is the starting point of a process whose end is extermination, either exemplary or mass. If you're not prepared to go that far, then, when you started it, you weren't being serious at all.

That is the point the Coalition are at now. They were pitched into this part of the Pacific solution by the Rudd government, and now they own it. We don't know whether the latest lethal chaos was started by protesting inmates who were then set upon by G4S guards, or local police or Manus Islanders or all three. But at some point it seems clear the locals took things into their own hands. There is something tragically ironic about this, because while Australians play at being hard, PNGers are the real deal -- a nation-state grouping together multitudes of parochial societies, most of whom see violence as part and parcel of everyday life, of honour and respect. This was always the most bizarre part of the idea of refugees being permanently "settled" in PNG -- the suggestion that people could simply move into a kinship society, maybe get a condo in some up-and-coming part of Moresby, when the whole country is criss-crossed with lines of affiliation and belonging. Madness on stilts, literally in this case.

The lesson one draws from this, in organising against it, is not that Australians are currently a brutal people hiding behind a sunny veneer, but that they aren't -- and that the Coalition doesn't believe they are either. Why attack the veracity of the "burnt hands" story if that were not the case? Why not simply, smirkingly, say the navy got a little creative, or some-such? The Coalition knows that many of the people who support the bipartisan line on boat arrivals are either humane or squeamish, depending on your angle. They know for that reason that what the mass of the population wanted was not a harsh policy per se, but for the refugee problem to be invisible. No boats is one way of it being so, riots in camps is very much not.

Though taking a harsh line on boat arrivals is held to be a political necessity for both major parties, the Coalition knows there is a paradoxical effect contained within (one that also applies to a range

of other social issues such as the environment). A policy that makes refugees invisible will gain broad support. But one that taps into a conservative indifference to the suffering of others, or even a degree of forthrightness/bastardry, is more likely to win slices of support in socially conservative Labor seats where the Libs don't have a chance, and lose support in some marginal Liberal seats, where Labor has a very real chance. In a tight election -- such as forecast by this week's Essential poll -- that pattern would make or break the Coalition's chances.

Indeed, Australia now has a very strange and interesting politics. Having had an economy seemingly running on auto-pilot for so long, we now seem to be willing to choose our governments solely on their capacity to manage our collective anxieties. I'm not sure any other polity in the world is quite so committed to this political-psychological form at the moment, though it has echoes of Salazar's clerico-military Portugal of the grand old days. Simultaneously lethal and yet not serious, not serious at all, it is far more vulnerable to a call for common humanity and collective values than it looks.

<http://www.crikey.com.au/2014/02/19/rundle-in-the-race-to-be-brutal-you-have-to-finish-the-job/>

Ben Saul: Australia, lawless enemy of fairness and liberty

Manus riots confirm Australia as lawless enemy of fairness and liberty

The Age

February 19, 2014

Ben Saul

Australia's detention of asylum seekers has again spiralled out of control, with riots on Manus Island following last year's on Nauru. The violence is an inevitable response to the cruel and illegal detention of desperate refugees. Detention has long been the norm in Australia too. But this week the Abbott government quietly confirmed its very worst form - indefinite detention of recognised refugees.

This week the Abbott government failed to release more than 50 refugees indefinitely detained - from Villawood in Sydney to Maribyrnong in Melbourne - because of ASIO security assessments, as requested by the United Nations. Most of them have been locked up without charge or court order for four to five years.

Last year the United Nations highest human rights tribunal found that Australia was illegally detaining the refugees, denying them judicial protection and the right to know the case against them, and treating them in a cruel, inhuman and degrading manner.

The UN accepted that detention was making people mentally ill, destroying families and children, and was not necessary for security. Five of the refugees have even attempted suicide, by hanging, electrocution, poisoning, or cutting, too traumatised to go on. No one deserves to live like that, without hope, life ebbing away behind the razor wire.

In total the UN found around 150 violations of international law. These laws were not imposed by foreigners, but were freely accepted by Australia as a party to an international treaty.

In ignoring the UN deadline, the Abbott government has confirmed that it is a lawless enemy of liberty and fairness, in lock step with its Labor predecessor. Last week, both major parties also supported a bill to make ASIO security assessments even harder to challenge.

We should not release the refugees just because the UN says so, or we're breaking our promise to the world, or it damages our global reputation, or it signals to other countries that it's OK to violate human rights.

We should release the refugees because disappearing people into the black hole of indefinite detention without charge or evidence offends the basic Australian values of liberty, fairness and the rule of law. It also does immeasurable human harm to those who have a right, as refugees, to our protection.

Freedom from arbitrary detention by the state is fundamental to all other rights, democracy and the rule of law. Liberty has been part of our culture since the Magna Carta 800 years ago. It is a precious value shared by all conservatives and progressives who care to control state power.

Without it, the state can lock you up forever without reasons or protection by the courts. The courts become a hollow shell, powerless to control bureaucrats and politicians, or hold the state to account. The executive becomes omnipotent and above the law. ASIO becomes judge, jury and executioner. Bad decisions become untouchable. The rule of law vanishes.

Arbitrary, illegal detention is also unnecessary to make us safe. We know this because we do not indefinitely detain Australians who are suspected of being dangerous. Instead we prosecute them in a fair trial before an independent court. Or we put them under surveillance, or impose an anti-terrorism control order. There is no reason to treat refugees differently. Only Australia, and America at Guantanamo Bay, maintain indefinite detention without charge.

Other democracies also do not deny a fair hearing. Instead, they balance security concerns against basic fairness. State secrets are still protected, but a person is never left wondering what they might have done to deserve losing their freedom.

Our paranoid, security extremism is un-Australian. It is un-Australian to forever disappear fellow human beings into immigration gulags, hopeless places which destroy people's minds. It is un-Australian to damage refugee children and families and to treat the freedom of others as nothing.

Indefinite detention is the convenient solution of timid parliaments and governments too easily spooked by the ghost of national security, too spineless to stand for liberty and fairness, and too fearful to do what is right.

Why is our freedom-loving Attorney-General silent? Senator Brandis says he opposes a "narrow and selective" view of rights and wants to "restore balance". Why then, does he passionately defend the boutique freedom of an elite media columnist, Andrew Bolt, to denigrate Aborigines, but not condemn the more destructive harms of indefinite detention and inhuman treatment?

His inspiration, the liberal philosopher John Stuart Mill, would be turning in his grave at these laws. Why can other "decision-makers in the real world", as Senator Brandis regards himself, like the conservative British government, respect rights while protecting security, but he can't? Or isn't he genuine about reclaiming liberty for the Liberal Party? Why is a conservative government so against liberty and so in favour of arbitrary, absolute state power?

Indefinite detention is not wrong because of a treaty or the UN. It is wrong because it is alien to Australian values. Australia should be a place of liberty not gulags, fairness not faceless security officers, empathy not cruelty, and courage not fear. We are better than this.

Ben Saul is Professor of International Law at the University of Sydney, and represented 51 refugees in their UN cases.

www.smh.com.au/comment/manus-riots-confirm-australia-as-lawless-enemy-of-fairness-and-liberty-20140219-32z9g.html

Tony Wright: The bottom line is simple: Australia put these people at risk

The Age

February 19, 2014

Tony Wright

Whatever the spin or obfuscation, Immigration Minister Scott Morrison cannot avoid a glaring fact.

Australia has condemned those seeking asylum to a country where it cannot - and has not - been able to guarantee them safety.

Whatever the blame Morrison wishes to attach to those who broke out of the Manus Island detention centre, the stark reality is that one of them was killed, another had his skull fractured, at least one was shot, more than a dozen were seriously injured, and all up, 77 were injured - most with head wounds.

It seems to be the case, though not entirely clear, that most of those injuries and very likely the death were at the hands of Papua New Guinea police.

Australia has no control over a foreign nation's police in their own country.

It does, however, under the UN Refugees Convention, have a responsibility to protect, as best it can, those under its care.

And what did it offer between a restless and tension-filled group of asylum seekers and a foreign police force over which it has no control?

A wire fence.

Morrison declares Australia can guarantee the protection of those within the fence. Once they had broken out, all bets were off. It was, by extension, the asylum seekers' fault that they ended up with their heads broken.

Less clear is whether at least some of those injured were actually pursued within the fence, including the man who died.

What is not at issue, of course, is that asylum seekers rioted and broke down fences. In doing so, they caused danger to themselves and to others.

Once the fence had been breached, they were where Australia had purposefully placed them: in a poverty-stricken foreign country known for chronic law and order problems and a police force known for brutality.

Whatever the detail, that is a fact.

The reason Australia placed asylum seekers in such an environment doesn't have to be stated. It has been clear since the former Labor government chose to be seen to be as tough on boat arrivals as the Coalition. Australia wants to frighten further asylum seekers from coming to Australia with the promise that they will be sent to Manus.

It now has its wish, you'd think.

www.theage.com.au/federal-politics/political-opinion/the-bottom-line-is-simple-australia-put-these-people-at-risk-20140218-32y15.html

Michael Gordon: Stop transfers until we have answers

The Age

February 19, 2014

Michael Gordon

Tony Abbott should immediately suspend transfers to Manus Island until a credible and comprehensive inquiry determines what caused the chain of events that led to the death of one asylum seeker and injuries to more than 70 others.

Scott Morrison's initial assertion that the inquiry will be carried out by Papua New Guinea authorities under PNG law was totally inadequate. The news that a departmental review will run concurrently also falls short of the kind of transparency the situation demands.

The tragedy underscores the most fundamental flaw of the policy of deflecting Australia's responsibilities under the refugee convention to PNG and Nauru, countries completely ill-equipped to meet them.

The agreement between Australia and PNG asserts that "transferees" will be afforded dignity and respect, but successive independent international agencies have reported that this is simply not happening.

This was unwittingly emphasised by the minister's repeated insistence that asylum seekers only placed themselves at risk when they sought to leave the centre.

To the cocktail of harsh conditions, and the uncertainty about when their claims for refugee status will be processed, is the even greater doubt about where they will live if their claims are upheld – and the hostility of locals to the intention they will stay in PNG forever.

The minister's main response to the tragedy was to promise more security and the vow that the government's commitment to its "suite of policies" to stop boat arrivals is absolute.

His initial report on what occurred – and the short statement by security contractor G4S – raised many more questions than were answered. What were they protesting about? How were they injured? How could it be the only shot fired hit an asylum seeker in the buttocks? Who fired the shot?

The subsequent briefing, after cabinet's national security committee was briefed, only raised more questions. The initial assertion that the asylum seeker who died had left the "safety" of the facility and put himself at risk was now qualified in the light of conflicting reports.

The minister's second briefing reported two shots, almost two hours apart, but warned against any "joining the dots" and the conclusion that one of shots must have hit the man who suffered the wound to his buttocks, presumably as he was running from the shooter.

What we do know is that there is no evidence that the asylum seekers were armed; that 77 of them were treated for injuries (with one airlifted to Australia after suffering a fractured skull); and that there are no reports of injuries to centre staff, PNG police or local residents.

What we don't know is how far the processing of claims by the more than 1300 asylum seekers has progressed; precisely what has been done in response to recommendations from the UNHCR and Amnesty International after visits to Manus; where those found to be refugees will reside (the local

MP insists none will re-settle on Manus); and what prospects they will have of citizenship and its privileges.

Until there are satisfactory answers, the transfer of asylum seekers from Christmas Island to Manus should cease.

www.theage.com.au/federal-politics/political-opinion/stop-transfers-until-we-have-answers-20140218-32ysf.html

Lenore Taylor: When Australia stops the boats, you can't ignore the wave of human misery

Despite being so far out of sight, what happens to the 1340 men on Manus remains Australia's legal and moral responsibility

*Lenore Taylor, political editor
theguardian.com
Wednesday 19 February 2014*

At the last election both major parties had policies which effectively accepted that an unlucky group of asylum seekers would become the collateral damage for what both saw as Australia's overriding policy goal – “stopping the boats”.

They were the hundreds, possibly thousands, of asylum seekers who turned up after we decreed that no boat arrivals would ever be resettled in Australia and who we sent to a life of uncertainty in wretched camps on Manus Island and Nauru, and kept sending, until their distress reverberated around the world and other asylum seekers stopped coming. Making their lives miserable was the whole point of the bipartisan policy of deterrence.

Now we are beginning to understand the extent of the collateral damage we are causing – no longer as a theory, but measured in deep human distress, injury and, as of Monday night, loss of life.

So far 1340 men, from many different countries have ended up in the asylum camp on Manus. Many have suffered trauma. The vast majority have now been there more than three months.

No one has been processed. And no one – not them, and even more tellingly, not us – knows exactly what will happen to them if they are found to be genuine refugees. We don't know where in PNG they will be settled, nor what rights they will have. For the 1300 men on Manus that means not knowing whether they will ever get off the island or see their families again.

Whenever immigration minister Scott Morrison is asked he replies somewhat tetchily that this is all still being worked out with PNG. The prime minister of PNG Peter O'Neill, told Tony Abbott on Tuesday that PNG was still committed to “resettlement”, but no more details were provided.

The memorandum of understanding signed by the former government last August appears to remain the only legal basis for the transfers. In it, PNG promises to “resettle” those asylum seekers it finds to be genuine refugees and not to send them to a third country where they would be in danger. It contains no details.

But speaking in PNG parliament this month, foreign minister Rimbink Pato reportedly said he had set up a panel of eminent PNG people to help decide “whether or not” asylum seekers would be resettled.

We do know that Australia is building a new accommodation centre on Manus Island for asylum seekers who are processed and let out of the detention camp. Morrison said on Monday it was “not restricted to being temporary accommodation”.

Details of Monday night's violence remain hazy. But there are many accounts that include the claim that some PNG locals attacked detainees. Doesn't that raise serious questions about sending those

found to be genuine refugees down the road to live indefinitely in this new accommodation without detention-centre style security?

Despite being so far out of sight, what happens to the 1340 men on Manus remains Australia's legal and moral responsibility.

As the UN has made clear, international law does not preclude third country processing, but it does prevent Australia palming off its human rights obligations. We remain responsible for what happens to these people in the countries we send them to.

From Geneva, the United Nations High Commissioner for Refugees is expressing deep concerns.

Babar Baloch, a spokesperson for the UN High Commissioner for Refugees, told reporters in Geneva there were "significant shortcomings" in the legal framework for receiving and processing asylum seekers from Australia, including lack of national capacity and expertise in processing, and poor physical conditions.

Back during the election campaign the real implications of this complete void of information seemed far away. The collateral damage was still theoretical. Now it is real and tallied by the mounting evidence of human despair, injuries and at least one life.

<http://www.theguardian.com/world/2014/feb/19/when-australia-stops-boats-human-misery>

Mark Kenny: Bipartisan brutality is morally bankrupt

Onshore detention once ended in dysfunction and violence. That is now the future on Manus Island.

Sydney Morning Herald

February 20, 2014

Mark Kenny

Australian diplomats heading to Port Moresby call it "Port shit-scared".

Diplomats generally live in compounds fenced off from the community. Before arriving in the violent, sporadically lawless capital, they are schooled in what not to do, where not to go. Many are trained in how to drive to avert car-jacking or worse.

High-speed reversing and performing J-turns, are hardly the skills one normally needs in a peaceful democracy. And this is for a posting in the capital where the police presence is strongest, civil society most developed, and the rule of law, most obvious.

Out in the regions where infrastructure is rudimentary, the coercive apparatus of the state exerts even less influence. The vacuum is filled by poverty, lawlessness, violence, and corruption. PNG is a borderline failed state.

Yet this is the country Kevin Rudd, in his second desperate incarnation as prime minister, decided should assume Australia's international obligations to protect and permanently resettle asylum seekers arriving by boat.

With this week's fatal riots at the Manus Island immigration detention centre, the abject moral bankruptcy of that decision has been laid bare.

Labor's muted response to the crisis now engulfing the Manus Island centre and the policy under which it was established reveal another harsh reality. Brutality is a bipartisan position.

It took Rudd's boundless ambition, to backflip by signing the deal with PNG Prime Minister Peter O'Neill, but it has taken a special kind of focus from Tony Abbott and Scott Morrison to see the policy through to its current horror.

Rudd has now left the Parliament, but the stain of that hasty cynical arrangement is his legacy - and that of Labor. It was struck in full knowledge of the economic limitations of PNG, its rampant police corruption and the functional political limits of Port Moresby's authority.

Rudd hoped it would neutralise the Abbott opposition's rampaging war on Labor's failed asylum seeker policy, at least for long enough to make it through an election he was about to call. The then opposition duly slammed the PNG plan as irrelevant and unworkable, but then adopted it once in office.

No one pretends the policy of zero admissions to Australia is not harsh - indeed, that is a central design feature, calculated to remind refugees that Australia is closed to all but those entering via the UNHCR queue.

Its sole, and until now, compelling, moral justification is that by stopping the boats the government has stopped people drowning at sea. Yet now, with fatal shots fired, it is the policy itself that has begun killing people.

After 24 hours of disturbances among the hapless and hopeless 1340 asylum seekers held there, one man is dead, a dozen more are seriously injured, and another 65 have lesser injuries.

While Morrison projected his now standard contempt for accountability, holding faux press conferences where he refused to answer most questions, two things have become increasingly clear.

First, that Manus Island, hell-hole that it is, is not just part of Operation Sovereign Borders, it is its linchpin. Without it, the whole offshore policy crumbles.

The fact that everything depends on Manus remaining online was evidenced by Abbott's emergency chat with O'Neill in the wake of the first incident on Monday night. The Australian PM was reassured that PNG was still solid. The spectre of First World wealthy Australia craning in desperation to retain the acquiescence of its impoverished neighbour is an embarrassment and reveals the structural flaw at the heart of the policy.

Second, with the riots on Manus, there is a powerful sense of déjà vu. Riots, hunger strikes, suicides, and dysfunctional behaviour were all products of indefinite detention in the remote onshore camps of the early 2000s. This is the future now for those banished to Manus and Nauru.

If asylum seekers are attributed no other virtue, their supreme ability to conceptualise a better future must at least be acknowledged. Why else would any risk their lives?

Indefinite detention is specifically designed to obliterate that future. We already know how that ends.

www.smh.com.au/federal-politics/political-opinion/bipartisan-brutality-is-morally-bankrupt-20140219-330ws.html

Daniel Flitton: A conundrum at the heart of the Pacific solution

Sydney Morning Herald

February 20, 2014

Daniel Flitton

The torrid dilemma has dogged the Pacific solution from its earliest incarnation in the Howard years to Julia Gillard's eventual embrace of the policy. Successive governments have struggled to explain what responsibility Australia bears for asylum seekers detained in camps run and paid for by Australia but operating in the legal jurisdiction of other nations.

Hunger strikes, assaults, reports of suicide or the slow processing of asylum claims are regularly magnified by complaints about conditions in the camps - and the often blurred lines of responsibility between the host nation, private contractors and the country that foots the bill.

It is a challenge magnified as Papua New Guinea and Nauru are each bedevilled by corruption and have a very recent history of breakdown in the rule of law.

PNG leader Peter O'Neill ignored a supreme court ruling that his appointment was illegal, resulting in a dangerous stand-off where for a time the country had two prime ministers, two police chiefs and two governors-general.

The cause of the latest violence is yet to be established, but as recently as October police and the military in PNG were reported to have clashed outside the Manus Island camp.

Nauru fares little better. The chief justice is barred from returning to the country after the government cancelled his visa, and legal chaos on the island last month also saw the resident magistrate deported under a retrospective law.

The violence on Manus could easily have been Nauru, where a July riot by asylum seekers caused an estimated \$60 million in damage.

Dining halls, kitchens, electricity generators and accommodation blocks, all shipped in from Australia, were destroyed in a rampage that miraculously resulted in few injuries.

A group of disaffected Salvation Army staff previously based on Nauru quickly branded the riot an "inevitable outcome from a cruel and degrading policy".

But whatever the cause, more than 100 asylum seekers on charges stemming from the riot now face a long delay before trial.

The paradox is that despite Australia spending millions on offshore processing, its political influence in the region is diminished.

Former foreign minister Alexander Downer warned before Labor's reboot of the Pacific solution that the policy gave PNG considerable leverage, knowing it had done Australia a favour.

But with both political parties bound together, the latest outbreak of violence will not end offshore processing.

The debate now centres on accountability and what will provide the best outcome.

Keeping everything in house would go far beyond the expertise available inside the Immigration Department.

"In practice, if you have offshore processing, you have to outsource," said Greg Lake, who until last year was a manager at the Nauru detention centre. He is wary of what he calls the "utopia" model of detention centres.

"Is accountability more important than actual services?" he said.

"If the Australian government was running the whole show using public servants that don't have the specific skills, would that really be better for people in detention than bringing in organisations with expertise and experience?"

www.smh.com.au/federal-politics/political-opinion/a-conundrum-at-the-heart-of-the-pacific-solution-20140219-3315h.html

Bruce Haigh: Morrison all at sea over asylum seeker solution

The Age

February 20, 2014

Bruce Haigh

The Minister for Immigration, Scott Morrison, should resign. He is not a fit and proper person to be responsible for vulnerable lives.

Riots at the Manus Island detention camp on February 16 and 17 have seen more than 70 asylum seekers injured, and at least one killed.

Various accounts suggest tension and frustration led to anger and then physical violence on the part of asylum seekers.

The protest on February 16 was apparently contained. However, further violence is said to have occurred the following day. It is unclear whether this was a continuation of the earlier protest or whether it was instigated by angry locals, including police, fearful of the prospect of disturbances spilling into nearby housing areas.

Apparently Australian staff, including guards, left the scene and played no part in seeking a resolution to the problem. But most of this information has come from sources other than the minister and his department. All that Morrison has confirmed is one death and several injuries.

The government justifies this lack of detail by throwing over its blanket ban on information relating to operational security. Under the circumstances, this is a nonsense excuse for avoiding proper scrutiny.

When the going gets rough, the head of the so-called Operation Sovereign Borders, General Angus Campbell, is pushed to one side while Morrison aggressively seeks to justify the unjustifiable. Bully is a gentle word for Morrison. Campbell is little more than a figurehead.

Without any help, Morrison has taken the relationship with Indonesia to its lowest point since the mid-1980s. He appears to understand nothing and listens to no one.

Edward Snowden and the Indonesian spy allegation have not helped. However, intelligence agencies and the governments they work for understand the spying game and the byzantine rules governing operations.

It is the issue of boats and the lies and deception surrounding their return, together with the arrogance of Morrison and Tony Abbott in dealing with the Indonesian governing elite, that have caused the rupture, accompanied by anger and resentment that will find expression to Australia's cost.

Morrison claims success in stopping boats over the past eight weeks or so. We only have his word for that.

The only means by which a sustainable policy can be implemented is in co-operation with the Indonesian government, but Morrison has burnt his bridges with respect to that possibility. With elections due shortly in Indonesia, he can expect to reap what he has sown from what is likely to be a less tolerant government.

Abbott and Morrison have created a vacuum in Australian foreign policy in the region. It should have been Abbott in Jakarta talking about climate change rather than US Secretary of State John Kerry.

In mid-November I wrote: "Implementing policy under a veil of secrecy carries with it risks - big risks if there is a significant stuff-up.

"In a situation of seriously flawed governance with which I was familiar, the white South African government, in their implementation and administration of apartheid, threw a veil of secrecy over political prisoners. When they died in detention, as their treatment was wont to cause, there was a significant domestic and international outcry, just as there will be when asylum seekers are found to have died in Australian detention camps."

It didn't take long - just three months. The government's policy is unsustainable. In the long term, it will not stop boats taking to the high seas, and for all we know, it may not be working in the short term. All we have is Morrison's word that his blunt instrument of Operation Sovereign Borders is working, but nothing about the operation to date has built much confidence into his word.

Bruce Haigh is a political commentator and retired diplomat.

www.theage.com.au/federal-politics/political-opinion/scott-morrison-all-at-sea-over-asylum-seeker-solution-20140219-3318v.html

Corinne Grant: Where the eff is the opposition?

The Hoopla
By Corinne Grant
February 20, 2014

You would expect Bill Shorten to be all over what the Government has been doing on Manus Island. You'd expect his Deputy, Tanya Plibersek, to be demanding the centre be shut down.

You'd expect Richard Marles, the Shadow Immigration Minister, would be calling for Scott Morrison's head. And yet, there's been nothing.

As of Wednesday, one asylum seeker held on Manus has died, scores have been injured, there are reports that the facility was stormed by vigilantes and there is a complete and utter refusal from the Government to honestly reveal what happened.

The Opposition (and I'm using that term very loosely) are siding with the Government. The PNG Solution, instigated by Kevin Rudd when he was Prime Minister, is still an 'important' policy according to Marles. Nothing else meaningful has been said by the Opposition on the matter. There's been some lame and carefully worded expressions of concern and a hope for a proper investigation, but that's it.

To put it bluntly, in the face of overwhelming evidence that the PNG Solution is tantamount to human rights abuse, the Opposition are acting like cowards more intent on saving their own political skin than doing the right thing.

Even their call for an investigation is utter crap. Those parliamentary inquiries are next to useless when it comes meting out justice to those responsible. How many ministers went to jail over the Children Overboard scandal or Oil for Wheat? Do you think anyone will wind up in the clink for the Pink Batts fiasco?

Ministers hide behind their advisors and their advisors effectively answer to no-one. You'd think that everyone who works for a minister could be held accountable in a Senate inquiry or commission into wrongdoing, right?

Wrong.

Advisors slip through the cracks. They're not public servants and they're not elected representatives. They're considered the personal staff of the minister involved and as such, the same rules that apply to everyone else do not apply to them. Sure, there's an impressively named 'Code of Conduct for Ministerial Staff' but that has no legal status at all and the only person who can enforce it is the Prime Minister.

Hands up who thinks any PM would force a staff member to give evidence if it meant a member of Cabinet would get the sack?

This is why you see Scott Morrison smirking on the television, claiming he hasn't read the documents in question. If he doesn't technically know what's happening, he can't be accused of misleading Parliament. His personal staff on the other hand can do whatever the hell they like.

The ALP know as well as the Government that any parliamentary inquiry would be meaningless unless a number of parliamentary-instigated protections for ministers were wound back first. Those protections shelter Shorten's lot as much as they shelter Abbott and Morrison.

You've really got to question who we're electing to represent us.

There's no opposition, there's no government oversight and the media can't get any straight answers. It's even been reported that G4S guards have forbidden doctors treating the injured from speaking to the media. G4S is a private company, they are not police, they are not government, they have absolutely no authority to forbid a private citizen outside of their employ from speaking to anyone.

Shouldn't the Opposition question what the hell G4S is doing?

If there are any members troubled by their conscience within the Opposition at the moment, they're keeping their mouths shut. This is what disgusts so many people about the ALP: they're spineless.

The ALP need to stand for something real. They need to ditch the lame talking points and slogans and say the PNG Solution was wrong and must be abandoned. A man has died directly as a result of this policy. What the hell else needs to happen before ALP ministers stop protecting their own political arses and do the right thing?

On Radio National Wednesday morning, Tanya Plibersek defended Rudd's PNG Solution, saying how worried the ALP had been about people drowning and how awful it was that people smugglers were 'making money from human misery'.

It would seem that trying to win votes from human misery is okay though.

Ironically, according to Radio National, Iran is now officially complaining that it was one of their citizens that was killed in the Australian-run Manus Island detention centre. Tanya Plibersek thought that was a 'bit rich' considering that Iran is well known for trampling the human rights of their own people.

Plibersek's argument is a little bit like saying 'Oh come on, he was going to die anyway, who cares where? I know Australia locked him up and then someone killed him, but at least he didn't drown at sea'.

Surely no-one could still be buying the whole 'we just don't want to see people drown' bullshit. If you care that much about them, why lump them in facilities where they get stoned to death and shot at?

None of this has anything to do with saving lives and everything to do with punishing innocent people because a small but apparently valuable percentage of the Australian public get off on it. That both major parties court the votes of those people makes my skin crawl.

The ALP has to change. It can earn itself some credibility by taking a stance, even if that means the short term pain of owning up to past mistakes and dodgy dealings. That would not only be the right thing to do, it is increasingly the only thing they can do if they have any hope of ever earning the respect of the country again.

As one of Labor's most famous ministers once sang, 'It's better to die on your feet than to live on your knees.'

<http://thehoopla.com.au/eff-opposition/>

Waleed Aly: The whole point of asylum detention is horror

The whole point of detention for asylum seekers is horror, whether it is acknowledged or not

The Age

February 21, 2014

Waleed Aly

Sorry, but we don't get to be outraged at this. The fact that a person is dead, that another has been shot or that yet another has a fractured skull doesn't change anything.

Immigration Minister Scott Morrison is undoubtedly right when he describes this violent episode on Manus Island as a "terrible tragedy". In fact, he's more right than he knows. Tragedy, in the Greek sense, unfolds as an inevitability. The very thing that makes the tragic hero so tragic is that his fate is sealed, his demise is clear, but he continues to take every step that leads him there. And in the case of Manus Island, that is exactly where we are.

We don't get to be outraged because this violence, with its brutal, deadly consequences, is inherent. We chose it, even if we've refused at every stage to acknowledge that. It is the very logic of our asylum seeker policy - which is built on the sole rationality of deterrence - to create horror. We're banking on it.

So now, let us make this calculus finally explicit: whatever these people are fleeing, whatever circumstance makes them think they'd be better off chancing death on boats hardly worthy of that description, we must offer them something worse. That something is Papua New Guinea.

The worse it is, the more effective it is destined to be, and the more it fulfils the philosophical intentions of the policy. This tragedy is not any kind of evidence of policy failure. It is, in fact, the very best form of deterrence. This is what it looks like when the policy works.

For now, we're busily piecing together exactly what happened. Hence the immediate calls for an inquiry. We assemble the facts as a necessary ritual, but it's ultimately an irrelevance. If it turns out that these asylum seekers were set upon by the PNG police or by locals, what difference will it really make? It will merely have demonstrated what we have long known: that PNG is a highly dangerous, deeply unliveable country, racked by lawlessness and violence. The capital, Port Moresby, is routinely listed among the least liveable cities on the planet. Last year, *The Economist* had it third-worst, besting only Damascus and Dhaka, and therefore ranking below most of the cities these detainees have fled. And that's the reason the policy of transferring boat people to PNG is meant to work: because we're pointedly not offering these people protection if they're found to be refugees.

And if the detainees are found to have triggered the violence? No doubt such a finding would be useful fodder for those determined to present them as villains, undeserving of our sympathy or protection. That, after all, is the narrative that surrounds asylum seekers whenever this sort of thing happens. But that only highlights an essential fact: this sort of thing keeps happening.

Labor, unable to criticise the policy that has delivered us this death because it is theirs, can only present this as some kind of managerial problem; as evidence that the Abbott government is mismanaging the centre. But riotous violence happened repeatedly on its watch, in Nauru and Villawood, as in Baxter and Woomera previously. Onshore, offshore, it didn't matter. Labor's objections - even in this utterly lame, limp form - are political and disingenuous.

When social behaviour repeats itself like this, we have two explanations open to us. One is that this is a coincidence of sorts: that it is nothing more than the misbehaviour of immoral individuals gaming the system, and that these individuals merely happen to pop up repeatedly.

This is very much the explanation favoured by officialdom - from both major parties - who immediately declare these rioters to have failed any decent character test, having revealed themselves as criminally inclined.

The other explanation is that there is something about the circumstances of detainees that generates this behaviour. Put any group of people through this wringer, and they will eventually respond with riotous protest. Such behaviour, then, is not a function of the defective personalities of individuals, but the inevitable human reaction to inhuman treatment: that the violence we've witnessed over and over is simply a product of the system.

Naturally, officials cannot abide this. Certainly, they are keen on talking about our "system", and preserving its integrity. But they present it as entirely passive; as a set of rules and processes that facilitate orderly management, rather than something active in its own right. As far as politicians are concerned, our systems don't have consequences.

This, of course, is bollocks. But it's bipartisan bollocks, so for most relevant purposes it masquerades as truth.

That's why we're blind to it. We respond to a detainee killed, but seem far less moved by the several to have committed suicide, as though they are somehow less dead.

Through it all we maintain the heroic ability to exonerate ourselves through the fiction that we played no part in their misery, or that those who riot are immorally cynical. But the cynicism is ours. Even the briefest sampling of commercial talkback radio this week revealed a streak within us that sees a detainee's death merely as comeuppance. The political truth is that there is almost nothing any government could do that the electorate would deem too brutal, which is precisely how we got here.

A poll last month had 60 per cent of us urging the Abbott government to "increase the severity" of our policies towards asylum seekers. That's not a pragmatic policy judgment. We find something cathartic about this official form of violence.

The truth is we've never really come to terms with why it is people get on boats, and why it is that, faced with hopeless inaction once they're detained, they protest. In fact, our public conversation isn't even terribly interested in knowing. That's why, when we do finally discover the facts of Manus, they will mean nothing.

Waleed Aly hosts Drive on Radio National and is a Fairfax columnist.

www.theage.com.au/comment/the-whole-point-of-detention-for-asylum-seekers-is-horror-whether-it-is-acknowledged-or-not-20140220-333yw.html

Graeme McGregor: Manus Island violence shocking but not surprising

ABC The Drum

By Graeme McGregor

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Australia's detention facility on Manus Island is riddled with problems and it's hard not to feel that the recent violence there was inevitable, writes Graeme McGregor.

The built-in problems at Australia's Manus Island detention centre came to a violent climax this week with the killing of an innocent man, a 23-year-old Faili Kurd from Iran.

In response to Iranian government outrage at the death, some, including Opposition foreign affairs spokeswoman Tanya Plibersek, have been quick to point out the Iranian regime's known human rights abuses, including the persecution of minority groups, imprisonment of political dissidents and journalists, and one of the world's highest death penalty rates.

What these people seem to be missing is the irony in their protest. Both sides of politics have previously claimed that asylum seekers coming from Iran do so on economic grounds.

Further, Australia's otherwise strong stance on human rights is muddled when our asylum seeker policies, which include indefinite detention and offshore processing, have been universally condemned by the Australian Human Rights Commission, global human rights organisations and the UN as being in breach of refugee rights.

An innocent man came to Australia in search of a safe haven. Instead, he was killed under the Australian Government's watch.

Conflicting reports have emerged about what sparked the violence and who was responsible for the injuries inflicted on 77 asylum seekers.

The Government first claimed that the injuries, including a shotgun wound, were inflicted on men who had fled the detention centre. Asylum seekers and anonymous sources inside the detention centre claim that PNG police and locals stormed the facility and attacked the men inside.

The tragic death, the dozens of injuries sustained and these conflicting accounts make the need for an urgent, independent inquiry into the events imperative.

But what the Australian and PNG governments have proposed is the opposite of independent.

The PNG police will carry out an investigation into the events, including the violence that may have been carried out by their own police officers. Meanwhile, Australian Immigration Minister Scott Morrison has given Martin Bowles, secretary of the Department of Immigration and Border Protection - and the man responsible for overseeing Australia's offshore detention centres - the task of investigating what happened.

Gillian Triggs, the Australian Human Rights Commissioner, is right to say that "enquiries by the very parties that are being challenged... is always less than optimal".

When we entered Australia's detention centre on Manus Island in November, we discovered that asylum seekers were being held in extremely unsanitary, over-crowded dormitories. The health professionals at the detention centre were under-resourced, telling us that they were unable to properly treat serious illnesses, such as diabetes and epilepsy.

The human rights violations we documented at the Australian-run facility were pushing asylum seekers to breaking point. Asylum seekers were forced to endure a daily regime of cruel and humiliating treatment, including poor hygiene conditions, insufficient supply of soap, withholding of drinking water and hours of queuing for meals in the tropical sun and rain. One dormitory, P Dorm, was so overcrowded and poorly ventilated that it violated the Convention Against Torture.

The asylum seekers, who had travelled from countries such as Burma, Syria, Somalia, Iraq, Iran and Afghanistan, received almost no information about when their asylum claims would be heard or when, if found to be refugees they could begin their new lives in PNG. As of this week, seven months since the facility was opened, not a single detainee has been processed. The men are allowed no interaction with the local people on Manus. These conditions are a deliberate attempt to break these men and pressure them to return to their country origin. For many, this means returning them to their persecutors.

Some of these men have now endured seven months of this treatment, with no idea of when their ordeal will come to an end. The PNG government is yet to commit to taking any practical steps to resettling recognised refugees, so these men could remain in detention for years while they try to organise their own resettlement elsewhere, with no assistance from Australia or PNG.

We also discovered that in the event of a fire or a security incident, such as the fight between PNG police and military that took place outside the facility on October 18, 2013, staff would be evacuated to a boat waiting offshore. There were, however, no evacuation procedures in place for the asylum seekers.

In light of our findings, the chaos and violence at the Manus Island detention centre was shocking, but not surprising. Australia's facility on Manus Island is riddled with problems and it's hard not to feel this was the inevitable outcome of this absurd policy.

In response to our report, Scott Morrison, Minister for Immigration and Border Protection, stated publicly: "Where things are presented that can improve, then of course, we will do that."

That was more than two months ago, and the government is yet to respond to our questions about what improvements have been made.

This week's violence has escalated the need for transparency and a truly independent investigation. That's why we're asking Australians to sign our new Action, calling on Minister Morrison to respond in full to our report and tell the public what is happening on Manus Island. Australians, and people around the world, have a right to know.

Graeme McGregor is refugee campaign coordinator for Amnesty International Australia.

www.abc.net.au/news/2014-02-21/mcgregor-manus-violence-is-shocking-but-not-surprising/5274518

Malcolm Fraser: Manus Island: so many questions, one simple solution

There is a humane, efficient and affordable approach. If only we would try it.

The Age
February 21, 2014
Malcolm Fraser

A man has been killed while in the care of the Australian government. Another lies with a fractured skull, countless others have been injured. The men on Manus Island are in danger, and the Minister for Immigration claims his policies are successful and in no need of change.

The government cannot guarantee the safety of people in its care on Manus Island. The responsible course of action is for the centre to be closed. The riots also raise questions about safety on Nauru and Christmas Island.

Precisely what has happened, we do not know. The government's commitment to secrecy should be a concern for everyone. Secrecy is completely inadequate for democracy but totally appropriate for tyranny. If the minister will not inform the public, then we are within our right to assume the worst. No free and fair nation operates with secrecy as a blanket policy position. Democracies are based on the foundation of public scrutiny and open government.

The events on Manus Island give rise to many questions the public have a right to know. What happened? Did guards beat asylum seekers? Did local people charge the compounds and attack asylum seekers? Where did the man die? Who killed him? Did PNG police fire on asylum seekers? Did guards and staff flee? When was the minister informed? There are dozens more and they cannot be fully answered unless there is an independent inquiry.

The initial announcement of an investigation, only by PNG police, and a departmental inquiry is woefully inadequate. These are vested parties investigating themselves. It's clear PNG police have fired shots and asylum seekers have been placed in danger. The department seems concerned only with maintaining the information blackout, with reports that staff have been forbidden to speak about the events, even to family. These are the actions of a government intent on hiding the truth from its people. A full independent inquiry is the only responsible option.

When secrecy operates, it infects the entire system. The minister's insistence on a military operation, the use of militaristic language and a deliberately covert approach, akin to being under attack, guides the response of all within the system who believe they can act with impunity. The government's persistent response that the navy cannot ever be questioned demonstrates the extreme level of this secretive approach. No person or agency should be totally immune from scrutiny when there are legitimate questions to be answered about events that have occurred. This does not equate to an attack on those involved, but to a functioning democracy ensuring accountability and review when matters of concern arise.

Labor has cowardly fallen into line with the government, stating Manus Island is pivotal to stopping the boats and must remain operational. There are far more effective ways of stopping the boats, and preventing lives being lost at sea.

It is time for Australia to accept in full its place as a global nation with global responsibilities. Displaced people are a global phenomenon and the Refugee Convention is the world's agreement to

protect people fleeing harm. We made this agreement after the atrocities of World War II, recognising the need to protect people escaping persecution. Sadly, there are now many more people fleeing similarly violent harm. This is the global situation and Australia cannot resile from it.

What we can do is set a reasonable number of refugee places each year, to ensure people are not so desperate they attempt to reach safe haven by perilous means.

What we must finally understand is there is no regional process; people languish for years in Indonesia with no end in sight. Forcing them to languish further in offshore detention centres in remote places is costly, cruel and, as shown by the events on Manus Island, increasingly dangerous.

Australia's overall migration intake in 2012-13 was more than 152, 000. Currently, there are just 13,750 places available through the humanitarian program. The Houston committee recommended that these places be increased to 27,000 within five years. If a significant number of these came from Indonesia, the boats would stop. This would be the basis for a robust and fair system that processes refugee claims in a timely manner. It would ensure an efficient, affordable and humane approach.

Australia would not be "flooded" as a result; we control the number of people that are settled. We attract a small proportion of the world's refugees. For several years now, more than 90 per cent of asylum seekers that have arrived by boat have been found to be refugees in need of protection. They are not fleeing for a sea change, but for their lives.

Refugees have made a remarkable contribution to our country. There is no need to fear their arrival. Australia is a proudly multicultural nation, made stronger by the dedication and contribution of people who come here, whether as refugees or migrants.

Malcolm Fraser was prime minister from 1975 to 1983.

www.theage.com.au/comment/manus-island-so-many-questions-one-simple-solution-20140220-333sn.html

Gillian Triggs: We can't 'outsource' our moral obligations to these people

The Age

February 22, 2014

Gillian Triggs

Events on Manus Island have graphically and tragically brought to the attention of the Australian public the inappropriateness of the current arrangements for the regional processing of asylum seekers.

I have been troubled by the loss of life and the injury that has occurred on Manus Island over this past week, even as we wait for further information about what exactly has occurred. I am also disturbed that this is not the first such incident in immigration detention facilities.

We owe it to the victims of this violence to pause and reflect on how we can prevent recurrences of such tragedies.

There are a range of factors at play that contribute to a volatile environment behind the razor wire that can explode into violence and lawlessness at any stage. It is the cumulative impact of these factors that leads to an unpredictable and dangerous situation coming into being.

These factors have been documented and yet remain unaddressed. The Australian government must act to tackle these long-standing concerns to provide a safe and appropriate environment for asylum seekers. Failure to do so will risk further unrest and harm unfolding. Such harm would be the more disturbing for the fact that it is preventable.

First, appropriate facilities must be provided for asylum seekers. The United Nations High Commissioner for Refugees and Amnesty International Australia have expressed serious concerns about the facilities and conditions on Manus Island. The UNHCR found that the detention of asylum seekers on the island is in breach of international law and that the harsh conditions are below international standards.

Under international law, the Australian government has a responsibility to ensure that when it transfers people to other countries there are adequate safeguards to protect the rights of people in those countries. To the extent that it is responsible for the detention of those people in those countries, it has an obligation to ensure they are treated humanely and protected from threats to their physical safety.

Second, there must be adequate monitoring of conditions. The difficulty of obtaining accurate information about exactly what has occurred on Manus Island this past week, of what has caused the unrest and who bears responsibility, is also disturbing.

It is a graphic reflection of the lack of transparency and accountability that accompanies offshore processing arrangements. In fact, the memorandum of understanding with the Papua New Guinea government about the Manus Island facility requires that both countries "treat transferees with dignity and respect and in accordance with relevant human rights standards". Independent and transparent monitoring is required to ensure that this occurs.

Third, the processing of protection claims must begin. The Australian Human Rights Commission understands that no one on Manus Island has had their claims to asylum assessed. The indefinite

nature of detention on Manus Island contributes to a sense of despair and a lack of hope for a better future.

The combination of detention being for prolonged and uncertain periods, with people being removed to remote locations and held in harsh and inappropriate conditions, takes a heavy toll on mental health.

We know much about the devastating effects of prolonged detention on asylum seekers detained on Nauru and Manus Island between 2001 and 2008. Some were diagnosed with a range of mental illnesses, including depression, anxiety, post-traumatic stress disorder, adjustment disorder and acute stress reaction. There were also high levels of actual and threatened self-harm, and heavy use of medication including anti-depressants and anti-anxiety, psychotropic and sleeping medication. The risk of this occurring is so high that no children have been transferred to Manus Island. This speaks volumes about the inappropriateness of these facilities for any individual.

Finally, co-operative regional processing arrangements must be found. More comprehensive ratification of the Refugee Convention and human rights treaties among our neighbours should form a key component of a regional processing framework.

The present arrangements are completely inappropriate - simply "outsourcing" Australia's international obligations to other countries. All people who arrive here seeking asylum should have their claims assessed in Australia by the Australian government. We should provide protection to those found to be refugees.

The government has rightly emphasised the importance of preventing the death of asylum seekers at sea. Now it must take steps to ensure that life and safety are equally valued when people are placed in immigration detention facilities, be they in Australia or on Manus Island or Nauru.

If we cannot guarantee that asylum seekers will be treated with dignity and safety where they are housed, then we must find alternative solutions that meet this most basic of requirements.

Gillian Triggs is president of the Australian Human Rights Commission.

www.theage.com.au/federal-politics/political-opinion/we-cant-outsourc-our-moral-obligations-to-these-people-20140221-337jn.html

Judith Ireland: In asylum failings the Coalition is hardly an island

The Age

February 22, 2014

Judith Ireland

If this is calm and methodical government, you'd hate to think what the agitated, haphazard kind looks like.

In what can only be described as a weekus horribilis for Immigration Minister Scott Morrison, there have been two "incidents" on Manus Island, leaving Iranian man Reza Barati dead, another shot, another with head injuries and another with head, pelvic and knee injuries. Sixty-two people are reported to have been injured.

Then came the revelation the Immigration Department accidentally put the personal details of about 10,000 asylum seekers on the internet. Quite possibly rewriting the history books when it comes to government own-goals.

Indeed, it sure takes a good effort in other parts of the portfolio if Customs can issue a report saying that Operation Sovereign Borders boats breached Indonesian waters six times and it barely raised a peep.

The peeps were of course most keenly heard in the direction of Manus Island. During the weekus Morrison picked his way through the different hypotheses of what actually took place on Monday night in no less than five media conferences and several interviews.

While the exact story is still unclear - and the government has instructed us to be "patient" - the bottom line from the Immigration Minister is that the death of Barati is a "tragedy". But if people veer outside the fences of the detention centre ... (you join the dots).

Morrison has also argued, more than once, that the Manus situation does not compare to incidents under the Labor government.

"The meltdown on Nauru, the meltdown on Christmas Island, and the meltdown at Villawood. They were actually meltdowns, because those centres burnt to the ground," he said on Thursday, bizarrely enough, during a joint-process conference with the Malaysian Minister for Home Affairs.

"Now, what has happened on Manus Island is quite different. That centre is operating today."

As Morrison triumphantly declared in another media conference, breakfast was served the morning after the deadly night before. Proceeding along the logic that things can't be that bad if there is toast; the government must be doing all right.

Tony Abbott has been equally beefy with his talk. When asked what he had done to assure himself that detainees on Manus Island were being treated fairly, the Prime Minister responded thus: "We will keep control of these centres. If people are in riotous assembly, they will be dealt with". One wonders here if the PM is aware that his choice of language is also the title of Tom Sharpe's debut novel. Published in 1971, *Riotous Assembly* is set in a fictional South African town, where it satirises apartheid and the police enforcing it.

Amid the chaos in PNG, the Greens have been - unsurprisingly - ropeable. With a long and vocal record of opposing processing on Manus Island et al, they have called for a royal commission into

the management of Australia's offshore detention centres. Mimicking Abbott's language around the unions royal commission, Christine Milne said she wants to shine a "great big spotlight into the dark corners" of what happened on the island (and yes, "gulag" also got a run in the media release).

Despite all the goings on under the Coalition's watch, Labor's position has been a little more vexed. Which makes for an oddly lopsided political response. Apart from the fact that the opposition don't seem to want to talk about anything other than job losses at the moment, it was they who restarted offshore processing. And who trumpet the success of that.

For one thing, despite describing the news as "disturbing" Labor's immigration man, Richard Marles, did not back the suggestion that transfers to the island should be suspended while an Immigration Department inquiry works out what happened. "Manus is playing a very important role and that's the first thing we need to understand," he told ABC Radio. "The regional resettlement arrangement ... is the single piece of public policy which has had the biggest effect of stopping the flow of boats."

Like the government, Labor is trying to make the argument that their offshore processing is different from the other side's. As Marles argued, Manus "was able to be run" under Gillard, Rudd and even Howard.

And yet, what happened this week on Manus Island (and on the Immigration Department website) could just as easily have happened under Labor. Which tangles everything right up. Labor can condemn the violence, but only in the context of blaming the government for mishandling a situation that they themselves helped create.

In this post-election era, Labor has the opportunity to look at issues anew. But there is no serious sense at the moment that their stance will change when it comes to asylum seekers. Everything "stopping the boats" is still staked to Manus Island. Even when this is "disturbing".

Judith Ireland is a Fairfax Media journalist.

www.theage.com.au/federal-politics/political-opinion/in-asylum-failings-the-coalition-is-hardly-an-island-20140221-337nd.html

Michael Gordon & Sarah Whyte: Manus Island tragedy: In too deep?

The Age

February 22, 2014

Michael Gordon and Sarah Whyte

The aside came from Brendan O'Connor during an hour of uproar before Federal Parliament adjourned last Thursday, after its first sitting week of the year. As the former immigration minister brushed by the man who now holds his old job during a division, O'Connor remarked, more in empathy than spite: "Not so easy, is it Scott?"

Earlier that afternoon, a triumphant Scott Morrison, the architect of Operation Sovereign Borders, had reported that 56 days had passed without the arrival of a single boat, and ridiculed those on the other side - the "captains of border chaos", he called them - for their failures on border protection.

"There is still a long way to go in this operation," he declared, "but the truth is these policies are getting the results they were designed to get."

As Morrison and Prime Minister Tony Abbott see it, there is but one result that counts - whether they have "stopped the boats" - and all the evidence suggests they are on track to deliver it, even if the slowing began when Labor implemented a version of offshore processing on Papua New Guinea's Manus Island that was tougher than John Howard's Pacific Solution.

But, as the chaos and carnage that unfolded on Manus earlier this week made plain, there are other ways to measure the "results" of Operation Sovereign Borders, and they do not paint a flattering picture.

Just what triggered the disturbance that ended in the death of one man and injuries, some critical, to more than 60 others is the subject of two investigations, but the cocktail of desperation, tension, ignorance and oppression had been brewing on the island detention centre for months.

The difficulty in piecing together an account of precisely what happened, where and when, is a window into another powerful ingredient of the cocktail: an inability to get information in, or out, of the centre. This, in turn, gives rise to anxiety, misinformation and suspicion.

The more than 1300 asylum seekers in the island's detention centre, some of whom have been there since late in 2012, do not know when their claims for refugee status will be processed; or where they will live if their claims are found to be genuine (they know Australia won't take them); or what privileges, in the form of work, or travel, or citizenship rights, might follow.

Their inability to express their frustration was cited in a departmental inquiry that reported in September and suggested measures to improve morale and "reduce the scope for further unrest and disruption", including more English classes, more outside excursions ("especially swimming excursions given the heat") and more telephone and internet access.

Since then, the arrival of many more asylum seekers in the detention centre has only made it more difficult for inmates to benefit from any of these things. One employee confirmed there had been no swimming excursions, but added: "They can't swim anyway because of the crocodiles!"

Outsiders don't know what is happening in the centre, aside from the bleak picture painted by the United Nations High Commissioner for Refugees and Amnesty International, the two non-government organisations that have been granted access under strict conditions, or by Greens' senator Sarah Hanson-Young, the only non-government politician to visit.

The September review by the former head of the Attorney-General's Department, Robert Cornall, made other recommendations about the need for a special area for "vulnerable" asylum seekers, media access to reduce the likelihood of inaccurate reporting, and measures to ensure that locals - especially those employed for "security and guarding work" - were adequately trained and supervised.

Morrison says recommendations for an area for the vulnerable, more English classes and training were picked up, but declined to indicate when the first decisions on refugee status would be announced. Moreover, calls from the UNHCR for a clear legal framework covering detention and processing have so far gone unheeded, with one insider saying the processing that is in train is proceeding under a regulation that has lapsed, that no draft act has been forwarded to the agency or any advice provided on how a proposed "pilot resettlement program" on Manus would operate.

The immediate response to the violence has been an increase in the security presence, a vow from Abbott and Morrison that their commitment to the policy is absolute, and some evidence of frantic attempts to recruit more caseworkers.

One midweek email to prospective fly-in, fly-out workers began: "A dynamic international organisation is currently seeking 15-20 caseworkers to fly out of Brisbane to Papua New Guinea this Saturday 22nd of Feb for 21 days. Yes, short notice, I know, however, those of you who like adventurous challenges ... then get in touch ASAP! Due to the urgency of this, applications close by 4pm today!"

Security contractor G4S also advertised that it was seeking experienced "safety and security officers for an exciting short-term, FIFO position located Manus Island, Papua New Guinea".

Morrison reported on Monday night's violence at the earliest opportunity the next day, saying unrest had been anticipated, prompting an increase in security that may have prevented the incident escalating into something far worse.

The main reason for the casualties, and the death, as he saw it, was that people had decided to take themselves outside "the safety of the centre" and placed themselves at risk. After reports that much of the violence, and the death, had occurred inside the centre, he now says the truth won't be known until the investigations are completed.

Reports that the main violence occurred inside have since been backed up by mental health expert Professor Louise Newman, who says she has spoken to staff who confirmed that local security staff had entered the centre, some of them armed with machetes, and that there had been sustained periods of gunfire. One worker who was off the island says she was called by frantic asylum seekers, who told her they were in fear of their lives and wanted to know where to hide.

In the absence of an official account of what occurred, there were other snapshots that raised more questions than were answered. Azita Bokan, the interpreter who spoke out after she was suspended (on her account for going to the aid of an asylum seeker), maintained that the patience of asylum seekers was exhausted when they were pressured to return to their homelands on Sunday.

One staffer who asked not to be identified applauded Bokan for speaking out in an email to friends, but said Bokan would never get a job as an interpreter for the department again. "I will be ready to blow the whistle one day, when I don't need the deployments too. I am not coming back here as it's a hellhole and the refugees are really suffering," the staffer wrote.

Another volunteered that verbal abuse of the security guards by some asylum seekers was a trigger for the violence. There have also been rumours of dalliances between local PNG women and lonely asylum seekers, and claims that huge discrepancies between what locals and Australians were paid were a source of tension.

So, what happens now? Within a week, the hundreds of G4S staff will depart the island, Morrison confirmed on Thursday, stressing that the end of the contract was not due to the latest spate of violence. The Salvation Army's contract to provide for the wellbeing of the asylum seekers has also ended.

On Friday night at 11.59pm Salvation Army staff will officially leave Manus Island and Nauru as they are replaced by construction giant Transfield Services, which has the contract for these services at the government's other foreign processing centre on Nauru.

Transfield spokesman David Jamieson says the company has begun to move its own security forces to the island, adding that it will be retaining half the Salvation Army staff, which is about 100 workers. "In the 12 months we have been operating in Nauru not one person has come to any harm through our services," he says.

For Amnesty, events this week have only reinforced its view that a closed detention centre on Manus Island is not the place to detain people who claim they have fled persecution. "These people were deteriorating two months ago, now they have further trauma," spokesman and refugee co-ordinator Graham Thom says. "We have visited Nauru and Manus Island and we have seen the damage that has been done to people and we don't believe the facilities are adequate for vulnerable people."

Rather than prodding the Labor Party to reconsider its support for processing on PNG, immigration spokesman Richard Marles has recommitted the opposition to supporting offshore processing on Manus Island, declaring: "I can't stress enough how important the Manus Island detention facility is to Australia's strategy for dealing with boats coming to Australia."

Others who have opposed the policy from the start hope it may prompt those who supported the policy because they want to stop drownings at sea to press for more humane alternatives. "We want to stop the boats, too, but we don't want to send people to such a fate," says David Manne, executive director of the Refugee and Immigration Legal Centre. "A starting point has to be an agreement that we don't want to harm people."

Hanson-Young agrees, expressing the hope that the tragedy may be a turning point in the asylum seeker debate. Not likely, replies Morrison, who began a media conference on Friday on the situation on Manus by reporting that there had not been a boat arrival in 64 days, the longest stretch without an arrival since August of 2008.

Just as he remains utterly committed to the policy of turning back the boats, which continues to be a source of tension in Australia's relationship with Indonesia, there will be no retreat on the policy of indefinite offshore detention. "Our resolve to continue the full suite of measures under Operation Sovereign Borders is absolute," he said.

The minister said the same man who conducted the last departmental review of the situation on Manus, Robert Cornall, would establish the facts of this week's tragic events and make recommendations. He made no commitment to implement any recommendations arising from Cornall's work.

<http://www.theage.com.au/federal-politics/manus-island-tragedy-in-too-deep-20140221-337kd.html>

Bianca Hall: Disquiet at aid without liability

The Age

February 23, 2014

Bianca Hall

It's not our fault, Immigration Minister Scott Morrison said last week. They put themselves in that situation.

"This is a tragedy," the minister said of the Manus Island protests that left one man dead and nine seriously injured.

"But this was a very dangerous situation where people decided to protest in a very violent way and to take themselves outside the centre and place themselves at great risk."

Just hours later, Morrison admitted that it was, in fact, still unclear whether the dead man - a 23-year-old Iranian Kurd - was killed inside, or outside, the centre's fence.

That is, despite the minister's earlier suggestion the man was somehow complicit in his own death, it's not yet possible to say whether he was involved in the riot, or simply fleeing it, before he died of head injuries.

So much about what happened to these men, and to the more than 1000 others we have sent to the island detention centre, is shrouded in mystery thanks to this government's bald-faced refusal to make itself accountable for its offshore asylum policies.

But the minister is right about one thing - under the terms of the asylum seeker agreement between Australia and Papua New Guinea, we have very little control over what happens to asylum seekers once they leave the centre.

Under the hasty agreement the then-prime minister Kevin Rudd signed with PNG Prime Minister Peter O'Neill two months before last year's election, there is no obligation on PNG's part to keep safe the asylum seekers Australia sends there.

When it comes to the protection of asylum seekers, the agreement only states: "Australia and Papua New Guinea take seriously their obligations for the welfare and safety of any persons transferred to Papua New Guinea under the life of this agreement."

That's it.

But the Australia-PNG agreement has become more than just about asylum seekers; it has become big business.

Announcing the agreement with O'Neill by his side, Rudd said he would make "no apology" for waving foreign aid at our impoverished neighbour to take our asylum seekers.

"I want to be clear with everyone both within Australia and Papua New Guinea that Prime Minister Peter O'Neill has decided to help Australia with a problem we face ... I want to be equally clear with people in Australia and PNG that our government is also helping Papua New Guinea deal with the problems that they face," Rudd said. "That's what friends are for and that's what friends do for each other, and we make no apology for that."

Under this agreement, Australia agreed to almost double its aid contribution to PNG.

But Australia's foreign aid organisations say not only do we have little control over what happens outside the wire fences surrounding the people we send to Manus Island, we also have too little control over what happens to the aid money we send there.

In 2011, an independent review of the effectiveness of Australia's aid found that PNG "remains a difficult environment, with poor governance and growing corruption, all of which hamper aid effectiveness".

Marc Purcell, executive director of the Australian Council for International Development, says the asylum seeker aid inducement is unlikely to reduce poverty and help people in most need.

In the wake of the violence engulfing the Manus centre, the Greens called for a royal commission into the management of Australia's offshore processing centres. Labor leader Bill Shorten called for the government to "dispense with its addiction to secrecy", but would not back the move.

Of our aid spending, Purcell says: "The government should institute a comprehensive review of aid to PNG to make sure we're doing what we can to effectively help the people of PNG."

It seems unlikely the secrecy shroud over actions in our name on Manus Island will soon lift .

www.theage.com.au/federal-politics/political-opinion/disquiet-at-aid-without-liability-20140222-33817.html

Lenore Taylor: Asylum policy has huge human cost that Coalition's crude portrayal ignores

Immigration minister's 'toughness' is no help in assuring the safety of asylum seekers under Australia's legal and moral care

Lenore Taylor, political editor
theguardian.com
Sunday 23 February 2014

Stoutly defending his immigration minister, Scott Morrison, the prime minister insists we “don’t want a wimp” running border protection, effectively casting asylum policy as a kind of macho duel, Scott v Smugglers.

But this “goodies and baddies” style analysis (smugglers = bad, Scott = good because stopping the boats will stop drownings) leaves out the 2,400 men, women and children who have been sent to offshore detention camps on Nauru and Manus Island. They are effectively collateral damage, the human cost of the bipartisan policy at the time of the last election to “stop the boats”, the people whose misery was precisely the message politicians wanted to deter others from coming.

I can understand that information from a wild night-time riot is going to be sketchy, that it will take time to assemble a full picture.

What I cannot understand, with one man dead and scores more injured, is how the government can continue to assure us that Australia is able to carry out its legal and moral duty of care for the safety of asylum seekers in the centre.

Last week Morrison said: “I can guarantee their safety when they remain in the centre and act cooperatively with those who are trying to provide them with support and accommodation. When people engage in violent acts and in disorderly behaviour and breach fences and get involved in that sort of behaviour and go to the other side of the fence, well they will be subject to law enforcement as applies in Papua New Guinea.”

Even if he genuinely believed at that time that the death of 23-year-old Reza Berati had occurred outside the centre, there had already been many reports of asylum seekers being hurt inside the centre, including men who had done nothing violent or disorderly at all, who were hiding under beds and in cupboards when they were attacked.

Now he says “in a situation where transferees engage in riotous and aggressive behaviour within the centre, this will escalate the risk to everyone in the centre” – in other words if some asylum seekers are violent, we can’t guarantee the safety of any of them.

And we are now also preparing to transfer asylum seekers found to be genuine refugees into unsecured accommodation on Manus Island.

The “deal” with PNG struck by the former Labor government was, as Morrison rightly points out, not much more than a blank sheet of paper, and there is still no agreement on how and where in PNG refugees will be resettled from Manus. With several cases now, finally, at the “draft decision” level, Australia is urgently finishing more permanent accommodation, closer to the township of East Lorengau, with the intention of resettling people there for the foreseeable future.

When I asked the minister last week whether he was still sure about these arrangements, he said: “There is nothing before me that would cause me to reconsider that plan for post-assessment accommodation for people outside of the facility at East Lorengau, that’s what it’s designed for and it’s our intention to continue with the resettlement plans that we have.

“I wouldn’t be making the assumption you have Lenore, in the question, which is that somehow people would not be as safe living on Manus Island as anywhere else in Papua New Guinea.”

I wasn’t actually making any assumptions. But on the basis of available information, and without prejudging what happened or apportioning blame, it seems pretty likely that tensions, misconceptions and anger between the asylum seekers and the locals on Manus Island would be high. Likely enough to at least reassess the idea of sending people to the new accommodation.

If the minister can’t guarantee people will be safe inside the detention centre, and if he still doesn’t know what happened, how can he possibly be so sure refugees could live safely and harmoniously in the community?

A truly courageous, non “wimpy”, truthful minister would admit the whole offshore processing policy is still full of blanks, that we don’t know what will happen to the 2,400 we have assigned to be collateral damage, that we can’t assure their safety, and that the human cost of “stopping the boats” is going to be very, very high.

<http://www.theguardian.com/world/2014/feb/23/asylum-policy-human-cost-coalition-portrayal>

David Wroe & Jonathan Swan: Dead wrong on Manus

Sydney Morning Herald
February 24, 2014
David Wroe, Jonathan Swan
with James Robertson

Tony Abbott has defended Immigration Minister Scott Morrison against calls for him to be sacked, saying the Australian people would not want a "wimp" defending their borders.

The Prime Minister's intervention on Sunday afternoon came amid mounting pressure on Mr Morrison after he was forced to admit he had misinformed Australians about the violence and death of an asylum seeker in the Manus Island detention centre.

The clashes at the detention centre a week ago - now the subject of an independent inquiry - will come under further scrutiny this week as Parliament resumes and Senate estimates hearings begin.

The Greens and refugee advocates called for Mr Morrison's resignation after he admitted late on Saturday evening that most of the violence, including the death of 23-year-old Iranian man Reza Berati, had probably happened inside the centre, not outside as he had first claimed.

His admission raises questions about the management of the centre by private security firm G4S and doubts about the flow of information to the minister, who made his correction five days after the incident.

Nevertheless Mr Abbott said the Immigration Minister was doing a "sterling" job in stopping the boats and had used the best information available to him at the time he made his statements.

"You don't want a wimp running border protection," he said. "You want someone who is strong, who is decent, and Scott Morrison is both strong and decent."

Mr Abbott added there had been "very little damage" to the centre itself during the riot. "Now, obviously you would rather not have riots, but if there are riots they have to be dealt with and this one was dealt with," he said.

Mr Morrison's statement underscored the fact that the spotlight is now on G4S staff, who are responsible for security inside the centre.

While reiterating that detainees were putting themselves at risk by engaging in "riotous and aggressive behaviour", he added that "in such circumstances, service providers must conduct themselves lawfully and consistent with the service standards set out in their contract".

Mr Morrison said last week that he could guarantee the safety of detainees if they "remain in the centre and act co-operatively".

He stood by that remark on Sunday, although he was unable to say whether Mr Berati or any of the wounded detainees had been rioting or behaving aggressively. Asked whether he had confidence in G4S's handling of the incident, Mr Morrison said: "Well I am going to wait for the review before I draw any conclusions on that front."

Mr Morrison said he had learnt only on Saturday that he had been wrong in claiming most of the violence happened outside the centre.

David Manne, the refugee lawyer who scuttled the Gillard government's Malaysia Solution, said the government was in breach of the UN Refugee Convention and other obligations under international law.

"Australia's core obligation to asylum seekers is to protect them from harm - an obligation which cannot be met by sending them to Papua New Guinea," he said.

One Liberal MP from the right wing of the party said it was not good enough that it took Mr Morrison so long to confirm a fact as central and basic as whether the violence occurred inside or outside the detention centre. "I don't know when Morrison found out," the MP said. "But something like this, it should not take the best part of a week to inform the public."

In a statement on Sunday, G4S stepped back from its previous assertions that its staff had acted professionally. "G4S will take the strongest disciplinary action against any employee found to have been involved in any wrongdoing against any person in our care, the laws of PNG and our strict code of ethics," it said.

<http://www.smh.com.au/federal-politics/political-news/dead-wrong-on-manus-20140223-33all.html>

Michael Gordon: Morrison should be in the dock

Scott Morrison's comments and conduct need examination

Brisbane Times
February 24, 2014
Michael Gordon

Scott Morrison's conduct should now be the subject of the inquiry he has commissioned into the chaos and carnage that unfolded on Manus Island last week.

The inquiry's terms of reference should be widened to include who gave the Immigration Minister such wildly inaccurate information after the violence - and what steps he took to verify it before going public.

The minister now concedes he was wrong to assert, without qualification, that 23-year-old Iranian, Reza Barati, was killed outside the detention centre when he and others "absconded" from the "safety" it afforded.

He also said the asylum seeker was shot in the buttocks, received his wound "outside the centre", that just two shots were fired, and there was no suggestion anyone employed by security contractor G4S was involved.

All these assertions have been challenged.

Even when he subsequently conceded there were conflicting reports about where Mr Barati died, Mr Morrison insisted, again without qualification, that he could guarantee the safety of asylum seekers who remain in the centre and "conduct themselves" appropriately.

The logical conclusion is that he is accusing all those who suffered injuries of misbehaving, yet his statement is contradicted by graphic accounts I have been given by those who tended the wounded, including the dying Mr Barati, when they were carried to the nearby wharf.

They tell horror stories of terrified asylum seekers, who had not been involved in any form of protest or name-calling, hiding under their beds before being dragged out by the legs by locals employed by G4S and savagely beaten or slashed.

On Sunday, Mr Morrison appeared to be preparing the way for a get-out from his guarantee, asserting that where asylum seekers behaved in a "riotous and aggressive" behaviour, this "will escalate the risk to everyone in the centre".

Alarm bells should have been ringing once it became clear that more than 60 unarmed asylum seekers had suffered injuries - many of them serious and one causing death - yet no one else was hurt and there was little property damaged.

Another matter of contention that must be investigated is the catalyst for heightened tensions among the asylum seekers.

The minister dismisses as false the reports that the asylum seekers were told on the Sunday they had no prospect of permanent resettlement in Australia, a third country or on Manus, and that they should accept voluntary return to their homelands.

He insists they were told those found to be refugees would be offered settlement in Papua New Guinea and that a third country option would not be offered - and neither the PNG nor Australian governments would assist in finding one.

This account is rejected by whistleblowing interpreter Azita Bokan and another who was present but who has asked that his name not be used. They say the message from the meeting was that the asylum seekers should go back to where they came from.

The bigger questions, which will not be addressed by the inquiry, are whether the detention centres on Manus Island and Nauru are operating in contravention of Australia's international treaty obligations, and, most important, whether there is a more humane way to stop the boats.

www.brisbanetimes.com.au/federal-politics/political-opinion/scott-morrison-s-comments-and-conduct-need-examination-20140223-33amg.html

Ben Pynt: We need to see Manus Island

The Age

February 24, 2014

Ben Pynt

When it comes to imprisoned Australian journalists in Egypt, Prime Minister Tony Abbott believes in free speech.

For his hand-picked human rights commissioner, Tim Wilson, free speech is the fundamental human right without which “the capacity to defend all other rights is diluted.”

But for those in detention and those seeking to talk to them, there is no such right.

This government now actively blocks journalists from accessing the Manus Island detention centre, or indeed any detention centre in Australia, and deletes journalists' photos.

Journalists on Manus are not allowed to approach the centre or photograph asylum seekers' horrific injuries.

This violates not only the principle of free speech but the Australian Human Rights Commission's own standard that communication with the outside world never be denied an asylum seeker in detention for more than a few days. Following an emergency, the right to free communication must be paramount to minimise the strain of families who are unable to find out whether loved ones are okay, as well as to facilitate the discovery, punishment and reparation of human rights abuses.

Yet, after an incident in Nauru in July, the internet was cut off for three months.

Now asylum seekers on Manus Island are being denied internet and phone connections to families. Many are beside themselves with worry for their relatives on Manus.

This has happened as the Department of Immigration has itself become committed to systemic secrecy. Visits to detention centres must be pre-arranged and even then are vetted and watched closely by guards.

Journalists are not allowed to take photos or speak directly with asylum seekers during media visits, which have become little more than tours of empty infrastructure.

I was recently banned from access to a detention centre after I wrote publicly about a previous visit to a friend in a Darwin detention facility. A few weeks later, I tried to visit some others in Perth: “VISIT ON YONGAH HILL DECLINED,” the text message read, the day before I was due to arrive.

Others, who visit detainees more regularly, are more acutely aware of the rule against publicising conditions in detention, which is unspoken yet enforced.

After appeals I have been allowed back in, but with added conditions.

Seeking information is also prohibitive. I was recently quoted \$12,259 for a request regarding the compliance of Australia's offshore processing policy with Article 9(1) of the ICCPR (which prohibits arbitrary detention), and Australia's obligations under the Convention on the Rights of the

Child. After I complained they dropped the charges by 50% to \$6,129. I still can't afford to access the information.

I have also sought copies of Official Visitor Registers from Christmas Island and offshore detention facilities, which records the number of visits requested and whether they were approved or denied. I know already that the Australian Human Rights Commission and Immigration Ombudsman have been denied access to Manus Island and Nauru, as have several media organisations. That information cost over \$300 and I have yet to see the release.

I usually have to appeal the results of Freedom Of Information requests to obtain a release without unreasonable redactions.

In the UK, where only some asylum seekers are detained, anyone can visit immigration detention facilities at any time. In Turkey, Jordan, Iraq, Pakistan and Kenya, media can roam where they please through refugee camps.

Independent reports from Manus show that it has been host to horrors that the government would have motive to hide.

The problem is we don't have the whole story. Nor have we seen the cells that resemble cages used to house mentally vulnerable people, the boredom, the lack of fresh water, high risk of malaria and other tropical diseases, and dire sanitation facilities.

Then there's the listlessness. Our forthcoming research, based on data tabled in Parliament by the Ombudsman, shows nearly three-quarters of asylum seekers in detention for more than two years have mental illness. That number is far higher in offshore facilities, where self-harm and attempted suicide are regular occurrences.

Last Tuesday, we started a petition to ask Scott Morrison to allow journalists into Manus. More than 25,000 people have signed it so far. We believe that when Australians see independent evidence of Australia's needlessly cruel treatment of asylum seekers, the country will have pause to reflect on the need to deter "boat people" from reaching our shores at any cost. It is time for that to happen.

Australians, whether they agree with our treatment of asylum seekers or not, have the right to know about conditions at detention centres run by our government.

The claims of advocates, which have been verified by the mainstream media, are so wildly divergent to the Government's version of events that they hardly coincide at all. In a free democratic society, we must demand better. If the Prime Minister stands behind freedom of speech, he must end the policy of secrecy that is enabling human rights abuse, and allow journalists to document conditions of detention.

Ben Pynt is Director of Human Rights Advocacy at Humanitarian Research Partners.

<http://www.theage.com.au/comment/we-need-to-see-manus-island-20140224-33bk1.html>

Leanne Weber: How 'Legal' Is A Refugee Riot?

In Europe, where human rights law is more accessible, courts have been merciful to refugees who riot and attempt escape. Legal victories are harder to come by here, writes Leanne Weber.

New Matilda

24 Feb 2014

By Leanne Weber

As information slowly seeps out about the appalling violence on Manus Island, human rights defenders are renewing their calls for the closure of the camp. It is not the first time that NGOs and human rights agencies have spoken out about deplorable living conditions, the intolerable pressures created by uncertainty about the future, and the extraordinary folly of dumping vulnerable and desperate people into unchartered, and often hostile, territory.

As the story unfolds, reports increasingly support the view that the events on Manus Island were a planned attack by PNG insiders, not a sudden eruption of violence by detainees. Nevertheless, experience shows that previous unrest in detention centres and episodes of sabotage on asylum seeker boats have been used by politicians as evidence of the dangerousness and unworthiness of the asylum seekers themselves.

In light of this tendency, it is valuable to consider how legal bodies in other countries have viewed instances of escape from custody and violent protest in immigration detention.

In Britain, the Ombudsman's inquiry into the burning down of Yarl's Wood Removal Centre in 2001, while not absolving the instigators of culpability, placed much of the responsibility on poor management and inhumane deportation processes that were driven by hastily imposed removal targets. Criminal charges brought subsequently against some of the detainees descended into "farce" due to inconsistencies in testimony and evidence of malpractice by Group 4 guards.

In Italy, a criminal tribunal in Crotone found in 2012 that detained migrants who rioted and threw stones at security guards in a nearby detention centre were justifiably acting in "legitimate defence", because they were being held in contravention of the EU Return Directive which stipulates that detention must be used as a "last resort". The court expressed the remarkable view that the group faced a situation where they could not expect the rule of law to protect their fundamental human rights. The detention centre was apparently destroyed soon after in another large-scale revolt.

Also in 2012, a local court in Igoumenitsa, Greece dismissed criminal charges against 15 migrants who escaped from long term detention in police cells, after wrestling with the guards. The court took the view that escape was a reasonable act of self-preservation given the appalling and life-threatening conditions in which the men were being held.

No doubt there are other court decisions relating to resistance and disruptive behaviour by immigration detainees that are less favourable to a human rights position. But the cases discussed here support what human rights campaigners already know: that indefinite detention in poorly regulated facilities is likely to produce misery, chaos and violence.

In both the Italian and Greek cases discussed above, courts made explicit reference to the European Convention of Human Rights in formulating their reasons for absolving detainees of criminal liability. Another important case involving human rights law supported the repeated criticisms

about appalling detention conditions in Greece made by the Committee for the Prevention of Torture.

In January 2011, the European Court of Human Rights held that the return of asylum seekers to Greece from other European countries under the Dublin Convention was unlawful because it would expose them to cruel, inhuman and degrading treatment. This led many European countries to suspend removals to that country, at least temporarily.

In this country, international human rights law is nowhere near as accessible as in Europe. The High Court of Australia did support a human rights position when it struck down the "refugee swapping" deal with Malaysia proposed by the Gillard government. However, the outsourcing of detention to other countries, while it certainly does not absolve the Australian government of their duty of care, creates practical and legal obstacles which make the prospects for legal remedies even more remote.

It might well be argued that we don't need courts to tell us what is, and is not, a just and reasonable way to treat other human beings; and that political activism with a view to preventing abuses is a more powerful tool than belated legal redress. There is value in both these views, but victories for human rights in the legal domain can lend authority and provide sustenance to political action.

<https://newmatilda.com//2014/02/23/how-legal-refugee-riot>

Mark Kenny: Tony Abbott's plain speaking on Scott Morrison descends into nonsense

The Age

February 25, 2014

Mark Kenny

Tony Abbott's straight talking was welcomed after the market-tested patois of Kevin Rudd and Julia Gillard.

But Abbott's statement, "You don't want a wimp running border protection, you want someone who is strong, who is decent, and Scott Morrison is both strong and decent", is a case of plain speaking descending into plain nonsense. The assertion that Morrison is "decent" is one with which some might quibble, although not many in his party room, who see him as a hero.

There will be less disagreement over his strength. Wrongly directed, however, strength is the very opposite of virtue. Or put another way, a degree of wimpishness might be preferable to cruel certitude when taking absolute control over the lives and safety of thousands of vulnerable people.

That Morrison is a formidable advocate is not in question.

It is just that his strength does rather seem to have overwhelmed all else, including the government's legal and moral responsibilities to those it is "supporting".

Unpacked, Abbott's argument is that what many view as Morrison's zealotry is attenuated by the man's fundamental decency. Maybe, but where's the evidence? Why did the minister so readily impute negative motives and apportion fault to asylum seekers in the immediate aftermath of last week's alleged riots?

Why did he initially appear so confident of the role of the private contractors running the Manus Island facility, and the PNG police for that matter, after the violence that left so many injured, one dead and the rest frightened for their lives?

Consider his words: "I can guarantee their safety when they remain in the centre and act co-operatively with those who are trying to provide them with support and accommodation. When people engage in violent acts and in disorderly behaviour and breach fences and get involved in that sort of behaviour and go to the other side of the fence, well they will be subject to law enforcement as applies in Papua New Guinea."

"Guarantee their safety ... [if they] act co-operatively ... [but not if they] get involved in that sort of behaviour"?

Such comments were prejudicial at best. With diminishing evidence of their own moral position, Morrison and Abbott are pleading with Australians to be granted the benefit of the doubt - a benefit they quickly denied the powerless souls in their care.

www.theage.com.au/federal-politics/political-opinion/tony-abbotts-plain-speaking-on-scott-morrison-descends-into-nonsense-20140224-33d5h.html

Manus Island: How information is kept 'under control'

The Age

February 25, 2014 - 3:19PM

Rory Callinan

I've seen some censorship in my 20-plus years as a journalist reporting from Australia and various countries in the Asia Pacific region.

But what I saw on Manus Island in Papua New Guinea has made me uneasy about press freedom in the Pacific and the Australian Government's approach to reporting on the detention centre.

Last week photographer Nick Moir and I were on the island to report on the aftermath of the riot at the detention centre, which left one asylum seeker dead and about 70 injured.

Within hours of arriving, staff from G4S, the private security company employed by the Australian Government to manage the centre, had manhandled Nick, confiscated his camera and forced him to delete photographs in order to censor news.

This occurred after Nick and I visited the island's hospital more than 14 kilometres from the detention centre and supposedly under the jurisdiction of the PNG Government.

We had gone to the hospital in order to check if appropriate procedures were being taken in relation to secure the body of Reza Berati.

When we arrived at the hospital, we quickly established that G4S, whose staff are suspects in the death, were still in control of the body in the hospital morgue.

They had their own guards – PNG nationals – posted all around the morgue and were controlling access – despite the fact the hospital has its own independent security personnel.

Later, as we were about to leave the hospital and were explaining to the G4S morgue guards that we were journalists, a G4S bus carrying several injured asylum seekers arrived in the carpark.

They appeared happy to be photographed but as soon as Nick started taking shots, the G4S staff pushed Nick up against a car and took his camera.

They refused to return it despite being asked to do so by an Australian G4S employee. They also said we could not leave and had to remain at the hospital until we spoke to their boss, who would attend shortly.

When their boss, a PNG national, arrived, he yelled at Nick, telling him that he should not be taking photos. He only agreed to hand back the camera after Nick had deleted the photographs in front of him – something he did quickly and we left.

Nick was later able to recover the photographs, which were published.

Later, reports surfaced that Nick had been arrested and detained. This was plainly wrong, as it is the police who have the powers to arrest and detain – not Australian taxpayer funded private security companies - or so you would think.

The next day I was the only member of the media present when the Australian Government's riot investigator, Lieutenant-General Angus Campbell, arrived to see the cage that doubles as a jail cell at the Manus Island Police station - the same building where six asylum seekers were locked up with alleged murderers and rapists after the riots.

This time it wasn't a security guard but an Australian taxpayer-funded Immigration Department official who intervened.

As Lt-Gen Campbell and the local police commander moved to inspect the cage, the Australian Immigration official physically tried to block me from entering the space to photograph and observe the visit.

Realising that I was ignoring him, the official scuttled over to the police commander and said words to the effect that I should not be allowed to take photos.

The police commander seized my camera and phone. Later, as I waited for their return, he physically prevented me from writing in my laptop. (It should be noted that Lt Gen Campbell approached me and said he had nothing to do with the seizure of the equipment but nor did he arrange its return).

I was only able to get the items back hours later after agreeing to delete all photos from the camera and the article on the laptop about the visit. I also had to listen to a lecture from the commander about how he controlled information on the island.

The photos and the article were recovered and published.

The following day it was the ABC's turn.

The public broadcaster's PNG correspondent, Liam Cochrane, did a piece to camera with the hospital in the background.

A short time later a carload of police arrived at his hotel and ordered him and the ABC's cameraman to report to the police station. Cochrane did as asked and soon returned, saying he had been given another lecture that the police commander forbade any filming of the police station and the hospital without his permission. We joked about what would be left to film.

While all this poses something of a nuisance for Australian journalists and did not involve any severe physical violence, it represents a highly disturbing trend of censorship in a delicately poised third world country.

PNG, like many nations in the Pacific, has an enthusiastic and vibrant press but its journalists are already prone to dangerous threats and censorship.

Journalists in its highlands often get death threats or worse during election campaigns. Elsewhere others have been attacked for reporting on some of the serious crime and corruption that takes place in the country or have faced vexatious defamation claims directed at terrorising their editors into censoring critical copy.

Illegal logging is a major issue - and one of the country's two newspapers has been owned by a controversial logging company.

Now PNG authorities are learning from Australians how to restrict the press.

Reporting about police is a serious business on Manus Island. It should be remembered that some of the Mobile Squad police (not the police commander) posted to the island are themselves suspects in the killing of Mr Berati during the riot.

And that last year, officers from the same heavily armed unit beat to death a young Manus Island man in the main street.

The Australian Immigration official who sought PNG official involvement to restrict my reporting doesn't have to worry about such scenarios or the long-term impact of his actions.

For the locals it's a different story.

A free press is central to democracy in the Pacific and democracy in the region is vitally important to Australia. One only has to look to Fiji to see how badly things can go wrong.

Australian journalists grappling with a lack of information over boat arrivals is one thing. Restricting fair reporting on the ground is quite another matter.

Rory Callinan is a Fairfax Media Investigations reporter.

www.theage.com.au/comment/manus-island-how-information-is-kept-under-control-20140225-33eob.html

Reza Barati's family: 'We want answers. What did they do to him?'

'He went to Australia to seek refuge from his land of dreams, where he could have a life and study but instead he was held in captivity and killed,' says cousin

Saeed Kamali Dehghan

theguardian.com

Wednesday 26 February 2014

The family of the Iranian asylum seeker killed during unrest in a Papua New Guinea detention centre have said they want answers from the Australian government on what happened to him in their custody.

The 23-year-old Reza Barati lost his life after sustaining “multiple head injuries” when violence broke out between asylum seekers and guards earlier this month. He was transferred to Manus Island following his arrival in Australia in July.

“First, we want his body to be returned to Iran and then we want answers, what happened to him? What did they do to him?” Barati’s cousin, speaking on behalf of his family, told the Guardian by phone from Tehran.

“He went to Australia to seek refuge from his land of dreams, where he could have a life and study but instead he was held in captivity and killed.”

Barati’s father and cousin are in the Iranian capital, liaising with the Australian embassy and the Iranian foreign ministry, to facilitate the return of the body to his homeland.

Barati was brought up in a low-income family in Lumar, an impoverished city in Iran’s western province of Ilam, close to the border with Iraq. His parents, unable to produce a child for several years due to fertility problems, saw his birth as a miracle.

“After eight frustrating years, God gave them a child which Australia took back from them,” his other cousin said. “He was the first kid and that’s why he was treated with extra care and attention.” Barati has three younger siblings.

When his mother heard about the news of his death, the cousin said, she vowed to sacrifice one of the few cows in their small family farm if it turned out to be untrue. “She’s gone absolutely crazy. She didn’t let anyone into her house to mourn, saying it’s a lie, that Reza is still alive.”

She has since faced the reality and the grieving family awaits the body before it can bury him in accordance with the Islamic mourning ceremony. Australia’s immigration minister, Scott Morrison, has said the family’s request will be met.

Barati belonged to Iran’s Kurdish ethnic minority, whose members often complain about widespread discrimination and inequality in the Islamic republic. In recent years, Iran has launched a harsh crackdown on its Kurdish activists and has put to death a number of them on charges related to separatism or being “an enemy of God”. But human rights activists say many of the Kurdish activists in Iranian jails are not separatists and merely want equal rights.

Among those executed recently is Farzad Kamangar, a teacher from Iran's Kurdistan who was hanged in May 2010 for being "an enemy of God". International human rights groups condemned his execution.

Asked whether Barati's asylum case had anything to do with him being a Kurd, his cousin said: "Extremely possible." On his Facebook page, Barati has a Kurdistan flag as his profile picture. The flag is banned in Iran. In one of his latest posts, Barati has published a picture of a Kurdish man and woman in Iran dancing together. The practice of mixed dancing is banned and punishable by lashing in Iran.

A former school friend of Barati in Lumar said: "Before leaving Iran, Reza said life in Australia is better, there people can get their rights. Now, I wonder."

Borrowing money from family and friends, Barati embarked on a journey to Australia with some \$9600. "He doesn't have a wealthy family, so they had to borrow and promise payback before coming to Australia but it meant so much to him that when I last spoke to him on Facebook, he said he was prepared to stay in an Australian jail for 10 years than return to Iran," the cousin said.

In his entire family, Barati was the only one to have gone to university, where he studied architecture. "I remember it very well, that every day he used to take a 45-kilometre journey on a motorbike to get to his university in Sarableh because his family couldn't afford him to take taxi or bus," his cousin said. "He was a lovely person, tall and sturdy with a big heart. He used to help his family with gardening and farming and that very much shaped his personality as well as his strong body."

Contractors who spent time with him on Manus Island have described him as popular, joker and "gentle giant", eager to learn English. "Every two or three days, he used to come on Facebook and every other time, he used to say something in English, he was passionate with learning, things like saying 'don't worry for me, I'm taking care of myself'," the cousin said.

The circumstances surrounding Barati's death are still unclear with conflicting reports about the details of the unrest. A preliminary Papua New Guinea police report said the death was caused by multiple head injuries but it did not identify the exact reason he died. Apart from Barati, 60 other people were injured during the island's clashes. Barati's death has prompted outcry in Australia, with thousands holding vigils.

Azita Bokan, an official interpreter who witnessed the rioting, has since come forward offering her account of events and blaming the local employees of security group G4S. She has said speaking out has cost her the job she had with the Australian Immigration Department.

In an interview with the ABC, Bokan gave a detailed account of the horrifying unrest, saying asylum seekers were apparently told just a few days before the outbreak that they will never set foot in Australia, or in a third country. Morrison has denied this.

"When they closed all options on them ... it was a feel of eerie in the camp, I personally expected we are going to have people [commit] suicide constantly, however, it's massive inspection [in the camp]. They make sure there's no object they can use for suicide," she told the ABC. "They took everything they had from them ... I expected something to happen... because the hope was taken from them."

In her life, she said, she has experienced the Islamic revolution in Iran and the eight-year Iran-Iraq war but what she saw in Manus Island was unlike any other ordeal she has faced.

“What is in Australia, it does not apply there. I was in Darwin, I was in other detention centres. Nothing compares to what you see in Manus Island,” she told the ABC. “I never would’ve thought under Australia’s name we do anything like that.”

G4S has said it will take the allegations seriously but said personnel on duty during the unrest acted with courage and determination to protect the asylum seekers.

“G4S is concerned by allegations that Papua New Guinea nationals working for G4S may have been involved in the violence against transferees on Manus Island,” the security firm said.

The number of Iranian asylum cases with the Australian Refugee Review Tribunal rose to 232 in 2012-2013, from 17 in 2008-09, the Guardian has learned. In 2012-13, of those 232 cases, about 61% (130 cases) were set aside, meaning the Immigration Department will later reconsider them in accordance with a tribunal ruling or a new decision. As of September 2013, the tribunal had 171 active Iranian cases. Most Iranian cases in Australia involve political activism, or being a member of a religious or sexual minority.

www.theguardian.com/world/2014/feb/27/reza-baratis-family-we-want-answers-what-did-they-do-to-him

Tony Wright: Lights out on Manus death as review clouds the truth

The Age

February 26, 2014

Tony Wright

Review. It's such a benign word, beloved of bureaucrats, politicians and military chiefs alike when things become awkward.

Not much more than an audit, really. Nothing so alarming as a probe or an inquisition.

There was something close to desultory about the events of Tuesday in committee room 1S2 within Australia's great Parliament House, despite the subject.

Over long hours a clutch of senators attempted to explore what might have happened on Manus Island a week before, when a man supposed to be in Australia's care was, most probably, the victim of homicide, and scores more had their heads broken.

And what was the finding? Don't hold your breath.

The details of the entire unfortunate matter were too complicated and clouded by conflicting reports, according to very experienced bureaucrat Martin Bowles, who is secretary - public-service speak for chief - of the Department of Immigration and Border Protection.

What might have happened would be the subject of, yes, a review, he declared, and kept declaring, having clutched it as a shield.

There might be an interim report by the end of next month, and an actual report a month after that. Until then, why, reviewing would take place, and it wouldn't do at all in the meantime to attempt to shed actual light on what might have happened when the lights went out on Manus Island.

But what of the 23-year-old man who might, in high probability, have been murdered? And the scores of others who had their heads broken?

The Australian Federal Police wouldn't be investigating, or any other Australian police. Not even reviewing. It was a matter for the Papua New Guinea police. So urgent is the matter to the PNG police, apparently, that a week after the man had his head stoved in by persons unknown within Australia's outsourced detention centre, a post-mortem had not yet taken place. His body was being transported to Port Moresby, a week post-mortem.

There was no mention of a review of this lack of urgency. Papua New Guinea was a sovereign nation. With, you'd presume, its own sovereign time. Of the 1340 asylum seekers on Manus Island, 1339 now, not one has been processed for refugee status.

While the lights might as well have remained out awaiting a review on matters life and death in committee room 1S2, across Parliament House, Prime Minister Tony Abbott and his ministers were demanding a rather greater sense of urgency about taking an axe to a reliable old hobgoblin.

The carbon tax had to go. It was destroying jobs, destroying Qantas, wrecking the joint.

"As I've been saying repeatedly for years now," Abbott hollered, unnecessarily, "the carbon tax is a \$9 billion hit, a \$9 billion-a-year hit on jobs as well as being a \$550-a-year hit on every household's cost of living. They're terrible taxes. The carbon tax will reduce the aluminium industry by over 60 per cent. It will reduce the steel industry by 20 per cent ..."

The cry was taken up as if no one had heard it before, the judgment made, the death sentence demanded. No requirement for a review, lest the facts get in the way of a tallish story.

www.theage.com.au/federal-politics/political-opinion/lights-out-on-manus-death-as-review-clouds-the-truth-20140225-33ft1.html

If G4S is to blame for Manus violence, the government has blood on its hands

The private security firm's alleged role in the Manus riots will not surprise anyone familiar with the history of serious abuse allegations faced by the company, from South Africa to the UK

Katherine Fallah

theguardian.com

Thursday 27 February 2014

Accounts of the fatal violence on Manus Island took a more sinister turn on Tuesday, as it emerged that G4S guards allegedly opened the doors of the camp to a local dog squad and PNG police, hours before the riots erupted and in the knowledge of threats against detainees by local maintenance staff. The new eyewitness account bolsters allegations that G4S is directly or indirectly responsible for the bloodbath that ensued.

The private security firm's role in the riots, though shocking, comes as no surprise to anyone familiar with the history of abuse allegations that have been levelled at G4S and Serco in their detention operations abroad.

In the past six months alone, G4S and Serco have been embroiled in allegations of outrageous proportion.

In October 2013, South African authorities assumed control of a G4S-run prison, after it descended into violent chaos amid allegations of torture of inmates by G4S guards. Among the allegations are that G4S guards forcibly injected inmates with anti-psychotic drugs, even though they were not suffering from psychosis, and administered electric shocks for purely disciplinary reasons. G4S denies all allegations of abuse, but a G4S employee said guards used electric shields because they were "hopelessly outnumbered by dangerous prisoners."

The prison broke out into riots and, on three occasions, prisoners took G4S guards hostage. South African authorities intervened after finding the firm had "lost effective control" of the prison.

Serco's most recent scandals in the United Kingdom have included allegations of sexual abuse in Yarl's Wood immigration removal centre, where detainees await deportation from the UK. Detainees have alleged sexual and indecent assault, and identified systemic patterns of sexual abuse of vulnerable detainees who are led to believe that succumbing to guards' demands for sexual favours represents their only hope of being released from detention.

Serco denies the allegations of abuse, and the only disciplinary action has been to dismiss an employee for "inappropriate behaviour with a resident", (closer to home, and only a couple of months after the Yarl's Wood dismissal, a Serco guard on Christmas Island was sacked for entering into a sexual relationship with a detainee.)

More shocking still is Australia's apparent indifference to allegations against its contractors. The fact is, each time allegations surface, Australia is put on notice about the risk of similar allegations occurring in its own offshore immigration detention centres. Given the track records of G4S and Serco, the public should demand to know how the Australian government could possibly be satisfied of the firms' competence to ensure the safety and welfare of detainees in their care.

During Question Time on Monday, Scott Morrison insisted that Papua New Guinea was ultimately in control of the Manus Island detention centre. The implication is clear: the Australian government is attempting to distance itself from G4S and from the reports of what occurred there. But the fact is that G4S is on Manus Island thanks to a contract with the Australian government. It is being paid with Australian taxpayer dollars, in furtherance of an Australian government policy.

Transfield's impending takeover of the G4S contract on Manus Island does little to assuage concerns about detainee welfare. Transfield comes with a different track record problem, in that it barely has one. Transfield is starting off on the wrong foot if it thinks debate about the administration of offshore immigration detention is no different from controversy over its role in major infrastructure projects such as the Sydney Harbour Tunnel. Ensuring the welfare of vulnerable and traumatised people is not like building a road.

If nothing else, the abuse allegations against contractors demonstrate that outsourcing immigration detention requires an abundance of oversight, not a cloak of secrecy.

Australia should, like South Africa, assume public control of its privatised detention centres until it can absolutely guarantee the safety and welfare of detainees. And it should, like the United Kingdom, place an embargo on Serco and G4S from signing any new contracts while it undertakes a full, public investigation of all allegations of contractor abuse.

The very least we can do is end outsourcing of detention operations and assume public control of the camps that hold some of the most vulnerable people in the world. In failing to control its contractors on Manus Island, it might be that the Australian government does indeed have blood on its hands.

www.theguardian.com/commentisfree/2014/feb/28/if-g4s-is-to-blame-for-manus-violence-the-government-has-blood-on-its-hands

Elizabeth Farrelly: Refugee rage leaves us fenced in by fear

The Age

February 27, 2014

Elizabeth Farrelly

Say there was civil war here. Say some West Australian mining despot took power and began censoring news, jailing journalists, disappearing opponents. Say you were dragged from your bed, interrogated at midnight, your kids threatened with rape and torture. It's not so far fetched. Would you patiently wait your turn? Line up for a visa to Switzerland or the US? Or would you grab your kids and cash and hop in the first boat?

It probably wouldn't take much to scare most of us into Plan B. Yet because we steadfastly resist this exchange of viewpoints, "stopping the boats" has become a political grail. It's not new. Just voicing the hate hands any leader a nice fizzy Berocca. Tampa did it for Howard, the Falklands for Thatcher. But Australia's boat-hate, having become bipartisan, is now a fixture.

Labor's Richard Marles bleats that minister Scott Morrison has "no idea". But notice he does not attack the policy. That's because the Pacific solution has been Labor policy too, for decades. Hawke built the first detention centres (or, more properly, concentration camps). Terrifying fact: anything can be legitimised by bipartisanship.

It's terrifying because this means it's not coming from the polities but from us. Howard and Ruddock, Gillard and Abbott, tapped quite cynically into Australia's deep seam of Hansonite xenophobia. Now Hanson has gone but the hate-wells are still open, gushing red like the earth we refuse to share, and the blood we spill defending it.

Australia is no longer girt just by sea. Refugee rage has fortified our continent behind barbed and tangly emotion. Its main strand is fear. Ruddock played to our post-September 11, 2001 fears that boat people were tainted: that they were rich (enough to pay people smugglers), probably criminal and possibly terrorist. Fear makes us harsh, as in 1930s Germany and any populace that accommodates an inhumane regime.

"If these people are asylum seekers, then they have the right of asylum seekers, that is, to live in a camp, stateless, forever, like the Palestinians," says one commentator on the ABC's blog. Another: "If UNHCR reckons the living conditions should improve, let them pay for it. Not out of my taxes thank you!" Yet another: "HOT????????? Didn't they destroy all their buildings and AC units not so long back. I live in the tropics and can't afford AC so no sympathy from here I'm afraid."

These are typical sentiments. There's probably some guilt in there too, since many asylum seekers are from countries we have helped destroy. Guilt and fear are a dangerous mix.

Yet in this whole immigration shemozzle three things are abundantly clear. One, that we are all boat people. Two, that it is not illegal to seek asylum in a foreign country. Three, that Australia's detention islands, which fulfil the pre-WWII definition of the term "concentration camp", breach international law.

None of us, except perhaps Aborigines, are here by right. Many of our ancestors came explicitly as criminals. Most of those, having arrived, colluded in what would now be war crimes. We just wrote our own rights, and our own rules.

We're still doing it. Morrison may instruct staff to call asylum seekers "illegals" and "detainees" but there is a name for this conscious political untruth. Propaganda.

Article 31 of the UN Refugee Convention - which we naturally signed - forbids host countries from penalising refugees who declare themselves and show cause. Articles 32 and 33 forbid their expulsion or refoulement to any place of endangerment through race, religion or belief.

Article 26 requires the host to allow free movement. Articles 27 and 28 require provision of identity and travel documents. Other articles require the same rights to education, housing, employment, artistic freedom, social security and "sympathetic consideration" as accorded to nationals. Article 16 requires free access to courts of law.

Yet we detain people without proof or charge. We deny them freedom of speech or movement without limit or reason. And although the Abbott government pretends that "stopping the boats" saves lives, we cage them in such hot, crowded and brutalised despair that they riot, suicide and abort babies rather than continue. We forbid reportage. We censor news.

These are matters of fact. Together, they reveal our immigration policy as nimbyism of the ugliest sort and grandest possible scale.

The three island camps - Manus, Christmas, Nauru - now hold about 4300 people in unlimited detention. This includes three times as many men as women and some 556 children. We undertook to care for these people yet, in "processing" them, we let them stew for perhaps six years in a violent and rat-infested hell-hole.

Outsourcing their care and protection to the tender mercies of security and construction companies, we put the likes of former Sri Lankan military officer Dinesh Perera in charge of already vulnerable people, including some 30 ethnic Tamils. Worst of all, we gag them. Picture it. How would you fare? Or your kids? Then we drop this entire volatile mix into Papua New Guinea? Hello?

This is shameful. We know this when even China can credibly critique our human rights record. But it is also deeply unintelligent.

The more obvious it becomes that we, as a species, are all in this leaky boat together, the more determinedly we cast our dodgy coracle off from the mother ship, presuming that all those others can only drag us down. But there's another possibility. They could keep us afloat.

But whatever our emotional baggage, our people are our wealth. A principal reason for America's success has been its unpatrollable southern border, bringing an endless supply of exploitable wetbacks. I'm not suggesting exploitation is a good thing. Just that the benefits of poor and desperate immigration are two-way. They get safety. We get their will-to-betterment.

Sure, we're territorial creatures. From the towel on the sand to the continental cordon, territory is instinctual. But compassion and co-operation are also wealth-creating instincts. With half an eye on that sandgroper tyrant, yanking us from our dreams, we should invoke the old rule. Do as you would be done by.

<http://www.theage.com.au/comment/refugee-rage-leaves-us-fenced-in-by-fear-20140226-33i6r.html>

Stewart West: Time to live up to our refugee responsibilities

As a UNHCR signatory, Australia needs a humane regional strategy for processing asylum seekers.

*The Age
February 27, 2014
Stewart West*

Labor and the Coalition believe incarcerating asylum seekers on Manus Island and Nauru is necessary to "stop the boats". They believe in savage and severe deterrents designed to destroy morale and create despair.

But consider the asylum seekers' situation. They face deliberate and prolonged delays in evaluation of their refugee status. By deferring evaluation, they virtually face indefinite imprisonment and danger in what is described as a "horror hellhole". They are told they will never be resettled in Australia, even if found to be genuine refugees.

Their only chance is in Papua New Guinea - a poor nation suffering from violence and disorder. If they return to Afghanistan, for example, they will be put in a very dangerous situation.

This is brutal behaviour from the Australian government and opposition. We are signatories to the United Nations High Commission for Refugees convention. We have pledged to consider claims for asylum, but we have reneged on our responsibilities.

The Abbott government considers asylum seekers to be "illegal", but they shouldn't be labelled thus if they claim asylum and have not been evaluated. If evaluation is successful, asylum seekers should be resettled; if unsuccessful, they can be returned to their home country.

Is the government itself acting illegally by placing them in indefinite incarceration within a dangerous environment?

This is a shockingly negative refugee policy for any country, let alone a long-term signatory to the UNHCR.

Labor's actions in the recent election campaign also contravened Australia's obligations as a UNHCR signatory. Dumping asylum seekers on Manus Island and Nauru was a Labor policy. Were we trying to be tougher than the Coalition to gain votes? If so, Labor made a very bad error with its shock-and-horror deterrent policy. We drove caring voters away, it was inhumane, politically stupid, and it led to what we witnessed last week.

Labor and the Coalition have acted shamefully and disgracefully. They have ignored UNHCR criticism and damaged a proud Australian record created by both the Fraser and Hawke governments.

The savage deterrent procedures supported by the government and Labor subject asylum seekers to mental and physical abuse. They have no place in a civilised society.

Papua New Guinea and Nauru do not deserve to be dragged into this saga of irresponsibility and incompetence.

Brutal deterrents may "stop the boats" but such policies are primarily aimed at those seeking to avoid greater dangers in their homeland. When asylum seekers leave their own country in mortal fear, severe deterrents won't stop them.

So, as the US and Australia leave Afghanistan, be very concerned for those who sided with American and Australian forces.

Tony Abbott and Scott Morrison are determined to extend the agony. But Labor has a chance to redeem itself. Hordes of furious ALP members and supporters are very determined that the party change direction.

Malcolm Fraser recently pointed to the Houston committee recommendation of 27,000 refugee places over five years. Good policy, but even so, more needs to be done.

Like it or not, Australia does need further assistance. So what's to be done? Regionalism is the answer.

There wasn't a refugee exodus from Afghanistan until the invasion by the US, Australia and other nations. When an invasion occurs, the invading nations own the result and the responsibilities. Unlike post-Vietnam, the US has not accepted responsibility by resettling successful refugee applicants.

A regional approach that accepts responsibility under the auspices of the UNHCR convention should have been demanded much earlier from the US. Such action is well overdue.

We need to co-operate with neighbouring countries.

Centres should be set up in countries of first refuge, such as Indonesia and Malaysia. Resettlement countries, such as the US, Australia and other participants in the Afghan War, plus the UNHCR, should allocate staff to such centres to evaluate asylum seekers. Successful applicants should then be given places in resettlement countries, while unsuccessful applicants should return to their home country.

If positively evaluated in centres under a regional policy, there would be no concerns regarding "boat people". Successful refugees would travel to resettlement countries by plane, just as they did after the Vietnam War and just like those who come by plane on tourist visas and then seek residency or refugee status in Australia.

Stewart West was immigration minister in the Hawke government.

www.theage.com.au/comment/time-to-live-up-to-our-refugee-responsibilities-20140226-33i9n.html

John Birmingham: Conroy right to highlight lack of transparency

The Age

February 27, 2014

John Birmingham (Blunt Instrument)

General Angus Campbell is a soldier. He follows orders. He cannot seriously question those orders without resigning his commission. He cannot even reflect on government policy without resigning his commission. General Angus Campbell, like the men and women under him effectively has no opinion on the government's use of the military to intercept and turn back asylum seekers.

And be not mistaken, this is a good thing.

You do not want to live in a country where the military makes policy.

But living in a country where the worst sort of people, the liars and scum and vicious misanthropes make policy, and where they use the armed forces of the nation not just to enforce that policy, but to surround it with the reflected aura of Anzac, that is not such a good thing.

Because that country sucks. That's a not a country to be proud of. That's not a country to love.

That's the sort of country that gets called out for lulz by egregious hypocrites like China and Iran 'for violating the human rights'. That's right, you're living in a country that the worst regimes in the world feel comfortable criticising as a human rights abuser. Nice work, Australia.

That's the sort of country that forces decent men and women who have taken an oath to serve, to not serve the national interest but rather sectional, partisan interests that are deeply destructive to the esteem in which that service would otherwise be held.

So Senator Conroy is right to call General Angus Campbell to account for the lack of transparency in the use of Australian military forces to seal the borders against the hungry and the wretched and the damned, even if Conroy and his party played their own ignoble role in turning away the seekers.

In free, decent countries, where the military stays quietly in its barracks, and callous deceivers and hypocrites do not debauch the public offices and discourse, in those countries it is considered a matter of no great import for tendentious policy and those who implement it to be questioned with the utmost vigour.

In this country though, that is not the way of late. In this country the worst are full of a passionate intensity, the best lack not conviction, but the means to effect that conviction in any way beyond gathering in their thousands, impotent and grieving with candles to mourn the murder of one such as Reza Barati, his head smashed to a pulp of bone shards and blood and grey offal as a consequence of public policy.

A policy it is apparently wrong of Senator Conroy to question.

Poor, poor fellow my country.

www.theage.com.au/comment/blogs/blunt-instrument/conroy-right-to-highlight-lack-of-transparency-20140227-33j6r.html

Sophie Morris: Rudd's backbench role in the Manus Island crisis

The death of Reza Barati last week had its beginnings on the Labor backbenches, where Kevin Rudd was plotting his return as leader.

Sophie Morris
The Saturday Paper
Feb 28, 2014

Reza Barati was probably on Java, waiting for a boat, when Kevin Rudd made his dash to PNG. Rudd's aim was a deal that would send asylum seekers to Manus Island and prevent them ever reaching Australia. It was delivered days later in a two-page agreement.

Barati's death by head injury and the conflicting accounts of how it occurred at a detention centre on Manus Island have exposed the inability of the Australian government to guarantee the safety of asylum seekers.

The riots are a reminder that Australia is paying to keep 1300 people locked up there. Many have refused to go home; but for others, there is no clear alternative.

The Rudd deal was a political strategy devised on the eve of the 2013 federal election, with a view to neutralising one of the Coalition's most devastating lines of attack. In this, it succeeded.

Supporters of offshore detention from both Labor and the Coalition say the Manus arrangement has stopped the boats. It has broken the people smugglers' business model, they say, and saved the lives of many who would otherwise have risked death at sea.

Labor's immigration spokesman, Richard Marles, who accompanied Rudd to PNG when the deal was struck, is proud of it. "I cannot emphasise strongly enough how important the PNG arrangement is in the Australian strategy of seeing a reduction in the boats coming and a reduction in the drownings at sea," he tells *The Saturday Paper*. "Unquestionably, it is saving lives and therefore has a very strong humanitarian aspect to it."

Marles believes the arrangement must be extended when the initial 12-month period expires in July. He also believes it is important PNG locals are still employed within the centre, despite reports local guards and police meted out violence against detainees. He worries that Manus Islanders will be demonised.

But for the thousands of Australians who attended candlelight vigils to pay tribute to Barati, who was described by detention centre staff as a "gentle giant", there is a sense of shock that it has come to this.

Azita Bokan, an Australian who worked as an interpreter at the Manus detention centre in the lead-up to the riots on Monday, February 17, expresses this sentiment: "Under our flag do not kill and do not waste life."

Bokan was not in the detention centre the night Barati was killed, but she looked on from the staff accommodation vessel that floats beside it. She heard shots and watched as a doctor struggled to force a tube into the neck of an asylum seeker whose throat had been slashed. Another, she saw, had horrific head injuries. "He had no brain. He had nothing on his neck. His skull was crushed."

Rudd's agreement

While Labor set up the deal during its final weeks in government, the Coalition has been responsible for its implementation. It has cloaked its border protection policies in secrecy, and the violence on Manus Island has shown information released by the government cannot always be relied on.

Immigration Minister Scott Morrison initially claimed Barati's fatal injury occurred outside the centre, where he said his safety could not be guaranteed. He has since admitted this statement was wrong and "the majority of the riotous behaviour that occurred, and the response to that behaviour to restore order to the centre, took place within the perimeter of the centre".

Morrison issued this clarification late Saturday night, when it would attract minimal media coverage. He insists the government will not be "intimidated" into changing its policy.

"On this occasion the centre has not been destroyed, the centre will be able to resume operations as it has this morning," he said the morning after Barati's death. "Breakfast has been served."

As the government flags cuts to other spending, the cost of offshore processing continues to rise. It has just signed a \$1.2 billion deal with Transfield Services to run detention centres on Manus Island – which was being run by G4S – for 20 months. The company will continue to run facilities on Nauru. The contract represents just a portion of the cost of the scheme, which also included an extra \$400 million in aid.

Rudd is not necessarily the beginning of this story. We could go back to the eve of the 2001 election, when the Howard government refused to allow the Norwegian freighter, the Tampa, to land asylum seekers it had rescued. Howard hastily devised the "Pacific Solution", but 9 out of ten of the asylum seekers sent to Manus Island and Nauru under that scheme were eventually settled in Australia.

Or we could start in June 2010, when Rudd implied one of the reasons he had been rolled as prime minister was that he refused to "lurch to the Right" on the issue of asylum seekers, laying claim to the moral high ground over Julia Gillard.

But the straightest course back is seven months ago, to last July, when Barati was still alive and hopeful of reaching Australia. Rudd, after two failed attempts, had finally on June 26 engineered his return to power.

During his protracted comeback, Rudd had much time to consider his first days back in office. He hit the ground running.

Stopping the boats was one of the issues – along with the carbon tax and party reform – that he needed to deal with before calling an election.

Almost 17,000 asylum seekers had arrived in Australia by boat in the first six months of 2013, the same number as had arrived in the previous 12 months. There is no precise record of how many have died at sea but estimates put it at more than 1000 in the past six years.

These deaths weighed heavily on the conscience of politicians as they struggled in 2012 to find a policy that would stop people undertaking the journey.

Julia Gillard's two attempts to stop the boats had failed. Her overtures to East Timor in 2010 were rebuffed and her so-called Malaysia Solution, to send 800 asylum seekers to the back of the queue

in Malaysia and accept 4000 refugees from there, was defeated by the High Court in 2011 and then rejected by the Coalition and the Greens.

In 2012 the government reopened the camps on Manus Island and Nauru. But still the boats came. Rudd watched Gillard's failures and realised he had to square away a deal with PNG prime minister Peter O'Neill before making it public.

Former staff suspect Rudd had begun working on the plan while on the backbench, possibly canvassing it informally with O'Neill in preparation for his comeback. Some in the leadership group recognised it as a "game-changer" on an issue that had dogged the government. Other Labor MPs were shocked by its severity.

Within his first week as PM, Rudd was contemplating a trip to PNG to pursue an agreement that would stem the flow of boats. He discussed this at a meeting in Brisbane with O'Neill.

Rudd confidant and strategist Bruce Hawker writes in his election diaries, *The Rudd Rebellion*, about the trip to PNG on July 14. "Kevin is now in PNG, looking to do the deal on asylum seekers. My only concern is that people on the left will see it as harsh measure. Having said that, it will almost certainly go down well with most people – particularly in Western Sydney, where the problem is felt most acutely," he wrote.

"We have had to go to elaborate lengths to disguise the real purpose of this visit – it's about visa simplification, etc. We have had to take [Richard] Marles as trade minister, so having Immigration Minister [Tony] Burke there doesn't cause too much commentary in the media."

Marles says there was enthusiasm for the deal from the PNG government: normally, it was Australia doling out aid to PNG, but this was PNG helping Australia.

Hawker's book describes the Regional Resettlement Arrangement with PNG as "the beginning of the end of asylum seekers in boats as a huge political negative for Labor".

Another Labor source says Rudd was acutely aware that the deal would be seen in Australia as an about-face and of the need for "careful messaging" to explain it. In a sign of who Rudd was targeting, the story was dropped to Sydney tabloid, *The Daily Telegraph*. Hawker was delighted with the headline: "Ship them out of here. Rudd's secret plan to send boat people to the Third World."

Not only was Rudd sending them there. He was also making it clear that, unlike the Howard government's "Pacific Solution", asylum seekers would never come to Australia. They faced a return home or life in PNG, or in other unspecified countries.

While waiting for O'Neill, Hawker briefed Rudd on some details, including that homosexuality was a crime in PNG. There was a panic in the Labor camp when O'Neill delayed his flight to Brisbane, where he and Rudd were to announce the policy together. He made it just in time for a brief press conference before the television news.

On the day that Rudd announced the deal, riots broke out among the 543 asylum seekers detained on Nauru, causing \$60 million of damage. A report to the Department of Immigration and Citizenship on that incident, released in the past week, observes that the detainees were frustrated at the slow processing of their asylum claims and the uncertainty over their future. The warning is stark: The centres were built too quickly; it was luck that something like what happened last week on Manus did not happen sooner.

“The speed involved to get the Nauru RPC operational within a short period of time [in 2012] compromised the proper assessment and planning required for the safety and security of the facility,” says the report by consultant Keith Hamburger.

“The fact that the incident was contained and stabilised without loss of life or even serious injury, in the experience of the reviewer in similar incidents of this scale, was a remarkable outcome and a credit to all the staff involved.”

Just five days after Rudd unveiled his plan, Reza Barati’s boat arrived on Christmas Island. On August 27, he was transferred to Manus Island. His long wait began.

As Rudd announced the deal with PNG and the dramatic expansion of the existing detention centre on Manus Island, a whistleblower emerged with startling claims. Department of Immigration staff reportedly turned a blind eye to rapes and assaults at the centre. At that time, it housed about 145 people. Rudd wanted it to house 6000.

Rod St George, who had resigned as a G4S guard in April, told SBS TV’s Dateline that the facilities would not serve as a dog kennel in Australia. Detainees had been stockpiling arms and were “quite open that there will come a time where they will break out and people will be killed”.

Tensions boil over on Manus

There was a rush in the coming days to pitch tents and erect marquees. The then immigration minister Tony Burke was anxious to show people smugglers that the government was serious. But he held off on transferring people to the camp, arguing they needed medical checks and that if things were rushed, staff and management would not cope.

Azita Bokan, the interpreter, supported the policy. “I was passionate about stopping this business of people smugglers getting rich ... and people putting their lives in jeopardy and children without their own wish coming through the ocean and getting drowned in the ocean,” she told ABC Radio.

Working on Manus Island would change her mind. She paints a picture of dismal physical conditions and mental despair, of people who are known in immigration parlance as “transferees”. She talks of a man who calls himself “dentist” and pulls teeth from the mouths of malnourished asylum seekers.

Bokan said unrest at the centre, which houses more than 1300 “transferees”, began on Sunday, February 16, after asylum seekers were told that they would never see Australia, that no third country had stepped forward to take them and that PNG was also not an option.

This account was confirmed by Liz Thompson, a migration agent who was on Manus Island to talk to detainees about their options but has since resigned this role.

Nothing could induce her to return to work on Manus. “It’s not designed as a processing facility. It’s designed as an experiment in the active creation of horror to secure the deterrence,” she told SBS.

She said she was instructed by Department of Immigration and Citizenship officials that she must not discuss Australia as an option for detainees but must instead emphasise that, if they did not return home, they would never leave PNG.

On the Sunday, Thompson said, the last hope of detainees leaving the centre faded when a PNG official told them his government would not resettle them.

Tensions rose that afternoon in the Oscar compound. Detainees chanted in protest. Some staff say they were warned by asylum seekers that mounting frustrations would soon boil over, that those who favoured peaceful protest may not be able to rein it in. Manus Island MP Ron Knight has said local guards were taunted and insulted.

On Monday, February 17, Morrison released a statement that all staff were safe and the centre was reported to be calm. Suggestions “that transferees had been informed they would not be settled in Papua New Guinea are false”.

That night, the violence escalated, this time in the Mike compound.

The riot began as the PNG police dog squad was invited into the centre about 9.44pm, according to a guard’s statement reported by Guardian Australia.

According to the statement, detainees started throwing rocks at two officers. The asylum seekers reportedly armed themselves with pipes and covered their faces with T-shirts, becoming increasingly aggressive.

Police turned on detainees, according to the incident report. At 11.30pm, the officer in charge of the centre’s riot team, made up of Papua New Guineans, “lost control” and the team’s members “dispersed into the immediate area of Mike compound”.

Asylum seekers in this compound were described as being “frightened and distracted”. Other reports had them being dragged from their beds and beaten in the darkness. By morning, 77 people were injured. Somewhere, and by someone, Barati was killed.

A PNG police report on the incident, leaked to the media, says guards who were trying to stop asylum seekers rioting were “overpowered” and “seriously assaulted” and that police fired warning shots in the air. The situation would have been worse but for their intervention.

Bokan had lost her job earlier in the day. She was escorted from the centre on the Monday morning, after an altercation during which she intervened on behalf of an injured detainee who had been set upon by G4S guards. “It was barbaric, the things that happened there were barbaric.”

Looming problems with resettlement

The Abbott government has dispatched extra guards following the violence on Manus Island. It has ordered a review by former bureaucrat Rob Cornall. PNG police are conducting a separate investigation.

In the debate on the “Malaysia Solution”, Morrison expressed horror that asylum seekers may be caned in Kuala Lumpur. Now, as minister, he is determined to see through the Manus deal.

Even if the centre remains calm, a very real problem looms: what to do with asylum seekers who are found to be refugees. Conflicting signals have emerged from PNG about whether refugees will be allowed to stay and live there longterm. No other country has offered to take them and such offers are unlikely as Australia’s policy attracts increasing global criticism.

Marles says resettlement is the key to making the Manus arrangement work. He says Morrison and other ministers should be making regular trips to PNG and find a way to settle asylum seekers there.

Labor's agreement with PNG had little detail on how this would work. Marles maintains this was appropriate, as it should be up to PNG to come up with the options, supported by Australia. Much hangs now on whether this is possible.

Australia's government and opposition remain committed to their solution. As Barati's corpse is flown to his family in Iran, Manus Island looks to be among Rudd's most lasting legacies as prime minister. There are 1300 people in a detention centre off PNG, outside our borders but inside our responsibility, and it may not be just once that their apparent hopelessness boils over.

www.thesaturdaypaper.com.au/news/politics/2014/02/28/rudds-backbench-role-the-manus-island-crisis/1393550623

Big bills and tax havens: The business of immigration detention

The Age

February 28, 2014

Ben Butler and Georgia Wilkins

The sacked operator of a controversial immigration detention centre at Manus Island, G4S, paid no Australian tax in 2012, Fairfax Media has learnt.

Financial reports filed with the corporate regulator show the ATO in fact paid G4S a cash refund of \$2.2 million.

In the same year it paid no company tax in its home jurisdiction, the UK, according to a report from the British National Audit Office.

Until this week, G4S held a \$244 million contract to run the Manus Island detention centre, which has been wracked by deadly violence.

A Fairfax Media analysis of contracts issued by the Department of Immigration also shows that:

- At \$900 a day, a bed at the government's two offshore detention centres at Manus Island and Nauru costs more than a luxury suite with a harbour view at five-star Sydney hotel the Shangri-La (which was \$590 a night on Friday).
- The immigration department has given more than \$5.6 billion worth of work to four contractors – G4S, Serco, Transfield and Toll Holdings – since 2003.
- Toll has been paid more than \$3.5 million to provide a kitchen at Manus Island since the centre re-opened in October 2012.
- In its 2012 financial report, which is the most recent available, the local arm of G4S, G4S Australia Holdings, said about \$775,000 of the tax refund was due to it making a loss that year.

However, the remainder was put down to “prior period over provision” and “recognition of previously unrecognised tax losses”.

Asked how the tax refund arose, G4S regional managing director for the southern Pacific, Darren Boyd, said: “The Australian Tax Office determined a refund for G4S in accordance with Australian tax laws.”

“Our only interaction with the ATO was to lodge our tax returns.”

The accounts show that in 2012, the local company paid its UK parent more than \$4 million in fees despite declaring a loss of about \$264,000.

G4S Australia is just one of a sprawling network of group subsidiaries that includes companies in tax havens the British Virgin Islands, the Cayman Islands, Jersey, Luxembourg and Guernsey.

Greg Barton, the Herb Feith Research Professor for the Study of Indonesia at Monash University, said there were “reasons to be critical of G4S and sceptical of the way it structures its business and the services they provide”.

“G4S is like many multinationals in that, because they’re so big and complex and have different parts of their business incorporated in different jurisdictions, it’s very hard to nail down what their actual costs and profits are within Australia,” he said.

“At a time when we’re talking about job losses in the automotive industry, Qantas, and concerns in downturn in investment in mining infrastructure, it does seem strange that [the government] is putting such a large chunk of taxpayers’ money into an international firm that doesn’t even appear to be paying any tax in Australia.”

Mr Boyd said G4S had “a small number of companies located in low tax jurisdictions but a significant proportion of these subsidiaries are normal operating or holding companies”.

He said the company had some “residual” companies in tax havens.

“These are typically entities which we acquired as part of an acquisition, and their existence would not materially impact the level of corporate tax paid by the group,” he said.

www.theage.com.au/business/big-bills-and-tax-havens-the-business-of-immigration-detention-20140228-33pmh.html

Richard Ackland: Welcome back to White Australia

The Age

February 28, 2014

Richard Ackland

Before our eyes, day by day, Scott Morrison becomes the hollow man. His face tightens and twists, his eyes are dead, and his words strangled with jargon.

We've seen this before. Remember Philip Ruddock gradually turning into a stick of chalk, as immigration minister and later attorney-general, while he plodded his way through the "Pacific solution" and the vilification of David Hicks?

This is what happens to human beings who believe the ends justify the means. Ends that are wretched will invariably produce bad means.

When you peel back the layers, the oft repeated Coalition justification for stopping the boats is that "the Australian people want it".

It hardly needs me to point out that history is littered with tragedies when justification is hitched to popularity.

Stopping the boats is an end, and any amount of nastiness to achieve that is justified - popularity confers legitimacy.

Maybe, in decades to come, we will look back at this time and regard it as one of the worst stains on our nation. More awful than the White Australia Policy and up there with the stolen generations. A time when our nation had a dark heart.

Manus Island and Nauru are wretched wastelands, gulags without activity, but they justify the ends.

Professor Ben Saul, on ABC television on Tuesday night, drew an interesting parallel with our policy of indefinite detention, where refugees have been given an adverse security assessment. The other place under the jurisdiction of a western democracy where this also happens is Guantanamo Bay.

It appears Manus Island is also a place of indefinite detention. Liz Thompson, who, as a migration agent, had been assisting asylum seekers on Manus with their refugee claims, told Fairfax Media the official line was that the detainees would be resettled in Papua New Guinea.

Unfortunately, a PNG immigration official went "off script" and confirmed to the camp that there were no plans in place for any resettlement program, the incarcerated should simply return home, otherwise their detention would be indefinite.

Is that why Foreign Minister Julie Bishop was pressing the flesh in Cambodia in search of resettlement possibilities? When people put their minds to it, there's no limit to the "refinements of wickedness" - a phrase used by Martin Amis in a television interview earlier this week.

Thompson revealed the extent of this chilling apparatus. She was taking the Manus asylum seekers through a process "that goes nowhere ... there's no visa for them to get". With its "fake processing" of refugee claims, "Manus Island is an experiment in the ultimate logic of deterrence".

And all of this is backed up by an elaborate legal regime that sanctions and sanctifies our refinements of wickedness. Again, history shows us all too clearly where we end up if people sit idly by while nice ideals such as the rule of law and due process are diced.

So, it is all very good for well-meaning types to hyperventilate about this, week after week. Instead of politicians outdoing themselves to race to the bottom, is there something better that can be proposed?

Months ago, this column advocated going a step further than the idea earlier floated by the Greens. They proposed we take 3800 refugees from Indonesia and invest \$70 million into United Nations High Commissioner for Refugees processing in that country.

I would go further and switch our entire humanitarian refugee intake of almost 14,000 from the Middle East, Africa and other parts of Asia and place it all in Indonesia.

The reason people get on boats from Indonesia is because they have no hope of being part of an orderly settlement program. If you give them hope, there is a chance they will not get on boats, because refugees will know they have a place in the queue. As a bonus we would be spared the sanctimonious claptrap that the purpose of the current policy is to save lives.

Our refugee intake from Indonesia has been woeful.

In the nine years to 2009, we took an average of 59 UNHCR refugees a year from that country. In 2010-11 it spiked to 480, a tiny 3.4 per cent of our humanitarian program.

As well, there would be real benefits for Indonesia if we sat down and negotiated a plan along these lines.

A sensible resettlement program managed from Indonesia would dramatically reduce the need for a boats policy, with all its attendant damage to our neighbourhood relations, the long-term psychological and physical damage we are inflicting on detainees, not to mention the harm we are doing to the soul of our nation.

If I am flogging a dead horse here, I would love to know. At least it might be worth trying, even for a few years, to see if it had an impact on boat arrivals and obviate the tow-backs and Manus and Nauru "solutions".

Would it be too cynical to suggest that governments, of whatever hue, do not want to test something that is humane? They are too invested in the nasty option - which has the flimsy justification of popularity.

<http://www.theage.com.au/comment/welcome-back-to-white-australia-20140227-33m4w.html>

Paul McGeough: Manus despair: 'He was guilty of nothing'

The brutal death of asylum seeker Reza Barati has angered relatives.

The Age

March 1, 2014

Paul McGeough

Amid an outpouring of grief at a mosque in the dusty southern suburbs of Tehran, relatives of Iranian asylum seeker Reza Barati added chilling new detail to the moments he was clubbed to death on Manus Island.

Speaking after a memorial service, his brother-in-law, Taleb Ghanbaria, said Mr Barati was not among the detainees protesting at the island's detention centre on February 17.

Quoting another island detainee, a cousin of Mr Barati who phoned him after the violence subsided, Mr Ghanbaria told Fairfax Media the two men had been in the centre's computer room when they heard a commotion.

"When Reza opened the door and put his head out to look, someone pulled him out and started hitting him on the head. His cousin watched it all," Mr Ghanbaria said.

"Then they dragged him away - unconscious. His cousin was too scared to follow, so he doesn't know what happened after that."

A preliminary report by PNG police said Mr Barati died after blows to the head, probably from a piece of timber. An autopsy on Monday found the blows had caused a blood clot in his brain.

Held at the al-Mahdi Mosque in suburban Nabard, Thursday's memorial was a traditional outlet for grief and anger - much of it directed at Australia.

Harking back to the Iraq-Iran war of the 1980s, Mr Ghanbaria said: "Saddam Hussein never treated Iranian prisoners of war the way Australia treated my brother-in-law."

Flowers flanked an image of 23-year-old Mr Barati, a more gentle portrait than the single image that predominates in Australian media reports of the controversy surrounding his death.

Dozens of members of the wider Barati family lined up to receive condolences as mourners passed through the mosque. The dead man's distraught sister, Kowsar, was unable to stand during the service, and later had to be helped as she left the mosque.

Koranic chants reverberated from the marbled walls before a prayer leader announced he was speaking on behalf of Mr Barati's absent father - who was to attend a home-town memorial on Friday in Sirvan, a cluster of mountain villages close to Iran's border with Iraq.

Family members said as many as a dozen Sirvan locals were in detention on Manus Island.

One of the mourners was 23-year-old Abuozar Heydari, who last year volunteered to be repatriated to Iran after 16 days on Manus Island from one of the earliest boatloads of asylum seekers sent to the detention centre.

The prayer leader continued to speak for the father: "I wish I can have my son back from Australia ... It's difficult to be alone in a foreign country and to be treated that way."

He then addressed the portrait of Mr Barati - "and your sister wishes to see your wedding ceremony, but you are gone; you died in a sad way."

Mourners fleshed out the profile of a man about whom Australians know little, except that as a client of people smugglers he wound up on Manus Island where his death has become a flashpoint in the tortured politics of Australia's immigration policy.

Mr Ghanbaria spoke fondly of the dead man - "he was strong, but never aggressive; humble".

Mr Barati had graduated as an architect but had been unable to find work in Iran's sanction-strapped economy, the brother-in-law said. He had set out for Australia hoping to further his architectural studies.

An uncle, the father of the cousin who had witnessed Mr Barati's death, said his son had told him Mr Barati had volunteered to teach other detainees in the use of computers.

He added: "Is it fair for a well-educated refugee, an intelligent boy, to be killed? For what - he was innocent, guilty of nothing? Is it Australian human rights to treat someone this way?"

Another cousin compared Mr Barati's death with that of blogger Sattar Beheshti, whose death in Iranian detention in 2012 provoked an international outcry against Tehran. "Human rights people around the world demanded answers from the Iranian government, but where were they when this young man died in an Australian camp?" the cousin said

Mr Ghanbaria said he had told Australian diplomats and the Iranian Foreign Ministry that he would pursue any avenues under international law to have his family compensated for Mr Barati's death - "whatever the law says is what we are entitled to".

"Is it justifiable when you get into someone's house as a refugee and you get killed?"

www.theage.com.au/federal-politics/political-news/manus-despair-he-was-guilty-of-nothing-20140228-33r5v.html

Bordering on cruelty: asylum seekers in PNG have few rights left

Can Australia really outsource its legal obligations?

The Age

March 1, 2014

Sarah Whyte

In 1773, a man named Shepherd threw a sputtering firecracker into a marketplace in Somerset.

As the fuse crackled, it was thrown on several times by different stall owners before it finally exploded. It blew up a market stall and took out one man's eye.

The case is famous for the legal questions it raised: who was to blame for the damage? The person who brought the firecracker to the market? Or the last man who threw it before it blew up?

In law, this predicament is often called the "chain of responsibility".

More than two centuries later the same question of responsibility is being played out in Australia's controversial border protection policy.

Where does the responsibility lie for asylum seekers who have been sent to Papua New Guinea by the Australian government? Whose fault is it that a 23-year-old asylum seeker died in the midst of a violent incident nearly two weeks ago? And why has not one of the claims of the 1332 asylum seekers on Manus Island been processed since the centre opened in November 2012?

Responsibility for Australia's processing centre on Manus has been blurry in practice, but in theory at least, it's clear.

In a Senate estimates hearing on Tuesday, the secretary of Immigration and Border Protection, Martin Bowles, was blunt: "We will assist PNG wherever we can, and we do, but PNG are responsible for dealing with the assessment of refugee claims in that case, and Nauru is for Nauru claims."

The details of the deal were spelt out in the September 2013 Memorandum of Understanding, signed by then prime minister Kevin Rudd, which states that the PNG government will make the sole assessment of whether an asylum seeker is considered a refugee.

According to Professor Jane McAdam from the Kaldor Centre for International Refugee Law at the University of NSW, this means PNG can do what it likes.

"We can't force PNG to do anything," she said. "Whereas we have a migration act, there's not a domestic law [in PNG] that provides a framework for this. The whole policy is around outsourcing."

The agreement provides no timeframe for processing the asylum seekers transferred by Australia to PNG, no instructions in how those found to be genuine refugees are to be resettled, nor how they should be supported financially.

"It's deliberately very vague," Professor McAdam said.

No PNG authorities responded to questions from Fairfax, including on the cause of the processing delay.

Australia's travel advice on PNG warns visitors to exercise caution when travelling to the country, advising tourists to be aware of possible risks including violence in large crowds, gang rape, ethnic tensions and carjacking. PNG is one of the worst countries in the world for sexual abuse, according to a 2012 World Health Organisation report.

And yet, according to the terms of the agreement with Australia, this is the country where asylum seekers who are found to be genuine must resettle.

Yet even if the processing was to be accelerated, things are likely to get worse for the asylum seekers resettled in PNG, warns Professor Stephen Howes, director of the Development Policy Centre at the Australian National University.

"The tension or the conflict will get worse," he said. "The potential for things to go wrong will increase. It's not a credible deal."

In the absence of processing of their claims, it is unclear how many of the asylum seekers on Manus Island are genuine refugees.

But between 2010-11 and 2012-13, 80 per cent to 90.3 per cent of people who arrived in Australia by boat were later found to be refugees and to have the right to Australia's protection.

Former immigration ministers have spoken out against the current policy.

"This is brutal behaviour from the Australian government and opposition," Stewart West, the former Hawke government immigration minister, wrote for Fairfax on Thursday. "We have reneged on our responsibilities."

The United Nations High Commissioner for Refugees is also highly critical. A report published in November said Australia could not outsource its legal obligations. "The physical transfer of asylum seekers from Australia to PNG, as an arrangement agreed by two 1951 Refugee Convention states, does not extinguish the legal responsibility of Australia for the protection of the asylum seekers affected by the transfer arrangements," it said.

The report, completed after visiting the site in October, stated there are significant problems on the island. There is no fair, efficient and expeditious system for assessing claims; nor does PNG provide humane conditions of treatment in detention, it said.

Less than two weeks ago, those warnings were borne out when an Iranian asylum seeker was killed and scores were injured after an outbreak of violence at the centre. G4S, the security guards hired to protect the detainees, are implicated in the violence, as are local PNG authorities.

On Wednesday night, the department released its terms of reference for an independent inquiry by former secretary of the attorney-general's department Robert Cornall into the incident. There is no mention of the Minister's actions, nor the conduct of his department.

The Greens have launched their own senate inquiry due next week into the conduct of the PNG police, subcontractors, and the behaviour of the Minister in an attempt to answer questions about the line of responsibility.

"The Department's review simply isn't good enough," Greens Senator Sarah Hanson-Young said.

The Immigration Department has confirmed that no claims have been processed to date.

www.theage.com.au/national/bordering-on-cruelty-asylum-seekers-in-png-have-few-rights-left-20140228-33r1i.html

Rod St George: Inside the Manus Island horror

The Age

March 7, 2014

Rod St George

Like many, I watched with horror as the recent violence at Manus Island unfolded. But not with surprise. Last year I worked on the island as the occupational health and safety manager for the security firm G4S.

It was clear to me then that the mixture of an overcrowded and insecure camp, inexperienced local guards and a tormented population of refugees was a lethal combination. I reported as much to my immediate superiors and the Department of Immigration.

I resigned from the detention centre when instances of sexual abuse and torture of vulnerable inmates at the hands of fellow detainees were uncovered. The design of the facility and the attitude of the department made it impossible for staff, many of them fine men and women, to protect the victims. The key problem wasn't G4S or other contractors. The key problem was the Department of Immigration, which refused to consider professional advice concerning the protection of the inmates.

With nowhere to turn within the system, I felt morally compelled to go outside of it and I told my story as a whistleblower to the media. The government announced an independent review, which I naively believed would rigorously inquire into the morass that the Manus Island centre had become.

I was bitterly disappointed by the process that unfolded under the guardianship of former public servant Robert Cornall. That disappointment turned to amazement when Mr Cornall was appointed to inquire into the recent violence and killing.

When I gave testimony to Mr Cornall in September last year, I was left with the impression that my serious claims about the situation on Manus Island were met with scepticism. I felt that the dangers to asylum seekers and staff were either disregarded or denied, and my allegation on SBS's Dateline, that the Manus Island centre was a tinderbox about to explode, was barely discussed.

The review found that the following events did not occur: transferees being sexually abused, raped and tortured with the full knowledge of staff; victims being returned to single adult male compounds to be raped again; weapons, including knives, being held by transferees; and a man having solvent poured into his ear.

The review found that the following events did occur but they were distorted or their significance was either exaggerated or misunderstood in the SBS television program and press articles: self-harm incidents; guards being assaulted; two men sewing their lips together; a transferee being scratched and cut with a sharp object; escapes from the Manus centre; protests; and transferees swimming away from the centre.

I find this hard to believe, as would many of my colleagues who witnessed the chaos on Manus Island. I have worked in prisons around Australia and I have never seen men as desperate, alone and vulnerable as I saw among the sexually abused on Manus Island. I believed that the review would make confidential inquiries of staff in a secure environment away from the eyes of the department.

It was a shock to me when witnesses were asked to give testimony to Mr Cornall in the presence of a high-ranking departmental official - their employer, either directly or indirectly.

I refused to speak in the presence of the department representative, but other witnesses, still working at Manus, felt intimidated into doing so. A number of them contacted me after their interviews to tell me they were fearful of retribution if they spoke candidly. Even more contacted me after a summary of the final report was publicly released to express dismay at its conclusions.

Mr Cornall concluded that various events I had described "did occur but they were distorted or their significance was either exaggerated or misunderstood ..."

I stand by my allegations and conclude that relevant information was withheld from Mr Cornall.

Reporting procedures at the Manus centre were poor but there were certainly enough reports to indicate the level of suffering of some victims incarcerated there and to cause major concerns about the running and safety of the camp. It was also obvious to any who read those reports that violent altercations were imminent.

Unfortunately, the terms of reference for Mr Cornall's next independent review suggests that there will be the same narrow focus; this time the spotlight is on G4S and security. Again, the Department of Immigration avoids scrutiny.

I believe we are facing a matter of moral turpitude if we do not insist that this review be conducted by a wholly independent body that has the authority to examine all facets of the immigration policy as it is implemented on Manus Island.

Rod St George is a former occupational health and safety manager at Manus Island.

<http://www.theage.com.au/comment/manus-island-inside-the-horror-20140306-349x8.html>

Ben Saul: Processing refugees: they get the hits, we get the myths

The Age

March 12, 2014

Ben Saul

Offshore processing is a cruel method of dealing with asylum seekers. There are alternatives.

The violence on Manus Island has inflamed passions. For some, it is more evidence of a cruel and illegal failure to protect refugees. For others, it is an unfortunate collateral hiccup in the essential, hard slog of safeguarding our sovereignty.

Offshore processing still enjoys unshakeable bipartisan support, with only minor parties and civil society die-hards opposing it. Here I want to coolly ask if offshore processing is necessary to achieve the policy aims it is claimed to pursue, and whether its costs are proportionate or excessive.

Offshore processing is based on three premises: it is necessary to save lives at sea, prevent people smuggling, and not advantage "queue jumpers". It is likely offshore processing deters many people from getting on boats, since they will not reach Australia or be resettled here, and will face protracted, harsh detention in PNG or Nauru with no certainty about resettlement or their safety. This in turn saves lives at sea, reduces demand for smuggling, and allows refugees to be resettled from elsewhere. On this basis, the government claims success.

None of this automatically means that offshore processing is necessary or proportionate. We might stop littering by shooting litterers, but that does not justify it if there are effective alternatives that carry lesser costs.

Offshore processing is not justified for a few key reasons. Less drastic means are available to save lives at sea and reduce smuggling. People get on boats from Indonesia because processing by the United Nations High Commissioner for Refugees there is excruciatingly slow and uncertain. Australia resettles very few refugees from Indonesia.

People would stop getting on boats and paying smugglers if we increased UNHCR's capacity to process refugees within, say, three months, and guaranteed resettlement in six months. The numbers in Indonesia are modest. Economic migrants can be excluded and returned home. Australia already funds most of the UNHCR operation. Better resourcing it would be small change compared with the billions of dollars we spend on offshore processing, detention and naval interdiction.

Offshore processing is therefore unnecessary. But it is also excessive for other reasons. It is irrefutable that internment on Manus Island and Nauru involves grave human rights violations. Why else would the Abbott government preclude visits by the Australian Human Rights Commission?

Protracted detention of asylum seekers is illegal. People are not physically safe from violence. Conditions do not meet minimum international standards. The quality of processing is poor, risking return to persecution. Even children's rights are at risk. The aim of saving life at sea does not justify severe violations of other human rights when alternatives are available.

Offshore processing also unlawfully punishes smuggling victims. And there are ethical questions about prohibiting smuggling when refugees cannot access protection any other way. Politicians have demonised smuggling as a cartoon-like evil. The real world beyond Canberra and talk-back radio is not so simple.

This leads to the related point that offshore processing is not justified to prevent "queue jumping". The inescapable fact is there is no queue. There is no global or Australian list ranking all 11 million refugees worldwide by priority for protection or resettlement, whether based on need, waiting time or other criteria.

Australia has never tried to compare and rank the needs of each boat person against the needs of every other refugee worldwide. Australia is entirely absent from processes to resettle refugees from many countries. Who waits for a bus if you know it will never come? And if the boats are already stopping, why isn't the Abbott government resettling thousands more from refugee camps?

The queue is a myth. Governments have repeatedly told us the grandest of lies. What they are really saying is that they prefer to cherry-pick which refugees come. We should not kid ourselves that those choices reflect a fair prioritisation of the neediest refugees. Australia's choices can be not fair at all, as when it prefers some nationalities over others, or sometimes refuses to resettle disabled refugees because it would be too expensive.

Offshore processing also shifts the burden of refugees from rich to poor countries, rather than sharing the burden among those with the most capacity. Our policy catastrophises and militarises a pedestrian challenge. The numbers of boat people have always been small, even at their peak. They are dwarfed by the epic influxes faced by Syria's neighbours, or many African and Asian countries. We are becoming a humanitarian "wimp".

Offshore processing is not justified. It is more about stopping the boats as an end itself. Our mania for orderly migration has contaminated attitudes towards inevitably unpredictable refugee flows. Disturbing political dynamics have produced shocking policy outcomes and damaged refugees.

Australia has to take the world as we find it, not how we wish it to be. If refugees come, and have no safe place, we should not refuse sanctuary based on unnecessary, excessive, wasteful, illegal and cruel political choices.

Ben Saul is professor of international law at the University of Sydney.

<http://www.theage.com.au/comment/processing-refugees-they-get-the-hits-we-get-the-myths-20140311-34k1r.html>

Michael Gordon: Abbott fiddles while Manus burns

The Age

March 22, 2014

Michael Gordon

The contrast could hardly have been more stark. As preparations were completed for Friday's ceremonial welcome for Australian Prime Minister Tony Abbott in Port Moresby, including the 19-gun salute, a procession of asylum seekers was appearing before a judge in a courthouse on Manus Island and describing life without hope.

If the mood at the Abbott welcome was one of respectful and warm bonhomie, the atmosphere inside the detention centre on Manus was summed up by David Cannings, the Papua New Guinean judge who initiated a human rights inquiry after one asylum seeker was brutally murdered and scores were injured more than one month ago. "Very tense," was the phrase he used.

If the Abbott program was planned to the minute with an eye to protocol, proceedings inside the unimposing courthouse on Manus were dictated by legal principle and the rulings of the independent Justice Cannings, who defied the Australian government's express will when he chose to be accompanied by journalists during his second visit to the centre.

One of the first asylum seekers to give evidence was the room mate of Reza Barati, who died during what our Prime Minister has called a "very, very serious riot", but what the asylum seekers insist was an unprovoked and well-planned attack by PNG nationals employed at the centre.

This witness told Justice Cannings the asylum seekers did not feel safe at the centre and feared another attack. Another who testified, who had fled from Afghanistan, provided a reality check of sorts, expressing his gratitude to the Australian and PNG governments for treating him better "than what the Taliban would have done to me".

If there was a consensus message, it was that these men from many countries were not criminals deserving arbitrary and indefinite detention without being charged with any offence, that they had been denied the most basic rights, and that they were very scared.

The testimonies were reported under the banner, front-page headline "Centre likened to life in jail" in PNG's *The Nation* and, more bluntly, in its competitor, the *Post-Courier*, under the page-two headline, "Asylum seeker fed with worm-infested bread", on Thursday, before Abbott's plane touched down in Port Moresby.

The testimonies continued throughout the week, providing an almost surreal backdrop to Abbott's first visit to PNG as Prime Minister, where the formal agenda items for Friday's meeting with Prime Minister Peter O'Neill focused on economic co-operation, helping PNG prepare to host a meeting of Asia-Pacific leaders in 2018, and infrastructure.

All are important issues for an emerging nation whose potential might yet exceed the internal forces that seem hell-bent on squandering it, but none is more demanding of clarity and action than the enterprise on Manus Island that was conceived solely to deter asylum seekers from attempting to come to Australia on boats without an invitation.

The key questions are familiar enough. They were laid out succinctly in a report by the United Nations refugee agency, the UNHCR, after a visit to the centre in October. For the most part, they remain unanswered.

When will PNG have a comprehensive migration act laying out how the asylum seekers will be processed and resettled? If those who are found to be refugees are to be permanently resettled in PNG, will they have work, education and family reunion rights? Will those who are entitled to protection under treaties other than the refugee convention that Australia has signed, but PNG has not, be afforded it? How will refugees who are gay be protected in a country that criminalises homosexuality?

The most troubling aspect of the report written by the agency's delegation was not the questions it raised but the conclusions it reached. After expressing alarm that the policies, operational approaches and harsh physical conditions at the centre did not comply with international standards, the agency observed that the centre did "not provide safe and humane conditions of treatment in detention".

The Abbott government's failure to act in any comprehensive way after this report, and one that reached similar conclusion by Amnesty International, was highlighted by Immigration Minister Scott Morrison's initial reaction to the violence that unfolded on the evening of February 17.

The mistake made by those who came to grief, including the then unnamed Barati, the minister insisted, was to leave the safety of the centre. "I can guarantee their safety when they remain in the centre and act co-operatively with those who are trying to provide them with support and accommodation," Morrison said in his third media briefing after the violence.

The most striking aspect of the accounts the minister gave, even after he confirmed that Barati had died inside the centre, is how at odds they are with the stories that have come from the asylum seekers. As Morrison described it, the asylum seekers provoked the action, with several of them pushing down perimeter fencing and absconding.

This is not the story that has emerged in a series of written accounts by detainees and one face-to-face encounter. The most compelling testimony was simply headed "a letter from a Manus Island detainee" and described concisely one man's account of the violence visited on himself and Barati.

He described being surrounded by six PNG nationals employed by the security firm G4S and being beaten with wooden poles before falling to the ground and trying to cover his head and face with his hands. He then named the man he accuses of kicking him in the face and breaking his nose.

The common denominator in the detainee accounts is that the attack was planned and came after the power to the centre was shut down. Why, they asked, has no one yet been charged over the attacks and, in particular, over Barati's death, when the name of at least one of the accused is common knowledge in the centre?

The violence and its aftermath also suggests the aspiration of resettling the asylum seekers in a country with many endemic problems of its own, and where they have no cultural, religious or other connections, will be even more problematic. This might help explain why it is not something the politicians from either country seem keen to discuss.

The preference of Abbott and Morrison is to point out that the boats have stopped coming, that no more deaths at sea have occurred and that the border protection cost blowouts under Labor are being reined in.

Implicit is the notion that the deprivations inflicted on those on Manus, and also on Nauru, are an acceptable price to pay to achieve these results - a notion with a use-by date that may be fast approaching.

Michael Gordon, political editor of The Age, is in PNG.

<http://www.theage.com.au/comment/abbott-fiddles-while-manus-burns-20140321-358gi.html>

Ben Pynt: Sleepless nights until the Manus nightmare ends

Sydney Morning Herald

April 22, 2014

Ben Pynt

In my day job in the construction industry, I specialise in alternative dispute resolution in the thriving gas pipeline sector in Western Australia. By night, I get to follow my true passion as a human rights advocate. I work with the men, women and children interned in the Manus Island, Nauru and Christmas Island detention centres. I speak with them daily, organise lawyers to represent them and co-ordinate complaints on their behalf (complaints are taken more seriously if an Australian lodges them). I sometimes put them in touch with journalists.

More than half of the people I work with have suffered torture and/or trauma before seeking asylum in Australia by boat. They are then detained indefinitely, without having committed a crime, in conditions unduly harsh for even the most despicable murderer or paedophile; conditions that lead about a third of asylum seekers to attempt self-harm and/or suicide during their time in detention.

Those who speak with me send me photos and testimonies and beg me to have them published. They tell me they are under constant threat of reprisals: from locals who taunt them by making the sign of slitting their throats, and guards who they allege encourage them to commit self-harm. Many feel a return to their homeland and the prospect of being killed there is better than the uncertainty of indefinite detention and possible death on Manus Island.

Over the past week, I have relived a dozen times the trauma of the February attacks on the Manus Island detention centre. I travelled to London, Paris and Geneva for eight days to tell the world about what is happening on Manus. I organised interviews and meetings with media, non-government organisations and international human rights specialists.

Every day, as I explained the circumstances of detention at Manus, and as I showed photos sent to me by the men interned there of the horrific injuries they sustained in the attacks, I felt like I was there. I have read their testimonies so many times they are committed to memory and I experience the scenes vividly. I see the attackers (I know their faces from social media), I see the men being pulled from under their beds and hacked with machetes or beaten with rocks and boots, and it brings tears to my eyes. Every time.

After these meetings, I would often walk around aimlessly for a while, staring into the distance. I rode the London underground from Victoria to Walthamstow before realising I had gone seven stations too far. I went to the theatre on my last night in London, but don't really remember the show.

The people I met were shocked and disbelieving of my version of events. Until they saw the photos. Until they heard the voices of asylum seekers speaking over the telephone from Manus Island about what happened to them. Until they saw that everything we have reported since one day after the attacks has been verified by the media and, to a large extent, admitted by the government. Then they were horrified.

An audience of millions tuned in to engage with our BBC Radio 4 Today show package – the most listened-to news program on English radio. Journalists, when they had the full situation explained and saw the evidence for themselves, were eager to write about the Guantanamo Bay of the Pacific: Australia's national shame.

The meeting with the United Nations was the most important but the hardest of all. The people I met with are hardened human rights specialists who spend their days sifting through complaints alleging serious crimes including extra-judicial killings, and even they were shocked at what they heard and saw. The UN wanted more details than the journalists and advocates I met with, I spent hours taking them through the minutiae.

I can't bring myself to listen to my own interviews, and I don't really read the news about asylum seekers any more. I skim the headlines and know what's happening. I speak with other advocates, with sympathetic politicians and asylum seekers themselves, but reading the news is too distressing.

The government has brought about a siege mentality in asylum advocates. We're always on the back foot, always reacting rather than anticipating. Always reassuring people they're going to be OK, hoping beyond hope our words are true.

I'm now working closely with the UN, human rights advocates and non-government organisations to take the next steps to shame Australia for its actions at the international level. I am working with journalists around the world to make sure their readers and listeners know what our government does to people who ask for our assistance. Because when people hear the truth, they are outraged.

They are aghast that Australia has institutionalised mental torture on a massive scale, and facilitates the physical abuse of asylum seekers by sending them to places with inadequate medical facilities and an unacceptable risk of contracting malaria, dengue fever, cholera or infectious diarrhoea. They can't believe that we do this to pregnant women and newborn babies. But we do.

Australia doesn't have a bill of rights. The only constitutional rights protections that we have are about voting, religion, and equality before the law. But the Abbott government recently removed access to legal aid for asylum seekers, so the last guarantee has become ineffective.

What can we do? We can speak out. We can write to our local members. We can tell our friends in Australia and overseas the truth about what is happening at Manus. The same truth that has been reported by Amnesty, the UN High Commissioner for Refugees and countless advocates. The truth that is communicated by brave men in detention at great personal risk. The truth that the government denies and is trying to suppress. The more we talk, the more pressure we place on the Abbott government to act in accordance with international human rights obligations.

Until then, the men at Manus will continue to sleep in shifts, because they are afraid of being attacked again. Like me, and all of us with a conscience, we are unlikely to get a good night's sleep until we put an end to mandatory detention in this country.

Ben Pynt is the director of human rights advocacy at Humanitarian Research Partners.

www.smh.com.au/comment/sleepless-nights-until-the-manus-nightmare-ends-20140422-zqxq2.html

Tony Wright: Manus Island events 'tragic and distressing' but who is accountable?

The Age

May 27, 2014

Tony Wright

It is, according to Immigration Minister Scott Morrison, "terrible, tragic and distressing".

Is that all?

Australia has outsourced its responsibility for asylum seekers to an unsuitable outpost of one of the least-suitable nations in its region to house a burgeoning number of confused and unhappy men who had risked all to try to get to Australia.

In the doing of it, our nation placed these people, many of them restive, angry and out of hope, at the mercy of a brutal police force over which Australia has no control and an island population that both feared and felt affronted by the influx of strangers.

The Cornall report tells us what happened, though we already knew most of it.

Some of the asylum seekers, infuriated by what they felt was a lack of information about their fate and despairing for the future, rioted.

A Papua New Guinea police "mobile squad", which was supposed to protect against "external threats" to the detention centre but was also bound by law to suppress riotous gatherings of three or more, pushed down the flimsy fence and, some of them shooting at chest height, waded in among the detainees.

Along with the police came a number of locals, some of whom worked for "service providers" who felt insulted by the asylum seekers, and some expatriates.

And so the bashings began. The "nationals" - locals - and "sometimes expats and police" dragged people from their bedrooms, beat them up and stole their belongings.

Dozens were injured, some seriously. A man lost an eye.

And Reza Barati died after being beaten, kicked and a rock had been dropped on his head. The principal perpetrator is identified as a local employed by the Salvation Army.

Three-and-a-half months later, the Royal Papua New Guinea Constabulary has charged no one.

The true worth of the Cornall report, given the broad current Australian attitude towards asylum seekers - which appears to be a willingness to accept they should stay out of sight and out of mind - may be to historians of the future.

They are likely to judge this period, and the governments responsible - both Labor and Coalition - in words stronger than "terrible, tragic and distressing".

"Accountable" comes to mind. What did they expect would happen?

Max Chalmers: The Coalition's Manus Review Is a Farce

By refusing to tackle the big questions, the review is little more than political cover. In spite of this, it tells us a lot about the system we have built, and a little about the people in it, writes Max Chalmers.

New Matilda

29 May 2014

By Max Chalmers

When Reza Barati died — on the night he was trampled, beaten, and felled by a blow to the head — the towering Iranian was just 23-years-old.

It has now been 100 days since the young asylum seeker was killed on Manus Island, a grim milestone that arrived at 4am this morning.

Earlier in the week Robert Cornall handed down his report into the events leading to Barati's death. Across 106 pages of testimonies, submissions, findings and recommendations, the report explores the details behind the violence that took place on Manus Island and the context leading to the protests and violence that broke out in mid-February. (Much of what is contained in the review had already been unearthed by reporting from New Matilda, the Guardian, the ABC, and Fairfax).

The review documents a slow decay of morale among the asylum seekers locked-up on Manus Island as the realisation they would never be resettled in Australia, even if they were found to be refugees, bore down upon them.

Eerily, it points to Australia Day 2014 as the beginning of a troubled month during which those interned became increasingly desperate. Neither Cornall nor the G4S staff he interviewed were able to explain why this day, already so heavily burdened by the politics of race and immigration, served as a turning point.

By late January, many of those awaiting processing on the island had reached a point of no hope. Rumours of a Christmas amnesty had proven false and there was still little to indicate when the processing of claims would be completed. Concerns about the safety of being resettled in PNG, as well as the prevalence of diseases in the country, were widespread among those living in the Manus compounds. One asylum seeker interviewed said he believed 70 per cent of PNG's population were HIV positive.

At this stage in time 1,340 men were packed in to the overcrowded detention centre, many of whom were already battered by the trauma they had fled and the journeys that had led them to Manus.

To make matters worse, serious tensions were building between those in detention and the staff tasked with running the operation, the majority of whom were locals.

The review also uses the testimony of staff to argue the centre was fraught with internal racial tensions between the various groups locked-up — a point that is no doubt valid, though not explored with much depth or nuance.

It was at a meeting with Department of Immigration and Border Protection and PNG Immigration officials that, according to Cornall, all these tensions became impossible to contain.

Asylum seekers had put questions to both governments.

“Is there a process? What is it?” was the first one, referring to the process of being assessed and then accepted as a refugee.

“How long are we going to be here?” another asked, while yet another goaded, “Why won’t Immigration allow media to come and interview us?”

Though some questions were specific, the most poignant were broad and desperate.

“When will we have our freedom?” one refugee asked.

After waiting 12 days for responses, around 70 asylum seekers gathered in the Mike compound and were met with written responses that underscored just how vague their futures were and how few rights they had in the meantime.

“Strict controls have been placed on access to the centre in order to protect the privacy, identity and dignity of all people who reside here,” they were told in relation to the question about media interviews.

While hardly the worst, the response captures the disingenuous nature of the concern offered to those in detention.

But Cornall was not tasked by the Coalition to answer these questions — his job was simply to record the dissatisfaction they revealed.

To his credit, the report does explicitly spell-out the link between asylum seeker anguish, induced by Federal Government policy, and the trouble at the centre.

In its list of factors which contributed to the unrest it includes:

- Anger at being brought to Papua New Guinea;
- Anger with the policy that, if they are found to be refugees, they will be resettled in PNG, not Australia;
- Frustration at the delay in determining their status as refugees, and a lack of information about the likely timing for completion of those determinations;
- Further anger and frustration resulting from the uncertainty about their future, including in particular how long they will be kept at the Manus Centre; and
- Frustration arising from the lack of information about what resettlement in PNG would mean for them and their families.

The interviews conducted with asylum seekers on Manus leave an impression on the report. On the nights of February 16 and 17, their rage finally boiled over and was met with a brutal response from G4S and Salvation Army staff and, catastrophically, the PNG Mobile Police Squad.

The report backs the theory presented earlier by The Guardian that Barati was killed by a Salvation Army staff member. It also finds G4S did not invite the Mobile Squad to enter the compound, although, confusingly, includes some evidence that they were, as also reported by the ABC. The report encourages the Australian Government to aid the investigation by PNG police.

For all this, Cornall’s review tells us very little we didn’t already know. The indefinite denial of freedom has devastating impacts on those seeking asylum; establishing a small penal colony on a

tiny island, itself part of a struggling and poverty stricken nation, leads to tensions with the local community; rounding up traumatised people and leaving them locked-up together stokes racial tensions.

These can hardly be said to be revelations.

But what is most jarring about the report is it's clear presentation of the suffering asylum seekers are subject to in detention, set against it's negligence in asserting that the ills of Manus Island are an inevitable consequence of our indefinite, offshore detention regime.

As Waleed Ali (and no doubt many others) pointed out days after the death of Barati, terror is not an accidental part of offshore detention and settlement. It's a necessary component.

To end the suffering endured by asylum seekers, and its expression in protest and conflict, there is only one solution — shut the system down.

Instead, Cornall pushes a range of options that tinker at the edges, some of which will bring minor relief to those interned, many of which are almost comically vague or symbolic.

At one point, Cornall endorses an Amnesty recommendation that those asylum seekers be given access to clocks, to help them get to medical and processing appointments on time.

In another, he suggests a notice board be erected to allow for public notifications to asylum seekers and that small groups from Delta compound be taken to walk the beach from time to time.

Two further recommendations, designed to release the pressure valve and bring calm to those locked-up, work as a perfect metaphor for the review itself.

- Removing the locks from internal compound gates. The gates are not open but this symbolic gesture indicates trust in the transferees.
- Removing shade cloth from the fences so transferees can see out through the chain link fence.

As even Cornall recognises, the changes are largely, if not entirely, symbolic. In the absence of recommending their freedom be granted, Cornall recommends asylum seekers be allowed the opportunity to look out upon the earth they cannot walk. As is so often the case, cruelty to asylum seekers is dressed up as kindness.

Meanwhile, the major recommendations tend to focus on organisational and infrastructural changes; new fences, CCTV, better training for staff, better communication between police and G4S.

One gives a particularly chilling insight into the psychology of detention.

“In its risk assessment, KPMG suggested the introduction of incentive-based, tiered accommodation options to encourage and reward appropriate behaviour.”

When someone has nothing left to lose they are difficult to control. So, it follows, give them just a little bit of comfort, a little bit of joy, and they become dependent and subservient again, knowing you can take it away from them for any perceived infraction.

Reza Barati may be the first asylum seeker killed by an employee of our detention regime, but he is just one among the scores to have died under its care. The recommendations put by Cornall will do

nothing to attack the underlying malaise that causes asylum seekers to protest and sometimes to riot, and it will do even less to arrest the alarming rates of self-harm.

Meanwhile, 387 “transferees” on Manus Island are still waiting to take the first step in the multi-stage processing gauntlet.

The number who have been resettled from the island remains at zero. Even if that process begins in the near-future (something the report suggests is extremely unlikely), a whole new raft of problems and human rights concerns will arise.

When Kevin Rudd announced the ‘PNG Solution’ in August 2013 he pushed the ALP over a moral chasm from which it may never climb back, one in which Richard Marles has happily floundered in since taking the job as shadow Minister for Immigration.

With the Coalition unfazed by the ongoing cruelty, only a massive shift in grassroots public sentiment can open the political space necessary for humane policy reform.

Until then, there will be undoubtedly be more Reza Baratis, and some of them won’t make 23-years of age.

<https://newmatilda.com//2014/05/29/coalitions-manus-review-farce>

Michael Gordon: A great moral failing of modern Australia

The Age

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Michael Gordon

In the end, the claim of a “major cover-up” came from the least likely quarter: the Papua New Guinea police, who are charged with bringing the killers of Reza Barati to justice. Some 15 weeks after the 23-year-old Iranian asylum seeker was murdered inside a foreign detention centre bankrolled by the Australian government, the PNG police blame their failure to make a single arrest on the “complete lack of co-operation from all involved”.

They even express doubts that another asylum seeker was shot in the buttocks by local police who stand accused of storming the centre without invitation. Emphatically, they deny that PNG police even entered the centre or injured any asylum seekers.

“The only way we can confirm this is if the injured man is brought forward and appropriate tests are conducted to confirm the nature of the injuries sustained,” says Simon Kauba, who heads the PNG police operation. “Otherwise this whole matter stinks of a major cover-up.”

The asylum seeker in question remains in detention, the bullet still painfully lodged in his buttock because it was too risky for doctors to try to remove it. He is too scared to speak to the PNG police unless in the presence of his Australian lawyer, Jay Williams.

Problem is, Williams was deported from PNG on orders of the PNG government on March 30, the day before he was due to introduce key witnesses to Barati’s murder to the PNG investigators who are now crying foul.

If this sounds utterly bizarre, it’s because it is. But no more bizarre than the confirmation this week that the Australian government is paying the PNG government’s costs to try to shut down an inquiry by a respected PNG judge into alleged human rights abuses within the Manus Island centre.

Or the release of the Australian Immigration Department’s report by Robert Cornall into the violence on Manus Island being met with virtual silence in the Australian Parliament.

Despite a host of questions demanding to be asked about the Abbott government’s failures to heed warnings or act on recommendations, an opposition singularly focused on capitalising on an unpopular budget did not ask one during four question times this week.

Or the fact that the report identifies a myriad of problems inherent in the Coalition’s (and Labor’s) policy of sending asylum seekers against their will to a country ill-equipped to care for them, but fails to deal with them comprehensively in its recommendations.

“The best opportunity to prevent such incidents recurring in future lies in addressing all of the underlying causes to minimise or remove the factors that contributed to tension,” its says, without drawing the obvious conclusion that this would mean radically changing the policy, or dumping it altogether.

Or that the Opposition’s immigration spokesman, Richard Marles, could assert that a fundamental maxim in asylum seeker policy is that “we as a country should not harm people”, while committing Labor to a policy that, in order to deter others from following, harms those who have come by boat.

Most bizarre of all, however, was the response of Immigration Minister Scott Morrison to the systemic failures identified in the Cornall report, including a call late last year for “significant and urgent action” to address overcrowding, lack of hygiene and the need for “access to meaningful activities”.

Rather than display a modicum of contrition, Morrison recalled how an asylum seeker who had been released into the Australian community on a bridging visa last year had been stabbed to death in his room, allegedly by another asylum seeker. “Now that man died and his death is obviously as tragic and horrible as that of Mr Barati [his transcript misspelling the name ‘Berati’] but no one here is suggesting we should be shutting down community release,” Morrison said.

He then used a series of “Dorothy Dix” questions in Parliament to taunt the Opposition over its lack of backbone on stopping the boats, accusing Labor of being in denial about cause and effect. “They have no understanding that if you want to stop boats, you have to stop boats,” he thundered.

One cause and effect that went unremarked was the impact that indefinite detention is having on the mental health of detainees, given that this newspaper had reported on Monday that about 50 per cent of those on Manus Island and Nauru are suffering from significant depression, stress or anxiety.

Another was the psychological damage done to those attacked while in Australia’s care, with Cornall revealing: “Many of them now live in fear of further attacks and this fear affects their ability to sleep and, in some cases, the disturbance and gunshots in particular revived previous trauma and contributed to post-traumatic stress disorder.”

Morrison’s unflappability was reflected in his response to the extraordinary statement from deputy commissioner Kauba, which dismissed the Cornall report as inconclusive, inaccurate and unhelpful. “The police investigation is a matter for PNG authorities,” he said, ignoring the fact that the PNG police had disputed his account of what happened.

The exchange highlighted one of the fundamental flaws of Australia’s arrangements with both PNG and Nauru: the scope for governments to deflect responsibility when it suits and avoid being held accountable for their failings.

While the minister and the Cornall report assert the Manus Island centre is “managed by PNG”, Kauba says it is “Australian government funded and operated” but on PNG soil so that “our laws and our powers take effect when a crime is committed here”. Both can’t be right.

The immediate risk is that the perpetrators of February’s carnage, in which another asylum seeker lost an eye and yet another had his throat slit, will not be brought to justice. The broader one is that Australia has lost its appetite for debating whether there is a better, more moral path to follow, one that minimises the risk of deaths at sea without knowingly inflicting damage on vulnerable people.

Michael Gordon is political editor of The Age.

www.theage.com.au/comment/a-great-moral-failing-of-modern-australia-20140530-zrtab.html