

Project SafeCom News and Updates

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1. Refugee crisis: thousands may lose right of asylum under EU plans
2. Michael Bachelard: Democracy suffers in assaults on free speech
3. David Marr: Vale, Tony Abbott – both a unique man and a unique failure
4. Abbott's last act in accepting Syrian refugees more politics than compassion
5. Syrian refugees won't settle in ghettos, Turnbull government says
6. Louise Newman: Will Malcolm Turnbull show compassion to asylum seekers?
7. Manus asylum seekers congratulate Malcolm Turnbull – and ask for freedom
8. Martin McKenzie-Murray: Children behind bars
9. Melbourne woman taking on Transfield over children in detention
10. Victoria Police halts joint operations with Border Force after Operation Fortitude stuff-up
12. Scott Morrison ensured asylum seeker data breach probe failed, court finds
13. Immigration investigation judged 'unfair' after asylum seeker data breach
14. Allegations surround Wilson Security's link to HK bribes scandal and tax haven
15. Peter Dutton met with property developers vying for Border Force contract at party fundraiser
16. Extended detention worsening depression on Nauru and Manus Island
17. Nauru asylum seeker 'locked in urine-soaked cell' after begging to see sister in wake of suicide attempt
18. Four refugees detained by Australia on Nauru volunteer to resettle in Cambodia
19. Man in critical condition after setting himself on fire at WA's Yongah Hill Immigration Detention Centre
20. Man in critical condition after setting himself on fire in detention centre
21. Man who set himself on fire at Yongah Hill detention centre is convicted child sex offender Ali Jafarri
22. Convicted child sex offender who set self on fire in WA immigration detention centre dies
23. MEDIA RELEASE: Serious suicide attempt at Christmas Island
24. Asylum seeker in hospital with serious burns after setting himself on fire in Villawood
25. Northern Territory Supreme Court cannot prevent Iranian child being sent back to Nauru, judge says
26. Peter Dutton to personally consider case of woman facing deportation to Iran
27. Manus Island: refugee assaulted by guard and told to find his own medicine
28. Witness to Manus Island death 'too scared' to testify
29. Men accused of Reza Barati's death in Manus detention centre stand trial

1. Refugee crisis: thousands may lose right of asylum under EU plans

Brussels meeting is expected to call for establishment of refugee camps in Italy and Greece and for detention of 'irregular migrants'

The Guardian
Ian Traynor in Brussels
Tuesday 15 September 2015 16.00 AEST

European governments are aiming to deny the right of asylum to innumerable refugees by funding and building camps for them in Africa and elsewhere outside the European Union.

Under plans endorsed in Brussels on Monday evening, EU interior ministers agreed that once the proposed system of refugee camps outside the union was up and running, asylum claims from people in the camps would be inadmissible in Europe.

The emergency meeting of interior ministers was called to grapple with Europe's worst modern refugee crisis. It broke up in acrimony amid failure to agree on a new system of binding quotas for refugees being shared across the EU and other decisions being deferred until next month.

The lacklustre response to a refugee emergency that is turning into a full-blown European crisis focussed on "Fortress Europe" policies aimed at excluding refugees and shifting the burden of responsibility on to third countries, either of transit or of origin.

The ministers called for the establishment of refugee camps in Italy and Greece and for the detention of "irregular migrants" denied asylum and facing deportation but for whom "voluntary return" was not currently "practicable".

The most bruising battle was over whether Europe should adopt a new system of mandatory quotas for sharing refugees. The scheme, proposed by the European commission last week, is strongly supported by Germany which sought to impose the idea on the rejectionists mainly in eastern Europe.

Hungary's hardline anti-immigration government said it would have no part of the scheme, from which it would benefit, while Thomas de Maizière, the German interior minister, complained that the agenda for the meeting was inadequate.

The ministers agreed "in principle" to share 160,000 refugees across at least 22 countries, taking them from Greece, Hungary, and Italy, but delayed a formal decision until next month, made plain the scheme should be voluntary rather than binding and demanded 'flexibility'. De Maizière, by contrast, called for precise definitions of how refugees would be shared.

Luxembourg, chairing the meeting, signalled that there was a sufficient majority to impose the quotas, but that the meeting had balked at forcing a vote.

The ministers went further than previous proposals about outsourcing asylum-processing to countries mainly in Africa where "reception centres" or refugee camps would be built. In what will be seen by humanitarian and refugee professionals as draconian, the statement said: "Implementation shall start on a medium-term strategy aimed at developing safe and sustainable reception capacities in the affected regions and providing lasting prospects and adequate procedures for refugees and their families until return to their country of origin is possible."

Once the system was functioning, EU members would be "in a position to find asylum applications of these persons inadmissible on safe third country grounds".

The proposal was supported by the home secretary, Theresa May. She said: "We also need to be setting up removal centres in transit countries in Africa. By doing these things we can be sure we offer protection to those who need it and return the economic migrants who do not."

Claude Moraes, the Labour MEP who chairs the European parliament's civil liberties committee, said the proposal was invidious.

"The principle of asylum must be preserved at the heart of one of the key proposals. The idea of safe countries could potentially corrupt this right," said Moraes who worked for many years as an immigration lawyer.

The European commissioner for migration, Dimitris Avramopoulos, admitted that the proposed policy was flawed since target countries in Africa were "not willing" to host EU-sponsored refugee camps on their soil.

[Guardian graphic: Schengen border controls]

Monday night's meeting took place as curbs on free movement across Europe snowballed following Germany's unilateral and controversial decision on Sunday to re-establish national border controls at the centre of Europe's free-travel Schengen area of 26 countries. Austria and Slovakia followed suit on Monday, while the Dutch said they were stepping up "border area

patrols” and the Belgian authorities said they were considering parallel action. The Hungarians are to implement draconian border controls from Tuesday, criminalising migrants who cross the border from Serbia without permission.

The political disarray was reflected in the chaos on the ground as thousands sought to beat the new rules in Hungary by entering from Serbia. The Hungarians filled trains to Austria where the borders to Germany were clogged as a result of the new German regime.

The ministers called for the quick creation of refugee camps in Greece and Italy and for the detention of those failing to win asylum but who could not be deported from the EU quickly and who might move on to other EU countries.

“Reception will be duly organised so as to temporarily accommodate people until a decision is quickly taken on their situation. When voluntary return is not practicable ... detention measures should be applied urgently and effectively.”

<http://www.theguardian.com/world/2015/sep/14/refugee-crisis-eu-governments-set-to-back-new-internment-camps>

2. Michael Bachelard: Democracy suffers in assaults on free speech

Through new metadata laws, changes to the ASIO Act, the Border Force Act, and a range of other developments, free speech as it relates journalism is under institutional attack

The Age
September 15, 2015
Michael Bachelard

The Abbott government was elected on a pro-free-speech platform based on its promise (since broken) to abolish Section 18C of the Racial Discrimination Act.

Two years later, free speech as it relates to journalism is under subtle, although sometimes overt, institutional attack – despite the appointment of a free-speech commissioner to the Human Rights Commission.

There are many aspects to this attack. Under federal laws, telecommunications providers are now required to preserve all electronic metadata for two years for warrantless access by law enforcement agencies.

Reporters' communications with sources are by no means exempt, and we are already feeling the chilling effect on sources who approach us. To protect these crucial interactions, there's only an embarrassingly slim figleaf of a monitor, appointed by the government, to secretly review cases. We may never know what's been done in our name.

As bad as that is, it's far from the only aspect of the problem. Forty new anti-terrorism laws have recently passed Parliament in an atmosphere of heightened alarm, and many of them contain insufficient parliamentary scrutiny of their potential to harm journalism and free speech.

Amendments to the ASIO Act now make any disclosure of information about a "special intelligence operation" a crime. The catch-22 is that you're not allowed to know that it's been designated that way until after they arrest you. You then face a sentence of up to five years. And even then you can't tell anyone about it.

Under the Border Force Act – and don't we all feel we're in safe hands with that new, armed bureaucracy on the streets – it's two years in jail for doctors, lawyers, social workers and public servants if they disclose "protected information".

Meanwhile, a few old enemies remain.

The defamation writ has raised its ugly head again in recent times, and as if fighting off Joe Hockey wasn't enough here at Fairfax Media, now we're up against the Mafia, literally.

Mick Gatto has just issued a defamation writ against me and some of my colleagues. I admit that Mick has a "reputation", but I'm not sure it's the kind that's capable of being defended using defamation law.

Another Melbourne man, Tony Madafferi, who is alleged to be a leading member of the Calabrian Mafia, is also suing us for defamation. His writ has been accompanied for good measure by an action seeking a court order against Age investigative reporter Nick McKenzie to reveal his sources.

It's one of many source-hunting writs that The Age investigative team has faced in recent years. They are hugely expensive for the media company, and stressful for reporters, and the effectiveness of shield laws meant to protect journalists' sources are so far untested in the courts.

Without casting any reflection on current cases, source-hunting applications have the potential to be misused simply to annoy, intimidate and sap morale, rather than in any realistic hope of finding the source.

Courts, meanwhile, play their part in inhibiting free inquiry by issuing an ongoing plethora of suppression orders under what's ironically called the Open Courts Act.

Media organisations stretched for resources can only represent the public's right to know in the biggest of these cases, which has prompted recent serious discussion of the need for a publicly appointed free-speech advocate to appear on those occasions when the prosecution and defence both agree that information raised in a court case should be locked away from the public.

Then there is the constant, government-sponsored campaign of intimidation against the ABC and SBS. The government's attacks on its own public broadcasters is, of course, encouraged and amplified by the so-called free speech warriors in the Right-wing media.

Lest you think I'm somehow overstating the position, consider the fate of young Scott McIntyre. He was a soccer commentator employed by SBS who chose Anzac Day to air his strong opinions.

The "cultification of an imperialist invasion of a foreign nation that Australia had no quarrel with is against all ideals of modern society", McIntyre tweeted.

He wondered about the revellers and two-up players spilling from Melbourne's pubs, if the "poorly read, largely white, nationalist drinkers and gamblers pause today to consider the horror that all mankind suffered" in World War I.

He remembered "the summary execution, widespread rape and theft committed by these brave Anzacs in Egypt, Palestine and Japan".

It did not take long for the self-appointed un-Australian activities police to pounce. Like some kind of cultural coagulant, the columnists of News Corp rushed to the wound that McIntyre had opened and formed an almighty scab.

Rita Panahi at the Herald Sun wasted no time drawing a link between McIntyre's opinion, and his employment. She tweeted: "Your tax payer dollars at work".

Chris Kenny at The Australian piled in next, saying: "Please look at this creep's timeline and get him off public payroll".

As is now the pattern in these cases, Malcolm Turnbull, that great defender of the independent media institutions he oversees, swung into action. He phoned the head of SBS, Michael Ebeid, to draw his attention to the McIntyre tweets.

Although Turnbull did not recommend McIntyre's sacking, by the next day SBS management deemed he would be looking for a new job.

Not that this was a free-speech issue, the pundits insisted, in their various columns and TV shows. No, this was an issue of a national broadcaster giving McIntyre a platform.

It's a remarkable piece of sophistry. As Voltaire might have said, but didn't: "I might not like what you say, and if I don't, you have no choice but to say it in a locked room where nobody can hear you."

In Australia we are in the odd position that it's OK to be a bigot and to offend people with your free speech, but only if you're in control of 400 column centimetres and an eponymous TV show each week.

But if you're Scott McIntyre, or Adam Goodes, or Zaky Mallah, and your free speech offends those people, you must be sacked, shut down, boycotted, or perhaps put in a chaff bag and dropped out at sea.

The right to journalistic free speech is crucial to a functioning democracy, and, in this democracy in the past two years, that right has been diminished.

>>>> *Michael Bachelard is Investigative Editor at The Age. This is an edited extract of a speech to Liberty Victoria.*

<http://www.theage.com.au/comment/journalism-free-speech-continue-to-take-a-battering-under-abbott-20150914-gjlxf.html>

3. David Marr: Vale, Tony Abbott – both a unique man and a unique failure

The ousted PM never strayed from the belief that his God-given mission was to save a nation in peril. But Australians didn't buy it – we don't see ourselves that way

The Guardian

David Marr

Friday 18 September 2015 12.57 AEST

Tony Abbott is fading fast. Within days of his fall he's looking like a prime minister we once had a long time ago. The drama of his execution this week was muted by the lingering disbelief that he was ever there. His government has slipped easily into the past. He is gone and barely missed.

"The beauty of being leader is you are freer to be yourself," he remarked five years ago after becoming leader of the opposition. But that self proved, in the end, not made for the politics of today.

Abbott was a brawling politician of great skill but he was also – and fatally – still in many ways the cold war kid who rode out with Bob Santamaria's forces in the late 1970s to confront the zeitgeist and save western civilisation.

Along the way, Abbott would abandon nearly every policy Santa stood for but he never lost the old man's fear of the future and the belief that his God-given mission was to save us from enemies we don't even realise are there.

In Abbott's political imagination danger lurks everywhere. Whether it's the death cult abroad or the ABC at home, there is always more at stake than meets the eye. Ruin is at hand. Combat is imperative. Hyperbole is the order of the day.

In the end, that didn't wash with Australia.

Abbott used to talk of himself as a mutt chasing a car. What happens, he used to wonder, when the dog catches the vehicle? The answer when he became prime minister turned out to be: not much.

It's not that he didn't have ideas. Opinion pieces were his strength in his early career as a journalist. Even as minister for health – and he was a good minister – he liked to lock himself away for days at a time to write newspaper pieces in which he threw around big, bold ideas.

But missing from these tens of thousands of words was much about strategy. Abbott does not have the profoundly professional imagination of John Howard, whose mind focused instinctively on the task of getting where he wanted to go.

Without his superb talent for political conflict, he would never have brought his party in from opposition. True, he wrecked the joint to get there, but the victory of 2013 can never be taken away from him.

That's when his troubles began. He found he had little to carry him forward when he came to power except his instinct for brawling. There was no strategy. Persuasion was at a minimum. He picked fights everywhere. Like the worst of world war one's generals, he led his government straight at the machine guns.

In opposition he had built up a great political asset: trust in his word. That he was caught out so often ducking and weaving didn't matter. Abbott convinced Australia that he was the truth teller and his opponent, Julia Gillard, the liar.

This political gold was squandered in his first budget. From that strategic error, Abbott never really recovered. That the budget picked so many fights he couldn't win only compounded a fundamental miscalculation that reduced Abbott to the ranks of ordinary politicians.

His devotion to the crown was comic yet it didn't bring him undone – though even his supporters regard his knighting of Prince Philip as one of the silliest political gestures in living memory. Nor was it a bar to his survival that Abbott was a John Paul II brand of Catholic warrior. His defence of marriage as an honourable estate fit only for heterosexuals was one of the few times in his career Abbott tried to force his religious beliefs on the nation.

These old loyalties gave a sepia wash to his leadership but were not the cause of his downfall. Abbott was only Santa-lite but in the end he failed in the same way Santamaria failed half a century ago: we didn't buy his vision of a nation in peril. We don't see ourselves that way.

He is a unique man. His was a unique failure. And he was true to himself all the way out. In his last appearance in the prime minister's courtyard he lectured the media in grandiose terms: "Refuse to connive at dishonour by acting as the assassin's knife." He sees himself as he always has: surrounded, indeed white-anted, by enemies.

By that point, of course, he wasn't entirely wrong. He leaves behind a band of ultra conservatives distraught at his fall. For a time they had a champion. It seemed under Abbott they might yet fend off the future. They imagined an Australia free of everything from wind turbines to lesbian offspring. But this has all been plucked away from them.

The leaders of this band are Eric Abetz, Cory Bernardi and Kevin Andrews, who scored a remarkable 30 votes in the contest for deputy leader early this week. They are for Malcolm Turnbull to deal with now. Whatever else happens this will be the defining task of Turnbull's time as prime minister. He spoke of changing the discourse on economics. But he must know the discourse has to change across the board.

The bounce he enjoyed in the polls this week has been modest. He's on notice that Australia wants much more than the leadership to change.

<http://www.theguardian.com/australia-news/2015/sep/18/vale-tony-abbott-both-a-unique-man-and-a-unique-failure>

4. Abbott's last act in accepting Syrian refugees more politics than compassion

Just as Malcolm Fraser used the occasion of accepting Vietnamese refugees to try to stop the boats, Tony Abbott's last act as PM was not a mark of kindness, writes the Refugee Action Coalition's Ian Rintoul.

Crikey
Ian Rintoul, Refugee Action Coalition spokesperson
Sep 16, 2015 12:56PM

Government immigration policies are always shaped by successive governments' determination that they will "decide who comes to this country and the circumstances in which they come".

Tony Abbott's last big policy announcement as prime minister that Australia would accept 12,000 refugees from camps on the border of Syria has similarities to earlier international crises. There was the intake of Vietnamese refugees in the '70s and '80s, and the Cambodians and the Kosovars in 1999.

The response in each case was differently shaped by the politics of the day. But equally, each instance also reveals how Australia's "humanitarian" response has been qualified and always subordinated to the government policy and narrow considerations of the national interest -- none more so than the Abbott government's announcement about the Syrians.

In the case of the Vietnamese, Malcolm Fraser could not ignore Australia's particular responsibility for the refugees because of Australia's alliance with the United States in the imperialist war. But even in the face of such a moral imperative, Fraser's willingness to take around 80,000 Vietnamese over 10 years was predicated on the basis of preventing asylum boats reaching Australian shores.

The regional resettlement arrangements established foetid camps and relied on the co-operation of regional governments to prevent asylum boats arriving directly on Australia's shores. And if that wasn't enough, Australian immigration officials were on hand to directly sabotage asylum boats.

Fraser introduced the first legislation to criminalise people smuggling in his attempt to stop the boats. Fraser's suite of policies laid the basis of refugee deterrence that would frame the anti-refugee policies of future governments.

The Fraser government even considered using deterrence measures as denying resettlement to refugees who had paid for their passages to safety -- although special mention has to go to the Hawke Labor government introducing mandatory detention legislation in 1992 when faced with a Federal Court challenge to its policy of locking up Cambodian asylum seekers.

There are similarities between the response of the Howard government to the Kosovars and Abbott's response to the Syrians. In both cases, despite international publicity and a public outcry, initially the government refused to budge. Then as public disquiet grew, the question became, "how to respond?"

The Howard government could hardly offer permanent protection, given that it was already actively considering the introduction of Hansonite policy of temporary protection visas, effectively in place by August 1999, as a deterrent to all boat arrivals. While Canada offered permanent protection for 5000 Kosovars, the Australian government took 4000 Kosovars and created temporary safe haven visas (TSHV), valid initially for a period of three months.

Kosovar refugees were held in squalid conditions, with no right to work or access to Medicare, and when the UNHCR declared in July 1999 that it was safe to return, Australia immediately began arrangements to repatriate all of the Kosovars.

Initially, Abbott responded to the Syrians in the same "nope, nope, nope" way he did to the crisis of the Rohingya boats to our north in July.

Two days later, however, while still ruling out any increase in the annual humanitarian intake, Abbott had relented a little, saying that places for Syrians would be considered but only within the existing intake. It took another three days, and vigils of tens of thousands calling for action, before Abbott finally announced that an extra 12,000 places would be offered.

It is still not known how long the new Turnbull government will take to resettle the 12,000, but ministers have suggested that it could be more than two years. The annual humanitarian intake will remain at 13,750, although it is slated to increase to 18,750 in 2018. This is still less than the 20,000 it was before the Coalition cut the intake in 2013.

Abbott said of the policy, "It is a generous, prudent and proportionate response by a decent and compassionate nation." But the numbers say otherwise.

Unlike the Kosovars, the refugees brought from camps on Syria's border will be granted permanent protection. But a close look at the agreement shows any humanitarian consideration is similarly conditioned by narrow domestic policy interest.

Most strikingly, the government is reintroducing discriminatory selection criteria into the humanitarian program. Greens leader Richard Di Natale said there was "more than a whiff of White Australia" about the policy, and he is on the money.

While Christopher Pyne said that the government was "colour-blind" on humanitarian policy, other government ministers made it clear that "persecuted minorities" meant giving priority to Christians. Social Services Minister Scott Morrison stated explicitly that "Christian Syrians would make up the bulk of the intake".

If that weren't a clear enough dog whistle to Islamophobia, only families, women and children will be selected -- i.e. no single Muslim men.

Finally, on the same day as the announcement of the measure to select 12,000, Abbott declared that no consideration would be given to granting asylum to Syrians (or anyone else) held in detention offshore or on mainland Australia.

Compassion for those fleeing persecution and war ends at the boundaries of Fortress Australia. No UNHCR refugees will be accepted from Indonesia, and no one will be accepted from Manus or Nauru.

As always, humanitarian policy remains hostage to domestic politics.

<http://www.crikey.com.au/2015/09/16/abbotts-last-act-in-accepting-syrian-refugees-more-politics-than-compassion/>

5. Syrian refugees won't settle in ghettos, Turnbull government says

The Age
September 17, 2015 - 4:27PM
Nicole Hasham

Syrians accepted into Australia will not congregate in ethnic ghettos and will likely be housed across Australia including regional towns, the Turnbull government says, as officials wrestle with how to disperse the 12,000 refugees due to arrive within weeks.

Prime Minister Malcolm Turnbull and other government officials met the Refugee Resettlement Advisory Council in Canberra on Thursday to discuss the details of helping the refugees put down new roots in Australia, including the geographical split.

Fairfax Media has reported NSW and Victoria were prepared to take at least 4000 refugees each and Liberal elder Philip Ruddock has cautioned against "ghettoing" of thousands of Syrians.

News Corp on Thursday suggested 7000 could be housed in western Sydney alone.

Mr Ruddock reportedly said the process of deciding where refugees would be resettled was "very complex" and should be based on where support services were available.

"Sometimes you need to think about where communities already exist because they can be very important in supporting those who are coming," Mr Ruddock said.

"I don't think it's desirable to have people ghettoing, if I can use that term, so distribution of populations is important."

Social Services Parliamentary secretary Senator Concetta Fierravanti-Wells said suggestions that ghettos would be created were "unfounded" and Australia's humanitarian settlement services were a "well oiled machine ... we've been doing this well for a very, very long time".

Senator Fierravanti-Wells said refugees, many of whom had suffered trauma, often preferred to be housed "where [their] families are, where ... there may be people that come from the same village".

"Many of the persecuted minorities that we are talking about have linkages in metropolitan Sydney and metropolitan Melbourne [and] in other areas as well," she said, adding many later moved in pursuit of job opportunities, including to regional areas.

In Parliament on Thursday, Immigration Minister Peter Dutton refused to discuss his future following reports he offered his resignation to Mr Turnbull after vocally supporting Tony Abbott before Monday's leadership ballot.

Asked if he had received a response to his resignation offer, Mr Dutton said his recent discussions with Mr Turnbull related to the emergency Syrian refugee intake.

<http://www.theage.com.au/federal-politics/political-news/syrian-refugees-wont-settle-in-ghettos-turnbull-government-says-20150917-gjov0n.html>

6. Louise Newman: Will Malcolm Turnbull show compassion to asylum seekers?

The Age
September 17, 2015 - 12:00AM

Louise Newman

We now have the opportunity to reaffirm our social commitment to children's wellbeing and make compassion a reality.

Prime Minister Malcolm Turnbull inherits several matters demanding attention, including a complex legacy of distress and damage to asylum seekers in the context of policies of deterrence and isolation.

There are deep concerns about conditions in offshore processing centres – reports documenting sexual assault of women and children in centres financed by Australia, poor medical care and increasing rates of mental illness among detainees. Medical practitioners and clinicians are calling for reform and pointing out the difficulties of working within a system that dismisses clinical recommendations and makes ethical practice virtually impossible.

The Abbott government dismantled conduits for independent clinical advice about the health and mental health needs of asylum seekers and children and brought in the Border Force Act in July, outlawing disclosures of information about detention centres and threatening two-year imprisonment terms for doing so. There is a crisis within the immigration detention system that must be dealt with.

Addressing the ongoing detention of women and children, including infants, is a good place to start. The damage to children in detention is immediate and also has long-term consequences. The legacy of trauma includes mental health and developmental problems and a life often scarred by memories of the conditions in detention. The impact on women and families of having a baby in detention, when that infant has no rights to identity or visa and little access to healthcare, is significant.

Mothers in detention tell me of their wish to die, in the belief that their infant might have a future, and of their terrible guilt and despair at finding their infant is a stateless prisoner.

The detention of these families has been rationalised as being needed to deter others from seeking asylum, with the argument that we must accept the harm inflicted on powerless people. Our new Prime Minister must be told that this is not acceptable or necessary on any level and that Australia can do better.

As we have witnessed so graphically in recent coverage of the mass exodus of desperate families from Syria and in those coming to Australia by sea, the suffering of infants and children is devastating. Parents witness the death of their children in circumstances that will haunt them forever. The initial international response and eventually from the Australian government has been one of both distress and a need to respond. The Australian commitment is arguably small, relative to need, but it signifies a response at a basic level that we all have to protect and care for vulnerable children.

Parents in Syria and other places of conflict and trauma flee to protect their children and offer them a better future. This is an impulse we can all relate to and should respect in all asylum-seeker families; I believe we would all become asylum seekers in such desperate situations

Seeking refuge and a place of safety drives these long marches and dangerous boat trips. When the risks and fears of remaining outstrip the fear of the journey, people will move in the hope of rescue. To find a safe place and re-establish a sense of identity and future is core to the refugee experience.

Fundamental to this is the importance of children and the emotional investment in the next generation. Infants and children embody the wishes of parents who have lost their base for the future of their culture and history. The child has the potential for a new beginning and can be protected from the trauma of the past, but is also an important carrier of memories. The issues for child survivors of massive trauma are complex, and finding their own identity in the face of carrying the burden of trauma in parents is something that has been noted in other examples of genocide and holocaust as complex and potentially scarring.

Asylum seekers know from direct experience that humans have the capacity for tremendous harm and terrible violence. They struggle to continue their lives in the face of this awareness and sadly many face additional trauma and damage in immigration detention. Rather than compassion and care, they often face degrading and demeaning treatment and lose all hope of a better life.

Many ask me how the Australian government can do this when they had a belief that the Australian people were not without compassion and a capacity to care for those in need. This is a question for Turnbull as he thinks about reclaiming the goodwill of the community and a return to core values.

This may be an important turning point in thinking about our response to child asylum seekers and calls for a restatement of basic principles that should inform our immigration policy and practices: all children have rights to care and protection and opportunities for healthy development; traumatised children should not be further traumatised and psychologically damaged in prolonged detention.

We now have the opportunity to reaffirm our social commitment to children's wellbeing and make compassion a reality – releasing all children and families in detention and closing offshore and remote centres would be a start.

Professor Louise Newman is director of the Centre for Women's Mental Health at the Royal Women's Hospital and professor of psychiatry at the University of Melbourne. She is vice-president of Doctors for Refugees and former adviser to DIBC on mental health in asylum seekers.

<http://www.theage.com.au/comment/will-malcolm-turnbull-show-compassion-to-asylum-seekers-20150915-qjnlxl.html>

7. Manus asylum seekers congratulate Malcolm Turnbull – and ask for freedom

Asylum seekers and refugees awaiting resettlement have asked to be released from Australian-run detention and community housing in Papua New Guinea

The Guardian
Ben Doherty
Friday 18 September 2015 06.17 AEST

Asylum seekers on Manus Island have joined world leaders Barack Obama, Ban Ki-moon and Binyamin Netanyahu in congratulating Malcolm Turnbull on his ascension to the prime ministership, and asked to be released from detention.

In a neatly penned handwritten letter, addressed to “the honourable prime minister Mr Malcolm Turnbull”, the asylum seekers of Manus Island write that they “offer our congratulation to you and wish you the best success and for your government”.

The open letter mentions Australia's, and the world's, “embracing” of refugees now fleeing conflict in Syria.

“We are happy for them as they are welcomed, because we know the pain of them and understand them more than others.”

The letter writers say they did not intend to breach Australia's “borders and privacy” in arriving by boat.

“This was a hard decision to leave our families and love ones. We also believe that seeking refuge by boat is dangerous but we didn't have any choice at that time.”

The asylum seekers say they understand, and support government policies, designed to save lives at sea “because we saw death with our own eyes, but at the moment we are experiencing gradual death at detention for more than two years, that affects our mental health daily. We see men cutting themselves as they are suffering.”

The letter finishes with a plea for freedom, and not necessarily passage to Australia.

“Our request from you, who are as a father to your children, is to look at us fatherly and bring back the taste of freedom and living to us.

“If you haven't decided to resettle us in Australia because of any reason we please expect to resettle us in countries that participate in the UNHCR resettlement program.”

Papua New Guinea is not a refugee resettlement country under the United Nations high commissioner for refugees program.

About 40 recognised refugees have been moved from the Australian-run detention centre on Los Negros Island to the East Lorengau refugee transit centre on Manus Island, also built and run at Australian direction and expense.

But PNG has no resettlement policy for the men and there is no indication from the country's government they might be resettled soon.

In a reflection of the Manus men's forensic interest in Australian politics, the letter is also copied to the opposition leader, Bill Shorten, the Greens senator Sarah Hanson-Young, the MP Clive Palmer, the high court, the parliament, and premiers of most states of Australia, noting carefully that the Northern Territory has a chief minister not a premier.

One of the recognised refugees moved to East Lorengau also wrote to the new PM via Facebook.

“We expect to see humanity not cruelty, please treat us like humans,” wrote Mohsen, who spoke to Guardian Australia last month on Manus Island.

“I don't like begging for anything but your treatment forced me to do it again and again, congrats to new PM, please you show us the real Australian treatment ... please show humanity to us.”

The new prime minister appears highly unlikely to make an immediate change to any elements of Australia's asylum policies.

In his first question time as prime minister on Tuesday, Turnbull said the government's “successful” border regime, the key planks of which have been boat turnbacks and offshore processing, had stemmed the flow of asylum seekers arriving by boat.

“In no small part because we have been successful in securing our borders, we can play our part in helping resettle an additional 12,000 refugees from Syria and Iraq,” he told parliament.

<http://www.theguardian.com/australia-news/2015/sep/18/manus-asylum-seekers-congratulate-malcolm-turnbull-and-ask-for-freedom>

8. Martin McKenzie-Murray: Children behind bars

For asylum-seeker children detained on Christmas Island, the perils of crossing treacherous seas in unsafe vessels was just the beginning of their despair.

The Saturday Paper
Sep 19, 2015
Martin McKenzie-Murray

The decision to send away his son was hard, but routine bloodshed hastened it. Days before his decision, a Sunni extremist group, linked to the Taliban, blew up a school bus in Quetta, Pakistan. It killed 14 girls, murdered for the sins of academic ambition and gender. Later that day, the group stormed the hospital that was treating the survivors. They shot dead 11, some as they lay burnt and writhing in bed.

That was June 2013. Six months earlier, the group dispatched two suicide bombers to a crowded pool hall. They killed more than 80 people. The next month, the group loaded a water tank with 70 kilograms of explosives. The tank was situated in a busy marketplace comprising fruit and vegetable stalls and a language school. The explosion killed more than a hundred. “The Taliban say we are not Muslim,” the son, whom I will call Mustafa, recalls. “They shot you because we put our hand in front of our stomach when we pray. They prefer hands by the side.”

The decision was made. Mustafa’s father would give his savings to his boy’s passage to Indonesia. Then, God willing, Australia. Agents were found, money anxiously exchanged and, in August 2013, Mustafa left. He hasn’t seen his family since.

The Christmas Island detention centre is surrounded by palm thieves and jungle. The palm thieves are also known as coconut or robber crabs, desired for their meat and respected for their large claws and obstinate grip. Their numbers have dwindled perilously in much of Asia, but here, on an island of just 2000 people, there’s 100 million of them. The jungle is largely reserved as national park, and filled with ferns, orchids and vines.

Since 1958, the island has been subject to Australian administration. Like Nauru, it has been mined for its phosphate. As with Nauru, its remoteness – it sits 400 kilometres from Jakarta, and some 2600 kilometres from Perth – has served our immigration policy. Newspapers are 10 days old, the internet unreliable and the price of groceries dramatically reflects the cost of their transportation. Its residents are variously Buddhist, Christian and Muslim, and speak a mixture of English, Chinese and Malay.

It was this tiny community that flung lifejackets tied to ropes into the ocean when, one morning in 2010, they heard screams. A wooden fishing boat, carrying 89 asylum seekers, was smashed upon the limestone cliffs by five-metre waves. The boat disintegrated, children drowned. Locals felt their ropes, taut with desperate attachment, suddenly go limp. The boat had avoided detection by making its voyage at night and in a merciless swell. It was deliriously reckless, and most passengers died. “It’s bloody carnage,” Allison Millcock, a contractor for the local shire, said. “It’s a human tragedy and these bastards who are bringing these boat people should be shot – they’re criminals, they are absolute criminals.”

Full story at <https://www.thesaturdaypaper.com.au/news/immigration/2015/09/19/children-behind-bars/14425848002400>

9. Melbourne woman taking on Transfield over children in detention

The Age
September 18, 2015 - 10:44PM
Richard Baker, Nick McKenzie

[Video caption: Human rights lawyer Shen Narayanasamy is making great strides in her campaign to educate businesses that are financially invested in Transfield about the ongoing abuse taking place in both the Manus Island and Nauru detention centres.]

This is the Melbourne woman who has corporate giant Transfield Services extremely nervous as it negotiates a new contract to run Australia’s offshore immigration detention centres.

Transfield is preparing to sign a multibillion-dollar, five-year deal to continue operating the Manus Island and Nauru camps on behalf of the federal government, and Shen Narayanasamy wants to put the release of children at the forefront of the company’s mind.

And Transfield is taking her and the newly formed group she helped create, No Business In Abuse (NBIA), very seriously.

NBIA, whose members come from religious groups, unions, left-wing law firms and human rights bodies, has stunned Transfield and the top end of town with the effectiveness of its - until today - publicly silent campaign targeting the company's investor base.

"There is clearly considerable disquiet across the boardrooms of this country regarding our abuse of people detained in offshore camps," said Ms Narayanasamy, who devised the campaign while on maternity leave last year.

Tactics borrowed

Borrowing from the playbook used by activists to target tobacco and fossil fuel companies, NBIA has been quietly meeting -- often by way of invitation -- with Australia's biggest investors, banks, superannuation funds, institutions and analysts.

In those meetings, the group highlights instances of alleged rape, violence and other adverse incidents that it claims shows Transfield's complicity in human rights abuses.

It is this complicity, the group argues, that poses serious legal, financial and reputational consequences for Transfield, and a likely loss of value for shareholders.

By using language easily understood by the investment sector, which has a fiduciary duty to put financial returns to members ahead of ethical concerns, NBIA's campaign has proved persuasive.

Leading industry super fund HESTA recently divested \$23 million of Transfield stock after meeting with Ms Narayanasamy. HESTA said it made its decision on a financial basis and that it had been seeking answers from Transfield about its immigration work a year ago.

Divestment causing stir

Still, its divestment caused a stir in financial circles and was greeted with scepticism from Assistant Treasurer Josh Frydenberg, who wants to rein in union influence on industry fund boards. UniSuper and NGS Super have also sold out of Transfield.

Several other big investors, including Transfield's major shareholder, funds manager Allan Gray, are reviewing their holdings amid concerns about events on Manus Island and Nauru.

In an indication of the success of NBIA's campaign, Transfield has circulated a nine-page letter around the investment community rebutting the group's claims.

Having achieved much without any publicity, Ms Narayanasamy has chosen to speak publicly today as her group intensifies its campaign to have children released and to counter Transfield's statements to investors.

With Transfield having until October 31 to sign off on its new contract, NBIA has presented the company's top executives with four non-negotiable conditions it wants built into the deal. The release of children tops the list.

Turnbull targeted

Malcolm Turnbull's ascension to the prime ministership has proven timely for NBIA, which has not forgotten his February comment that "one child in detention is one child too many".

"Transfield can choose to demand that children be released immediately as part of the current contract negotiation process," Ms Narayanasamy said.

"It must accept the responsibilities for what its choice means to vulnerable men, women and children, as well as to investors relying on Transfield as a legitimate and respectable actor in Australian business."

Ms Narayanasamy is not in the business of making empty threats. She said NBIA was weeks away from publicly releasing a report detailing every human rights abuse that has occurred under Transfield's watch at the detention centres. It will include fresh data on sexual assaults.

Recent reports by Senate Select Committee, the Australian Human Rights Commission and the Moss independent review have included widespread allegations of abuse at the offshore camps, including instances of rape and criticism of Transfield and its sub-contractor, Wilson Security.

The findings of such reports have been accepted by Labor and the Greens, but are disputed by the Coalition and Transfield, who claim the allegations lack specific evidence.

Investors reassured

To assuage nervous investors, Transfield has offered to take them on tours of the camps. In its letter to investors, Transfield accused NBIA of basing its claims on outdated information and said the targeting of its investor base was not "in the interest of the welfare of asylum seekers".

It also played down the threat of litigation by pointing out that the human rights conventions highlighted by NBIA were voluntary and not legally binding on companies.

The company declined to answer specific questions from Fairfax Media on whether it would raise the issue of children in contract talks with the government. It instead released a statement reinforcing its commitment to "the highest standards of probity and transparency", its "zero tolerance for abuse" and welcoming the regular visits to the camps by the Commonwealth Ombudsman, Red Cross and UN representatives.

Fairfax Media understands that Transfield privately believes releasing children is a matter for government and that Australians should remember that people inside the camps are free to leave anytime.

Chief executive of the Australian Council of Superannuation Investors, Louise Davidson, said campaigns such as NBIA's which target investors instead of politicians will become increasingly common in Australia.

"There's no doubt we will see more of the targeting of investors by non-government organisations rather than policy makers," she said.

"NGO's are a really good source of information for us but it has to be remember that there are political ends they are trying to achieve."

Having met with NBIA, Ms Davidson's organisation and some of its individual members have been in talks with Transfield.

Ms Davidson said some super funds were eager for Transfield to provide "a greater level of disclosure about activities and more transparency".

Children were motivation

So what motivated Ms Narayanasamy to do all this while on maternity leave?

She said it was the memory of visits to outback detention centres more than 10 years ago where she was struck by the "dead-eyed children and the young men slowly going mad being held in remote dusty camps".

A stint in corporate law and mining litigation in Africa gave her the skills to communicate with the corporate sector. She credits refugee organisation RISE with being the first to recognise Transfield's vulnerability as a corporate entity.

As the date for Transfield's contract renewal draws nearer, NBIA has partnered with GetUp and the noise for children to be released will grow louder.

"People might be swayed by the Stop the Boats rhetoric, but they draw the line at child abuse. We saw that with the little Syrian boy, sooner or later, humanity triumphs. If I was an investor, I'd put money on that probability," Ms Narayanasamy said.

<http://www.theage.com.au/business/melbourne-mum-taking-on-transfield-over-children-in-detention-20150918-gjppk1.html>

10. Victoria Police halts joint operations with Border Force after Operation Fortitude stuff-up

ABC News Online / 774 ABC Melbourne
Posted Thu 17 Sep 2015, 10:17am

Victoria Police has ruled out any more joint operations with the Australian Border Force (ABF) until the federal agency can guarantee there will not be a repeat of last month's Operation Fortitude controversy in Melbourne.

Operation Fortitude was cancelled just hours after the ABF issued a media statement suggesting its officers would be on Melbourne streets cracking down on visa fraud.

Victoria's Chief Commissioner Graham Ashton has since met with ABF Commissioner Roman Quaedvlieg.

Commissioner Ashton told 774 ABC Melbourne the bungle was alarming and could not be repeated.

"I've said look we won't be doing any more operations together until we sort of understand what they might look like and what the differences are now between Border Force and what Immigration might do," he said.

"Until we do that we won't be doing anything further together."

The original Operation Fortitude announcement, released on the morning of August 28, quoted ABF Regional Commander for Victoria and Tasmania Don Smith as saying officers would be positioned at various locations around the city and would speak "with any individual we cross paths with".

The ABF then issued another statement saying: "To be clear, the ABF does not and will not stop people at random in the streets ... the ABF does not target of the basis of race, religion, or ethnicity".

At a later press conference on the same day, ABF commissioner Quaedvlieg said the announcement was "clumsily worded" and had been "misconstrued".

"This is an unfortunate misconception of wording," he said.

"This is an unfortunate incident which should not have occurred."

The Victorian Government also issued a statement criticising the ABF's "unfortunate" and "inappropriate" characterisation of the operation, saying it was meant to be a "standard police operation".

"The State Government was notified this month that Victoria Police would lead a joint-agency operation this weekend in the CBD aimed at keeping Victorians safe," the statement said.

"We were advised it would target anti-social behaviour and commuters to ensure people got home safely."

Chief Commissioner Ashton said the guidelines had to be made clearer before Victoria Police would work with the agency again.

"It's not an issue of trust but I've got to make sure that we're not doing something that's going to cause undue community alarm through the community not understanding what's happening," he said.

<http://www.abc.net.au/news/2015-09-17/victoria-police-will-no-longer-do-joint-operations-border-force/6783196>

12. Scott Morrison ensured asylum seeker data breach probe failed, court finds

Immigration department responded to a breach disclosing personal details of thousands of asylum seekers in a way that was 'unfair to a significant degree'

The Guardian
Paul Farrell
Friday 18 September 2015 11.56 AEST

Former immigration minister Scott Morrison instructed his department to set up a process guaranteed to fail for handling a major data breach that disclosed the personal details of almost 10,000 asylum seekers, a landmark federal court decision has found.

The ruling found the immigration department responded to a data breach disclosing the personal details of thousands of asylum seekers in a way that was "unfair to a significant degree" and had not provided procedural fairness to asylum seekers affected.

The extraordinary comments by three federal court judges – in a unanimous decision – are highly critical of the immigration department and the instruction given by the minister. The case may have a profound impact on the future processing of thousands of asylum seekers affected by the data breach.

It also raises concerns from any asylum seekers who may already have been removed from Australia or from offshore detention centres affected by the breach.

In February 2014 Guardian Australia revealed that the names, date of birth, nationalities and other personal identifiers of almost 10,000 asylum seekers held in detention had been publicly disclosed by the immigration department on its website.

The disclosure sparked fears the asylum seekers identities may have been revealed to their countries of origin, which could put them at risk of further persecution.

The federal court case was one of many that have been steadily working through the courts since the breach arguing their protection claims needed to be reconsidered. It centred around two key asylum seeker plaintiffs affected by the breach, and a third that was not affected and was dismissed.

In a joint ruling justices Steven Rares, Nye Perram and John Griffiths upheld the applications for judicial review, and found the immigration department had failed to provide procedural fairness.

Their ruling was highly critical of the immigration department's handling of the measures they later set up to respond to the breach. They said the "procedures were unfair to a significant degree" and ordered the department to pay the asylum seeker's costs.

The secretary of the immigration department had sent out letters to all affected asylum seekers outlining that they would be given an opportunity to raise concerns about the breach. A limited process was established by the department to quickly assess the potential impacts of the breach. Asylum seekers were only given two weeks to put their cases to the department.

The department also declined to provide full information about the extent of possible disclosure in foreign countries.

The plaintiffs relied in part on a report commissioned by KPMG – which was also obtained by Guardian Australia under freedom of information laws – to highlight the potential disclosure of the data in countries such as China and Russia.

The court ruled they were entitled to procedural fairness in the process surrounding the breach, following from the letters sent by the secretary.

"The three letters from the department suggested that it would hear from [the applicant] ... prior to making a decision. They were sufficient to suggest to him that he was going to be given a fair hearing," the judgment said.

The judges were also scathing of the department's suppression of information about the breach, and their refusal to release an unabridged version of the KPMG report.

They pointed to the potential conflict at the heart of the immigration department's conduct, with the department inviting asylum seekers affected by the breach to put forward a case to the very organisation that had engendered the privacy breach.

"What we will say is this. The department is requiring affected individuals to make submissions to it about the consequence of its own wrongful actions in disclosing their information to third parties without revealing to them all that it knows about its own disclosures," the judgement said.

They continued to say the department "is conflicted in its role in assessing what the non-refoulement obligations are which arise from its own wrongful conduct ... at the very least, in a practical way, it undermines fairness to suggest that in such an unusual situation the department does not have to reveal the full circumstances so that the person affected can assess, with full information, whether some adverse impact occurred."

The review officers within the department were ordered to consider only that the asylum seekers' personal details "may" have been accessed by the governments they were fleeing, and even the review officers were not entitled to view the full unabridged version of the KPMG report.

The judges then went on to say the direction given by the immigration minister – who at the time was Scott Morrison – essentially set up the asylum seeker to fail.

"Setting the bounds of the debate so that all that will be known is that the authorities in the receiving country 'may' have accessed the information means that this test will necessarily be failed."

"[The applicant] will need to show that the information was accessed and by whom and why access by those people poses such a significant risk. Far from ameliorating the want of procedural fairness, this instruction erects a process guaranteeing the claim will fail. It is not fair."

The judges went on to grant one asylum seeker a final injunction, essentially saying they doubted the immigration minister's promise the asylum seeker would not be removed should be accepted.

"The processes adopted in ... [the applicant's] case are sufficiently unfair as to raise in our minds a real question as to whether he can now be expected to trust, on the present evidence, the reliability of the department's own assessment of what is fair," they said.

"This is particularly so where the department is, in effect, investigating itself despite the inherent conflict that this unusual process potentially generates. [The applicant] should not be required to run the risk that the department can navigate the perils thrown up by this conflict without further mishap."

The comments surrounding the process set up by the immigration department strongly suggest the department will need to revise how it has handled the data breach.

Guardian Australia contacted the immigration department to query what steps would now be taken to assess asylum seekers affected by the breach, and to ask whether the department would appeal to the high court. The department has not yet responded.

The serious data breach sparked an investigation by the privacy commissioner, who found the department had breached the privacy of the asylum seekers involved.

Hundreds of complaints have been lodged with the Office of the Australian Information Commissioner surrounding the breach, which could cause the department have to pay hundreds of thousands in compensation.

<http://www.theguardian.com/australia-news/2015/sep/18/scott-morrison-ensured-asylum-seeker-data-breach-probe-failed-court-finds>

13. Immigration investigation judged 'unfair' after asylum seeker data breach

The Age
September 18, 2015 - 4:52PM
Nicole Hasham

Former immigration minister Scott Morrison presided over an "unfair" investigation that ensured asylum seekers were unsuccessful in showing a serious data bungle made it more dangerous to return home, the Federal Court has found.

The privacy breach, when the Immigration Department published online the confidential details of almost 10,000 asylum seekers, raised the prospect that people denied refuge in Australia would be sent home to a situation more perilous than the one they had fled.

The court concluded the department's assessment of the consequences of their breach was "unfair to a significant degree".

The case focused on the claims of two unnamed asylum seekers who were among 9258 whose details were leaked in February last year.

Their names, nationalities, arrival dates and other details were inadvertently published on the department's website. The information was publicly available for about 14 days and was accessed 123 times.

The department invited asylum seekers to formally outline how the breach threatened their safety if they were to return home.

However the probe, established under Mr Morrison's authority, withheld from asylum seekers information critical to successfully arguing their case, and all but ensured their claims failed, the court found.

Affected asylum seekers were invited to explain the impact of the breach on their safety upon returning home. They were given just 14 days to do so, despite the department seemingly having delayed its own investigations for months.

Asylum seekers were not told exactly what the breach entailed or how it actually, or may have, affected them, including who accessed the information.

Asylum seekers were also denied access to the complete version of a KPMG report into the breach.

Mr Morrison argued that officials assessing the claims were told to assume the information "may have been accessed" by authorities in an asylum seeker's home country.

However officials were also asked to determine if asylum seekers faced a "real risk" of significant harm, meaning the assessment was set up so that "this test will necessarily be failed", the court found.

As Fairfax Media reported in July, asylum seeker Nadir Sadiqi was among those whose details were leaked. He received a death threat on Facebook from a group purporting to be the Taliban. He believes they tracked him down using the leaked details, and feared he would be sent home to certain death in Afghanistan.

The court said the department faced an inherent conflict when assessing its obligations not to return asylum seekers to persecution, when "its own wrongful conduct" had created the potential risk.

Human Rights Law Centre legal advocacy director Daniel Webb said instead of taking responsibility for its error, the department "acted unfairly in denying people protection from the consequences".

"It has endangered people who came here seeking safety. The only decent, and lawful, response is to acknowledge the mistake and fairly assess these people's refugee claims," he said.

The department was ordered to pay costs. A spokeswoman for Immigration Minister Peter Dutton said the department was considering the court's decision.

<http://www.theage.com.au/federal-politics/political-news/immigration-investigation-judged-unfair-after-asylum-seeker-data-breach-20150918-gjptdx.html>

14. Allegations surround Wilson Security's link to HK bribes scandal and tax haven

Exclusive: company faces renewed questions over its fitness as security contractor at Australian detention centres on Manus Island and Nauru

The Guardian

Joshua Robertson

Thursday 17 September 2015 06.07 AEST

Wilson Security faces renewed questions about its fitness as security contractor in Australia's offshore detention centres in light of its corporate links to a tax haven, a corruption scandal that has embroiled its Hong Kong owners and allegations that hundreds of staff have been underpaid.

Wilson is considering legal action to stop former staff speaking out against the company, which managers fear is jeopardising its prospects of winning a new nine-year contract at the Nauru and Manus Island detention centres.

Guardian Australia can reveal the corporate trail that links Wilson Security to its ultimate owners, the Kwok family in Hong Kong, a key member of whom was jailed in December as part of the territory's highest-profile graft case.

Thomas Kwok was sentenced to five years for conspiracy to commit misconduct in public office for giving \$5m in bribes to a Hong Kong government official in return for favourable treatment of the Kwok family-controlled Sun Hung Kai Properties, a \$62bn company.

His brother Raymond, a founding director of Wilson's Australian parent company, was also charged but found not guilty.

Wilson Security, whose security contract for Manus Island and Nauru expires next month, is privately owned by the Kwok family through a corporate structure that includes companies in the British Virgin Islands, a recognised tax haven.

The use of tax havens to minimise company tax in Australia is the focus of a federal Senate inquiry due to report in November, while the issue globally was among the pressing topics raised at the G20 world leaders summit in Brisbane last year.

United Voice, the union representing security guards, has revealed it is pursuing \$669,255 in wages allegedly owed by Wilson to 205 detention centre staff.

Sue Lines, the Labor senator for Western Australia and a former official with the union, told Guardian Australia the company should be "ruled out immediately" from the government contracts.

"If the government appoints Wilson again, it just shows there are no thorough processes and they're prepared to appoint a company which has got very serious concerns around how it operates," Lines said.

"To allow these multinational corporations, which seemingly abide by the law but use whatever tax havens there are to take their money offshore and limit their tax here – particularly when a company is contracting to the Australian government and being paid handsomely for its services – is just not right."

An internal company email seen by Guardian Australia reveals Wilson is weighing up legal action against former staff in the wake of negative publicity.

A former "behavior management" section employee Chenoah Rose last week accused Wilson of failing to take seriously her claims of sexual harassment by a direct supervisor on Nauru who was later promoted.

The day Rose's claims that harassment and bullying were "rife" among detention centre staff went public, Wilson's general manager of regional operations, Cris Rielly, told staff in an email that the company was "considering what, if any, legal action it should take to ensure no further damage to its reputation".

"Wilson is concerned about the breach of non-disclosure and confidentiality obligations by former employees and the damaging effect it is having on its prospects of securing the future contract for provision of security services," Rielly said.

A United Voice campaigner, Damien Davie, told Guardian Australia the jailing of Kwok in Hong Kong raised questions "about the reputation of Wilson's owners if that's what occurs up the top".

"You'd have to wonder what the governance is like at the level of the islands and we're concerned about cover-ups," Davie said. "We don't think they're fit to hold the contract."

A Herbert Smith Freehills solicitor, Tony Joyner, who represents Wilson, said it was "misleading and unfair" to link the company to the Hong Kong corruption affair.

He said Wilson's operations were entirely separate from Sun Hung Kai Properties, the Kwok family-controlled company at the centre of the bribery case.

Wilson Security is a subsidiary of Wilson Parking Australia 1992, whose financial return filed with the Australian Securities and Investments Commission last year details its corporate links to the British Virgin Islands.

The Australian company is owned by Wilson Parking Holdings, which is registered in the low-company-tax jurisdiction of Singapore.

The Singapore company is held by a shelf company in the British Virgin Islands, Wilson Offshore Group (BVI) Holdings Limited, which is in turn owned by another company in the same jurisdiction called Genuine Result Limited.

The 2014 financial report shows no sign that Wilson Security's Australian parent benefited from a lower effective tax rate, having paid 29% – just below the nominal company tax rate of 30% – on its net profit of \$32.5m. It made \$708m in revenue, the bulk of it from its parking business.

Wilson has denied any link between Genuine Result and SHKP. But it has acknowledged the BVI company is owned by private Kwok family interests.

Hong Kong prosecutors argued that Kwok bribed the territory's former chief secretary Rafael Hui with free stays in luxury apartments, cash and loans between 2000 and 2009 in exchange for inside information for SHKP on government decisions and contracts.

Kwok, Hui and another SHKP executive are appealing their convictions in Hong Kong's high court in November.

In Rielly's email last week, he referred to Rose's sexual harassment complaint, telling staff that a company investigation found it was "unsubstantiated".

"The individual claimed to have evidence supporting the allegation, however to this date has been unwilling to supply this despite repeated requests," he said.

"Wilson Security takes matters such as these very seriously and will reopen investigation if actual evidence is presented that conflicts with its findings in the first instance."

Rose has claimed that she submitted her work logs and screenshots of computer messages to back her claim.

Asked about possible legal action against former staff, a Wilson Security spokeswoman said its confidentiality provisions "exist for the protection of the employees, the people they care for and the commonwealth".

The spokeswoman said Wilson was unaware of the wage claims but it disputed the union's "interpretation of a clause in the enterprise agreement relating to Nauru employees only".

"We are disappointed that United Voice has not utilised the appropriate procedures for putting the claim to the Company," she said.

<http://www.theguardian.com/australia-news/2015/sep/17/allegations-surround-wilson-securitys-link-to-hk-bribes-scandal-and-tax-haven>

15. Peter Dutton met with property developers vying for Border Force contract at party fundraiser

ABC News Online

By political reporters Matthew Doran and Lisa Mosley

First posted Fri 18 Sep 2015, 1:44pm

Updated Fri 18 Sep 2015, 1:55pm

An almost-\$1000-a-head Liberal Party fundraiser was the scene for a meeting between the Immigration Minister and property developers fighting for a multimillion-dollar contract for the new Australian Border Force headquarters.

The dinner at Canberra's exclusive Boat House by the Lake restaurant in early September was hosted by ACT Liberal senator Zed Seselja, with Immigration Minister Peter Dutton the main drawcard.

The ABC understands it was attended by at least 10 people, six of whom were developers.

It is understood that group is led by Graham Potts from Amalgamated, and Barry Morris from the Morris Property Group. The principals came together last year in a joint bid for the contract, which on market values could be worth at least \$35 million per year for the next 15 years.

The tender for the office contract, bringing together immigration, customs and border protection into one location, closed in November last year.

The successful bidder has yet to be announced because of a new tender review process put in place by Finance Minister Mathias Cormann just before this year's budget.

Among other issues, it requires the Finance Department to consider "local impacts", such as the effect on businesses that rely on public servants housed in government offices.

Senator Seselja also attended the event, and has long campaigned for the Department of Immigration and Border Protection to maintain its presence in the Canberra suburb of Belconnen.

The department is currently one of Amalgamated's tenants in Belconnen.

The ABC contacted Amalgamated Property Group, but they declined to comment.

In a statement, Mr Dutton's office confirmed he had attended the dinner, but denied there was any discussion about the tender.

"The Minister has no decision-making role in relation to the request for tender process," a spokesperson said.

"The Department of Finance has carriage of the whole of Government accommodation process though Project Tetras.

"In any case, the Minister did not take part in any discussions around the detail of office space for the Department of Immigration and Border Protection."

Senator Seselja's office refused to comment on the discussions at the dinner.

"The senator does not comment on private conversations," a spokesperson said.

"However, the senator's position on the Department of Immigration staying in Belconnen is well known.

"While this is a matter for the department, he is hopeful that a decision will be taken soon."

<http://www.abc.net.au/news/2015-09-18/party-fundraiser-scene-for-dutton-meeting-with-developers/6787244>

16. Extended detention worsening depression on Nauru and Manus Island

Exclusive: IHMS report reveals suicide attempts and hunger strikes common and children in offshore detention vulnerable to mental health episodes

The Guardian
Ben Doherty and Nick Evershed
Thursday 17 September 2015 06.05 AEST

Asylum seekers held offshore are continuing to self-harm, attempt suicide and go on hunger strike, and grow more depressed the longer they are held on Manus and Nauru, new data from International Health and Medical Services reveal.

Children suffer especially acutely, from bed wetting, nightmares, ongoing effects of trauma and torture in previous countries, as well as "situational crisis" from their current detention, IHMS reports.

They are particularly at risk of violence in family conflicts.

The International Health and Medical Services quarterly health report from October-December 2014, released by the immigration department under freedom of information, shows that depression remains one of the most significant illnesses for people held offshore, and that mental health deteriorates sharply after several months in detention.

The health report is the collation of health data, including primary health, medications, vaccinations, communicable diseases, disabilities and mental health.

[Graphic: GP/Psychiatrist diagnoses by category for offshore detainees, Oct - Dec 2014]

The report shows 57% of adults and 44% of children in offshore detention required the attention of a mental health nurse in the three-month reporting period. Asylum seekers also had appointments with counsellors, psychiatrists and psychologists in significant numbers.

Depression was the second-most commonly diagnosed chronic disease diagnosed by doctors, after oral disease.

[Graphic: Chronic disease diagnoses for Manus and Nauru, Oct - Dec 2014]

Doctors diagnosed 22% of adults, and 17% of children with a psychological condition.

The IHMS report, delivered to the Department of Immigration and Border Protection, reports asylum seekers continue to commit acts of self-harm, attempt suicide and go on hunger strike, refusing all food and water.

"IHMS has seen some incidents of self-harm and FFR [food and fluid refusal] on Nauru during this time ... Manus has also reported a number of self-harm incidents and presentations with acute psychosis which have required movement off-site."

An increase in pathology referrals was attributable, in part, "to self-harm incidents where soap powder and insect repellent ingestion required repeated investigation and monitoring".

Children are especially vulnerable to mental health episodes of their own, and within their family.

An IHMS-employed child psychiatrist who visits Nauru runs support groups for children in conjunction with counsellors and psychologists. "The minors are seen due to a variety of triggers, including previous trauma and torture, enuresis, nightmares, family conflict and situational crisis," the report says.

"Domestic violence appears to have increased and during protest activity during September/October. Children were threatened with violence by parents which required extensive support and management by the mental health team."

Asylum seekers' own assessment of their mental health shows a sharp deterioration the longer they are held in detention.

[Graphic: Mean Kessler psychological scores for offshore detainees by length of stay during Oct – Dec 2014]

The Kessler Psychological Distress Scale, also known as K10, is a self-rated instrument widely used in Australia and internationally to gauge a person's anxiety and depressive symptoms.

Twenty-three per cent of offshore asylum seekers rated moderate or severe distress on the K10 scale, nearly twice the rate in the Australian community, which reported 12% of people rating in the two highest-distress categories.

"This is a significant percentage of the total population," IHMS said of the offshore detention K-10 figure, "and ... likely to be due to a combination of factors including the relative time in detention, morbidities in the transferee population which make them predisposed to heightened distress when faced with hopelessness, and apprehension about their future."

But serious mental distress among those held offshore is likely to be under-reported, IHMS warned.

"It should be noted that their participation in K10 screening is voluntary and that those with higher levels of distress are probably less likely to participate in screening, meaning that this percentage is likely an underestimate."

Asylum seekers are particularly vulnerable around significant anniversaries, the report noted.

"There may be a relation between the higher incidence of depression noted in the male population and the Bravo cohort on Nauru, who in September/October reached the 24 month milestone on island. This would be consistent with previous findings."

In addition to mental health statistics, the previously unseen data reports paint a comprehensive picture of asylum seeker health on Manus and Nauru.

The asylum seekers in offshore detention range from zero years of age to 76. On average, every asylum seeker in offshore detention makes three appointments to see a health professional every month.

"Self-reporting of pain for chronic medical conditions along with large numbers of somatisation disorder" contribute to the high number of GP consultations. Somatisation disorder happens when someone feels extreme anxiety about physical symptoms such as pain or fatigue.

There were cases of malaria and tuberculosis during the three reporting months, and an outbreak of hand, foot and mouth disease among children on Nauru which required some to be isolated.

"The two main reasons for transferees seeking medical attention in this quarter are digestive and musculoskeletal conditions," the report says. "There is some thought that in relation to digestive complaints an element of somatisation could account for this ongoing trend. Due to the terrain in Nauru and also previous reported injuries, IHMS continues to see a high presentation of musculoskeletal conditions particularly of note this quarter a rising incidence of back and knee pain."

"There remains a common complaint about sleeping surfaces and walking on uneven rocky surfaces, which may contribute to some presentations. On Nauru, this has also been reflected in a small number of injuries to stakeholders."

Poor dental health, resulting largely from poor dental health before entering detention, has been countered by the addition of dentists' services on the islands. IHMS also provides optometry services.

A spokeswoman for IHMS said there were regular, structured reviews of asylum seekers' mental health on arrival and from six months onwards.

"However, most mental health issues are identified by self-reporting or by referrals, including where anyone notices and reports possible behaviour of concern. When mental health issues are identified, a thorough assessment is performed by mental health clinicians and a management plan instituted.

"Both IHMS and other stakeholders endeavour to be alert to mental health issues, abnormal behaviour and possible self-harm behaviour. If issues are identified, a full mental health assessment is undertaken and, if there is the potential for self-harm, the supportive monitoring and engagement (SME) program."

IHMS has faced intense scrutiny over its healthcare of asylum seekers after a Guardian Australia investigation revealed the company consistently failed to meet targets, included incorrect data in reports, and admitted it was "inevitable" fraud would be committed as it tried to meet government standards.

IHMS staff were encouraged to "grab from the excuse bag" if care standards weren't met.

<http://www.theguardian.com/australia-news/2015/sep/17/extended-detention-worsening-depression-on-nauru-and-manus-island>

17. Nauru asylum seeker 'locked in urine-soaked cell' after begging to see sister in wake of suicide attempt

ABC Radio CAF - AM

By Angela Lavoipierre

First posted Fri 18 Sep 2015, 4:58am

Updated Fri 18 Sep 2015, 5:10am

An Iranian asylum seeker detained on Nauru has made a report about his alleged mistreatment by Nauruan police to the United Nations human rights agency.

The man claims he was detained for more than 30 hours in a bare police cell that was wet with the urine of his guards.

The man has told the ABC and staff from the Office of the High Commissioner for Human Rights that he was arrested and detained without charge after trying to see his sister.

She had just tried for the second time to kill herself after being allegedly raped on the island in May.

The woman has since been transferred to Brisbane in a serious condition while her brother and mother have remained on Nauru.

On the night he was arrested, the 20-year-old man was waiting with his mother for her medication when he heard his sister's scream.

He knows now she had drunk insecticide.

"I just run, because I heard the screaming sound, because I understood that something happened to my sister," he said.

He claims he was stopped by detention centre guards, who grabbed him and forced him to the floor.

The incident was witnessed by a fellow detainee, named Fariborz, who said the guards were very rough.

"Australian officers came and they grabbed his hands. They grabbed him in such a way as if they had arrested a criminal from Daesh group," he said.

"His shoulder blades were being bent, because they had pulled his arms behind him."

Fariborz said Nauruan police arrived soon afterwards.

"His only offence was that he wanted to see his sister for just five seconds. And he kept begging them," he said.

"No matter how much he begged them, they still did not let him see his sister, and they took him to prison."

Guards 'urinated through bars' of cell

The young man claims he was put in a cell without furniture and left there for more than 30 hours while people outside the cell, including guards, urinated through the bars.

"I slept on the urine. Because of some reason that I really don't know why, they urinating into my cell and I used my t-shirt for cleaning and make it dry."

Since then, he has told his story to staff from the Office of the High Commissioner for Human Rights, who were visiting Nauru.

The man asked the agency to investigate and said it agreed to do so.

He said he did not commit a crime and no charges had been laid.

"I just asked to see my sister because she tried to suicide. Because we are family. Because I'm her brother," he said.

"Because when my sister tried to suicide, it's normal that I'm getting upset and I want to see what's happening."

The man said he had been afraid to speak publicly about the matter until now.

"Me and my family, we are completely alone here," he said.

Nauru officials deny allegations

Greens senator Sarah Hanson-Young has also been looking into the family's story.

"If there is any truth to these claims, they are abhorrent and they need and warrant an immediate response from the Immigration Minister," she said.

"This family has been through so much already".

The senator called for an independent Australian investigation into both the man's complaint and his sister's alleged rape.

"I don't believe for a second that it is appropriate for (Nauru security companies) Transfield Services or Wilson Security to be investigating themselves. This is what has happened previously," she said.

"We know the results of these investigations means there's no action. Things often get covered up."

A statement from the Immigration Department said that open and confidential arrangements were in place for detainees to report any concerns they might have.

The Nauruan government denied the man's allegations.

<http://www.abc.net.au/news/2015-09-18/asylum-seeker-detained-on-nauru-reports-alleged-abuse-to-un/6778976>

18. Four refugees detained by Australia on Nauru volunteer to resettle in Cambodia

Three Iranians and a Rohingya from Myanmar are among hundreds of refugees and asylum seekers detained in detention centre on the South Pacific island

The Guardian
Lauren Crothers in Phnom Penh
Thursday 17 September 2015 10.52 AEST

Four more refugees detained by Australia on Nauru have volunteered to be resettled in Cambodia and are to have their bids assessed over the next few weeks.

The three Iranians and one Rohingya from Myanmar made their intentions known "a few months ago", Cambodian interior ministry spokesman general Khieu Sopheak, said. He added plans were now in motion to dispatch officials to the remote South Pacific island where Australia detains hundreds of refugees and asylum seekers.

"We have been informed that there are four volunteers to come to Cambodia, and we are going to send officers to meet them directly on Nauru," Sopheak said.

That delegation, which is expected to depart for the island before the end of the month or early October, would conduct interviews with the volunteers and then send the necessary paperwork on to the interior ministry.

Australian immigration minister Peter Dutton spent two days holding “productive” talks in Phnom Penh last week in a bid to salvage the \$55m resettlement deal signed a year ago by his predecessor, Scott Morrison.

The visit was seen by some refugee advocates as an exercise in damage control, and came after Sopheak was quoted in local media as saying Cambodia had “no plans” to welcome any more refugees from Nauru.

Sopheak was quoted this week as saying nearly 200 Christian Montagnard asylum seekers who slipped into Cambodia from Vietnam would have to return of their own volition or risk being forcibly deported.

The Montagnard minority, who live mainly in the central highlands of Vietnam, faces systemic persecution from the Vietnamese government, which describes their De Ga and Ha Mon forms of Christianity as “evil way” religions.

Montagnards are frequently surveilled, harassed, arbitrarily arrested, and mistreated by state security forces, according to rights groups. Thousands have fled over the border into Cambodia.

The second batch of refugees are expected to be put up in the same gated villa in southern Phnom Penh where the first four volunteer refugees – also three Iranians and a Rohingya man – have been sequestered since their arrival in June.

“I think [they will be] in the same house, because it’s so big,” Sopheak said.

The Myanmar man has requested, however, that he be sent back to his own country although other Rohingyas already living in Cambodia told Guardian Australia last week such a move was incredibly dangerous.

The Rohingyas are not officially recognised by the Myanmar government and have been subject to persecution that has intensified over the past couple of years.

<http://www.theguardian.com/world/2015/sep/17/four-refugees-detained-by-australia-on-nauru-volunteer-to-resettle-in-cambodia>

19. Man in critical condition after setting himself on fire at WA's Yongah Hill Immigration Detention Centre

ABC News Online

By Graeme Powell

First posted Wed 16 Sep 2015, 4:33am

Updated Wed 16 Sep 2015, 2:25pm

A man is in a critical condition after setting himself on fire at the Yongah Hill Immigration Detention Centre east of Perth.

Emergency services were called to the centre at Northam, 100 kilometres east of Perth, just before 10pm on Tuesday to find the 40-year-old man with burns to 90 per cent of his body.

The ABC understands he wrapped himself in a sheet before dousing himself with accelerant and setting himself on fire.

He was flown by helicopter to Fiona Stanley Hospital in Perth, where doctors are fighting to save his life.

The Immigration Department issued a statement confirming there had been an “incident” involving a detainee at the centre overnight.

“This person and two detention service providers who rendered assistance are receiving appropriate medical care,” the statement said.

Refugee Action Coalition spokesman Ian Rintoul said it was not the first time the man had attempted self-harm.

“It’s absolutely extraordinary that anyone could find the materials that are necessary to set fire to themselves,” he said.

“But what makes it even more disturbing is that this is not the first time that this detainee had attempted self-harm, and given the circumstances of the last incident I would have thought he would have been under very intensive observation.

“There needs to be a proper and thorough investigation into how this could have happened.”

Concern over long-term detention

Mr Rintoul said he had been told the man was depressed after he was released into the community in Melbourne, but was detained again eight months ago and sent to Yongah Hill.

"Given that he had been re-detained it was likely that he was simply facing an indefinite detention, and in those circumstances it seemed likely he had no future and no prospect of release," Mr Rintoul said.

"The effects of long-term detention are well-known and this is one of them."

Last month the Refugee Action Coalition called for an inquiry into conditions at the centre, after the sudden death of a 27-year-old Afghan detainee.

Five guards were also injured in a brawl involving up to 50 detainees at the centre in July.

The union representing immigration detention guards said the latest incident showed the system was not working.

"These incidents shouldn't be occurring in the first place," United Voice assistant state secretary Pat O'Donnell said.

"These detention centres are the responsibility of government. Government are failing to take enough steps to ensure that they're running to the standard the community expects."

Immigration Minister Peter Dutton has been contacted for comment.

<http://www.abc.net.au/news/2015-09-16/yongah-hill-immigration-detention-centre-man-on-fire/6778998>

20. Man in critical condition after setting himself on fire in detention centre

Emergency services called to Western Australian detention centre Yongah Hill on Tuesday night to treat man with burns to 90% of his body

The Guardian
Ben Doherty
Wednesday 16 September 2015 08.25 AEST

A man is in a critical condition with burns to 90% of his body after setting himself on fire in a Perth immigration detention centre.

Emergency services were called to the Yongah Hill detention centre, 100km east of Perth, shortly after 10pm Tuesday night.

Sources have told Guardian Australia the man may have wrapped himself in a bedsheet before dousing himself in an unknown accelerant and setting himself on fire.

He was taken by helicopter to the Fiona Stanley hospital in Perth, where doctors are working to save his life.

Two staff at the centre also received minor injuries helping the man.

Conditions at Yongah Hill immigration detention centre have been under significant scrutiny in recent months, particularly over the mixing of detainee populations of asylum seekers facing removal with visa holders being deported for committing violent crimes.

A 27-year-old Afghan asylum seeker died at Yongah Hill last month, three weeks after being attacked during a brawl that involved up to 50 detainees, and in which five guards were injured.

Police are investigating the death of Mohammad Nasim Najafi, but a department statement said there was "no indication of suicide or suspicious circumstances".

An immigration department spokeswoman confirmed "an incident involving a detainee" overnight, and said: "this person and two detention service providers who rendered assistance are receiving appropriate medical care. It is not appropriate to comment further at this time."

<http://www.theguardian.com/australia-news/2015/sep/16/man-in-critical-condition-after-setting-himself-on-fire-in-detention-centre>

21. Man who set himself on fire at Yongah Hill detention centre is convicted child sex offender Ali Jafarri

ABC News Online
By Nicolas Perpetch and Graeme Powell
First posted Wed 16 Sep 2015, 5:03pm
Updated Wed 16 Sep 2015, 5:05pm

The Afghan man who set himself on fire at WA's Yongah Hill Immigration Detention Centre is a convicted child sex offender who committed the offences after arriving to Australia as a refugee.

Ali Jaffari was last night found barely alive by detainees and Serco guards inside the toilet of his room in the centre's Eagle compound.

Detainees told the ABC he had a blanket wrapped around his body and was completely burned.

It is believed he had doused himself with an accelerant before setting himself on fire.

Emergency services were called to the centre at Northam, 100 kilometres east of Perth, just before 10:00pm on Tuesday.

Jaffari was flown by helicopter to Fiona Stanley Hospital in Perth, where he remains in a critical condition, while two guards who helped him also needed medical care.

Refugee advocates have called for a full investigation into the incident, saying Jaffari had self-harmed before and should have been in a mental health hospital, not a detention centre.

They have also questioned how he was able to get hold of the accelerant.

Jaffari convicted of child pornography, sex offences

Jaffari pleaded guilty last year in the Victorian County Court to one federal charge of accessing child pornography material using a carriage service.

He had viewing 27 images and videos of teenage boys and girls on his laptop at the St Kilda Public Library between July 2012 and May 2014, when he was arrested by detectives.

He had already had his permanent protection visa cancelled by then-immigration minister Scott Morrison after being previously convicted of six counts of an indecent act with a child.

Those offences occurred after Jaffari was released into the Geelong community on a protection visa, after stints in immigration detention at Christmas Island, Curtin in the Kimberley, and in Perth.

He has been held in immigration detention ever since his visa was cancelled, but could not be deported to Afghanistan because he had been recognised as a refugee.

Detention centre conditions criticised

The union representing immigration detention guards said Tuesday's incident showed the system was not working.

"These incidents shouldn't be occurring in the first place," United Voice assistant state secretary Pat O'Donnell said.

"These detention centres are the responsibility of government. Government are failing to take enough steps to ensure that they're running to the standard the community expects."

A spokesman for Immigration Minister Peter Dutton said the incident would be "thoroughly investigated".

Refugee advocates said Jaffari had felt a complete sense of hopelessness at his situation. "Given that he had been re-detained, it was likely that he was simply facing an indefinite detention, and in those circumstances it seemed likely he had no future and no prospect of release," Refugee Action Coalition spokesman Ian Rintoul said.

"The effects of long-term detention are well-known and this is one of them."

He condemned what he said was a complete lack of suicide prevention programs in immigration detention. "It's absolutely extraordinary that anyone could find the materials that are necessary to set fire to themselves," Mr Rintoul said.

"But what makes it even more disturbing is that this is not the first time that this detainee had attempted self-harm, and given the circumstances of the last incident I would have thought he would have been under very intensive observation. "There needs to be a proper and thorough investigation into how this could have happened."

Last month the Refugee Action Coalition called for an inquiry into conditions at the centre, after the sudden death of a 27-year-old Afghan detainee.

Five guards were also injured in a brawl involving up to 50 detainees at the centre in July.

<http://www.abc.net.au/news/2015-09-16/child-sex-offender-ali-jaffari-set-self-on-fire-at-yongah-hill/6781492>

22. Convicted child sex offender who set self on fire in WA immigration detention centre dies

ABC News Online

First posted Thu 17 Sep 2015, 5:46am

Updated Thu 17 Sep 2015, 6:32am

A convicted child molester from Afghanistan who set himself on fire at WA's Yongah Hill Immigration Detention Centre has died.

The Department of Immigration and Border Protection confirmed a man who self-harmed on Tuesday night at the facility, 100 kilometres east of Perth, died in hospital last night.

The ABC has been told Ali Jafarri was found barely alive by detainees and Serco guards inside the toilet of his room in the centre's Eagle compound.

He is believed to have wrapped a blanket around his body and doused himself with an accelerant before setting himself on fire.

Two guards who helped him were also injured.

In a statement, the department said it extended its "deepest sympathies to the individual's family and friends".

The statement said WA Police were now investigating the death.

Refugee visa cancelled after child sex offences

Jafarri was granted refugee status but had his permanent protection visa cancelled after being convicted of six counts of an indecent act with a child.

Those offences occurred after Jafarri was released into the Geelong community on a protection visa, after stints in immigration detention at Christmas Island, Curtin in the Kimberley, and in Perth.

Jafarri also pleaded guilty in the Victorian County Court last year to one federal charge of accessing child pornography material using a carriage service.

He had been viewing 27 images and videos of teenage boys and girls on his laptop at the St Kilda Public Library between July 2012 and May 2014, when he was arrested by detectives.

Jafarri was being held in immigration detention, but could not be deported to Afghanistan because he had been recognised as a refugee.

Centre conditions questioned

Refugee advocates have called for the circumstances in which Jafarri self-harmed to be investigated.

Refugee Action Coalition spokesman Ian Rintoul said Jafarri had self-harmed before and should have been in a mental health hospital, not a detention centre.

He told the ABC yesterday that Jafarri should not have been able to access the materials he used to kill himself.

"It's absolutely extraordinary that anyone could find the materials that are necessary to set fire to themselves," Mr Rintoul said.

"But what makes it even more disturbing is that this is not the first time that this detainee had attempted self-harm, and given the circumstances of the last incident I would have thought he would have been under very intensive observation.

"There needs to be a proper and thorough investigation into how this could have happened."

<http://www.abc.net.au/news/2015-09-17/man-who-set-self-on-fire-in-immigration-detention-dies/6782268>

23. MEDIA RELEASE: Serious suicide attempt at Christmas Island

Saturday September 19, 2015

Refugee Action Coalition

Ian Rintoul

mobile 0417 275 713

The Christmas Island detention centre has been locked down around 8pm, Christmas Island time, following a serious suicide attempt in the high security White 2 compound.

A Lebanese man is believed to have cut his throat and has lost a lot of blood. Serco officers have taken him out of the compound but his condition is not known.

It is understood that the man is a 501 - a so-called criminal deportee - transferred from Melbourne around five months ago.

It is understood that this is his third suicide attempt in the last 10 days.

"Christmas Island is being used as the Devil's Island of the detention regime, for both 501s and asylum seekers. There is a ruthless punishment routine in White compound that masquerades as behavioural management," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

An Iraqi asylum seeker sliced his hand in a self-harm incident on Christmas Island two days ago.

"Detention is no place for people with mental health problems. Christmas Island is worse even than Yongah Hill, the scene of the recent self-immolation by an Afghan refugee.

"There is an epidemic of mental health problems in Christmas Island as many of the asylum seekers are long-term detainees being held in detention for up to three years.

"The hell-holes should be closed. Detention itself creates mental illness and there is no possible treatment or management possible in places like Christmas Island."

For more information contact Ian Rintoul 0417 275 713.

24. Asylum seeker in hospital with serious burns after setting himself on fire in Villawood

The man sought protection in Australia along with his family in 2010 and now has six children including a two month old infant

The Guardian
Sarah Malik and Paul Farrell
Friday 18 September 2015 14.55 AEST

An asylum seeker at Villawood detention centre has set himself on fire and is in hospital with serious burns, sparking an investigation by the immigration department.

The male asylum seeker sought protection in Australia along with his family in 2010 and now has six children including a two month old infant.

The asylum seeker's wife told Guardian Australia she was at a library with her children when she received a call about the incident.

"From what I've been told is that it is self inflicted harm and it's a burn incident," she said. "There was about 10% burns on his face right down to the left of his neck."

She said the immigration department has not provided her with further details about the incident or events preceding it.

Her husband had been suffering depression since he was taken to Villawood in January 2015. He made a previous self-harm attempt while in detention.

"He has not seen or touched the newborn child," she said. "He doesn't want the kids to even see him in detention. He doesn't want them to be a part of it."

The family sought protection in Australia from the United Arab Emirates after arriving on a tourism visa by plane to Australia in 2010. They were refused a protection visa in 2010, and lost an appeal to the refugee review tribunal in 2011.

The man was taken back into detention following an unsuccessful federal court bid. His wife and children were also taken to Villawood detention centre in June 2015, but were released so she could give birth to her sixth child.

The family has exhausted most avenues of legal appeal for their protection claims in Australia.

"Why he did this is because he felt so helpless," the man's wife said. "Sometimes it's too much. I cannot measure it anymore."

A spokeswoman for Department of Immigration and Border Protection said: "The department can confirm that a male detainee was taken to hospital yesterday 17 September 2015, following a self-harm incident at Villawood IDC.

"The individual is receiving appropriate medical treatment, but his injuries have been assessed as non-life threatening. The department is investigating the matter."

The incident is the second time a person held in immigration detention has set themselves on fire this week.

On Tuesday Ali Jaffari, a Hazara man in Perth immigration detention centre, also set himself on fire and later died from his injuries.

In May 2014 a Tamil asylum seeker, Leo Seemanpillai, self-immolated after spending 18 months in legal limbo.

<http://www.theguardian.com/australia-news/2015/sep/18/asylum-seeker-hospitalised-for-serious-burns-after-setting-himself-on-fire-in-villawood>

25. Northern Territory Supreme Court cannot prevent Iranian child being sent back to Nauru, judge says

ABC News Online

By Felicity James

Posted Thu 17 Sep 2015, 5:53pm

The Northern Territory Supreme Court says it does not have jurisdiction to stop a five-year-old asylum seeker being sent back to Nauru.

Lawyers for the Iranian girl launched a Supreme Court case in May, which alleged the Immigration Minister and the Federal Government had failed in their duty of care towards the girl.

The lawyers sought compensation for negligence and an injunction preventing her return to Nauru.

Earlier this year, the girl's Darwin lawyer told the ABC the girl was suffering from post-traumatic stress disorder (PTSD) and had been prescribed anti-depressants amid fears she may be sent back to Nauru.

The girl drew an image of a stick-figure person with its lips sewn shut and displayed inappropriate sexual behaviour because of what she has seen or experienced while in detention in Nauru, lawyer John Lawrence said.

She was being held at Wickham Point detention centre in Darwin while her father received medical treatment, but she has been moved with her family to community detention in Brisbane.

Justice Graham Hiley decided the Supreme Court could not grant an injunction preventing the girl being sent back to Nauru because it would be a migration-related decision.

"The granting of the injunctive relief sought by the plaintiff in the present matter would have the same effect as a migration decision," Justice Hiley said in his judgment.

"It would be an exercise of jurisdiction in relation to a migration decision."

"Even if this court does not have jurisdiction to grant such relief, it can be sought elsewhere, in the High Court and possibly the Federal Court and the Federal Circuit Court."

<http://www.abc.net.au/news/2015-09-17/nt-court-cannot-rule-on-iranian-asylum-seeker/6785140>

26. Peter Dutton to personally consider case of woman facing deportation to Iran

Mojgan Shamsalipoor was months away from graduating high school when she was forcibly removed from Brisbane immigration transit accommodation centre

The Guardian

Australian Associated Press

Thursday 17 September 2015 18.03 AEST

Immigration minister Peter Dutton will personally consider the plight of a Brisbane woman in detention in Darwin following pressure from the community and a government MP.

Mojgan Shamsalipoor, 21, was months away from graduating at Yeronga state high school when she was forcibly removed last month from the Brisbane immigration transit accommodation centre and taken to a Darwin detention centre after a failed visa application.

Dutton had previously reviewed Shamsalipoor's rejected asylum claim and, after upholding the decision, defended the government's right to take action against failed asylum claimants.

Shamsalipoor's lawyers, backed by protests and a wave of community sentiment, have since urged Dutton to allow her to apply for a partner visa while on Australian soil, arguing her life would be in danger if she was required to return to Iran to apply. Her husband, Milad Jafari, is a permanent Australian resident.

Coalition MP Natasha Griggs on Thursday morning took up Shamsalipoor's plight directly with Dutton, posting a photo to Facebook of the two discussing the case.

"I thank the minister for listening and agreeing to look into the case," the Northern Territory-based MP for Solomon wrote.

Dutton confirmed he would "consider the points" raised by Griggs.

Shamsalipoor's lawyer, Kevin Kadirgamar, said he was heartened to see her story had an effect on Griggs. "We would hope that a sense of compassion would also prevail in Peter Dutton," Kadirgamar said.

He said it was difficult to say how an expected cabinet reshuffle would affect Shamsalipoor's case, particularly given reports Dutton has offered his resignation to the new prime minister, Malcolm Turnbull.

Jafari has also taken to Facebook to thank Griggs for taking up his wife's cause.

"I am so humbled by this photo [and] I can not wait to give my beautiful wife ... [the] good news ... [on] our anniversary, which is next month," Jafari wrote. "And I appreciate Mr Dutton for listening and his consideration."

Shamsalipoor arrived in Australia by boat in 2012 after fleeing sexual abuse and an arranged marriage to a man in his 60s in Iran.

Her asylum claim was rejected last year after she had lived in Australia for two years on a bridging visa.

<http://www.theguardian.com/australia-news/2015/sep/17/peter-dutton-to-personally-consider-case-of-woman-facing-deportation-to-iran>

27. Manus Island: refugee assaulted by guard and told to find his own medicine

An asylum seeker wrongly sent to the men-only centre when still a child was allegedly punched by a PNG detention centre guard last week

The Guardian
Ben Doherty
Monday 14 September 2015 07.08 AEST

One of the youngest refugees on Manus Island – erroneously sent to the adult-only detention centre when he was still a child – has been assaulted by a guard at his detention centre and, when injured, was forced to borrow and buy his own pain medication.

Loghaman, now aged 20, was 17 when he was sent to Manus. He is now housed at the East Lorengau transit centre where refugees are being held while Papua New Guinea rewrites its resettlement policy, now more than a year overdue.

A new report from Liberty Victoria (pdf) raises concerns about the fairness of Australia's age determination process for asylum seekers.

Loghaman told Guardian Australia that this week he had just finished speaking with a Transfield worker about getting more washing powder "because we only have very small amount", when he was approached by a PNG national security guard.

"He came up to me and said 'if you don't think it's enough, go back to your country. If you don't like it here, go back'," Loghaman said.

"I said to him 'this is none of your business'. Then he punched me. He punched me hard.

"I cry, and I fall down. I fall to the ground." He injured his hand in the fall Loghaman said.

"My hand, very weak. Very pain."

A Transfield staff member took Loghaman to hospital, where he was x-rayed and treated. His wrist is not, as was first feared, broken, but badly sprained and is still in a sling.

At hospital, Loghaman says he was obliged to pay for his own medicines, which he says he could not afford.

Refugees in the East Lorengau centre are not allowed to work, and are paid a stipend of 100 kina a week, about \$A50, an insufficient amount, refugees say, in a remote and expensive country like PNG.

“Every week my money is gone on food, on [phone] credit. I have spent all my money, I say to doctor ‘I have no money’, so I have to borrow Panadol Forte from my friend.

“I have to wait until next week to buy more painkillers from City Pharmacy. My hand, still very pain.”

The guard who allegedly assaulted Loghaman is still working at the centre.

Refugees in the transit centre have reportedly been assaulted by staff before.

Three guards at the centre have been charged with assault after they beat another refugee while he was at the Harbourside Hotel in Lorengau town. Those men are all still employed at the centre.

Inquiries to PNG immigration about Loghaman's assault have not been responded to.

Guardian Australia met with Loghaman on Manus Island last month.

He fled his home country in the Middle East after his cousin was hanged, and his two brothers jailed by the ruling regime there.

“I leave my country, because I come to freedom. But here is the same. I am caged like an animal.”

In 2013, Loghaman was wrongly sent to the men-only Manus Island detention centre as an adult, despite the fact he was carrying a photocopy of his national identity document that showed his birthdate, and told immigration officials he was under 18.

When the mistake was discovered, he was not removed from Manus, but kept on the island, locked in isolation with another child, until his birthday. Of his handful of possessions on the island is a card a case worker made for him for his 18th birthday.

Several asylum seekers have been erroneously judged to be adults by the department.

Leaked documents from Manus Island show up to 14 asylum seekers claimed to be unaccompanied minors while in detention there.

Mistakes in age determination have led to concerns over the way age determinations are conducted by Australia's immigration department. Many asylum seekers arrive in Australia without documents, not knowing how old they are, or from countries where births are often not officially registered, so they have no official date of birth.

A new report from Liberty Victoria argues that asylum seekers who are potentially children are not given the “benefit of the doubt” in their age assessment interviews, that immigration officials are not properly trained to conduct interviews, and that children are not allowed lawyers or representatives to assist them.

Australia has abandoned wrist x-rays to determine age – the test has been discredited – and instead conducts interviews with young asylum seekers to determine their age.

Immigration officers ask about family makeup, education and employment history, “noting observations about client's demeanour, behaviour and physical appearance during interview”.

Its guidelines counsel: “there is no right way of conducting these interviews, but there are many wrong ways. It will take only one badly-handled case to undo the whole process. It is not a compliance interview. It is a conversation with a potential minor.”

Interviews are typically two hours long, but the guidelines warn, are “not an interrogation – we are not trying to ‘crack’ clients (they may be children)”.

The department's age determination overview state that where the age of an asylum seeker is in dispute, they should be treat as a child. “The program ... aims to err on the side of caution.”

Jessie Taylor from Liberty Victoria, who has represented asylum seekers in age determination matters in Australian courts, told Guardian Australia the determination process was “terribly flawed”.

She said final determinations were sometimes made by bureaucrats who had never met the asylum seeker being assessed and that interviewers were not given relevant information such as psychologists' reports.

The Liberty Victoria report, based on documents released under freedom of information, says that asylum seekers who may be children should always be given "the benefit of the doubt".

"More than one age determination interview should be permitted where further assessment is required," the report recommends.

It says all age determination interviews should be conducted face-to-face, not remotely, and that asylum seekers should be able to access free legal representation during the age determination process and to review an adverse age determination.

A spokeswoman for the Department of Immigration and Border Protection said departmental officers underwent specialist training prior to undertaking age determination assessments.

"The department is confident in the selection and training processes used for the age determination programme."

"In addition to the specialist training provided, the department requires age determination officers to have interviewing experience across other programmes, such as protection visa or identity interviewing."

She also said additional safeguards have been put in place for offshore detention.

"In regard to those transferred to regional processing centres, a process is in place to refer any cases of concern to a senior officer for further consideration."

<http://www.theguardian.com/australia-news/2015/sep/14/manus-island-refugee-assaulted-by-guard-and-told-to-find-his-own-medicine>

28. Witness to Manus Island death 'too scared' to testify

Sydney Morning Herald
September 18, 2015 - 7:38PM
Michael Gordon

An eyewitness to the death of Iranian asylum seeker Reza Barati on Manus Island last year will not be giving evidence when the trial of two locals begins on Monday because he says he fears for his safety.

The witness says he has received numerous threats that he will not be safe if he gives evidence against the pair, Loui Efi, a former security guard, and Joseph Kaluvia, who was employed by the Salvation Army.

"I never dared to go because I know I would be dead like Reza," the asylum seeker told Fairfax Media from his compound in the Manus Island detention centre, where he has been held for more than two years.

The asylum seeker says he can identify several others involved in the death, including Australians employed at the centre, and would testify anywhere but in Papua New Guinea.

Manus Island police regional commissioner Alex N'Drasal confirmed that a number of asylum seekers were reluctant to testify, but said several would give evidence in the trial, set to run over three days before a judge in East Lorengau.

Mr Barati died during a night of violence at the centre on February 17 last year in which 69 people were injured when the centre was invaded after two days of protests, with one losing an eye, one shot in the buttocks and another having his throat slashed.

A review for the Abbott government interviewed one witness who claimed a Salvation Army employee initiated the attack, but was joined by about 10 others, including PNG locals, PNG guards and Australian employees.

Commissioner N'Drasal said police had the first names of two New Zealanders who were allegedly involved in the attack and who were now living in Australia. He said attempts to have them identified and repatriated had been frustrated by their former employer, who no longer is a contractor at the centre.

He said that if the identities of other alleged offenders emerged during the proceedings "he or she will also be arrested and charged".

More than 900 asylum seekers remain in the centre, while around 50 with refugee status have been relocated to transit accommodation in East Lorengau, where they are denied work rights or freedom of movement.

PNG Prime Minister Peter O'Neill recently asked people to be more patient about the country's failure to introduce a framework for resettling refugees held in the centre, predicting that it would be in place by year's end.

On Friday he played down safety concerns in his country, telling AAP in Port Moresby: "There's a lot of Australians who live among us who never want to go back to Australia."

<http://www.smh.com.au/federal-politics/political-news/witness-to-manus-island-death-too-scared-to-testify-20150918-gjz9l.html>

29. Men accused of Reza Barati's death in Manus detention centre stand trial

Exclusive: With the trial over the Iranian asylum seeker's death due to begin, reports and witnesses allege more people were involved in the assault during the Manus Island riots

The Guardian
Ben Doherty in Manus Island
Monday 21 September 2015 06.00 AEST

More than 18 months after the murder of the Iranian asylum seeker Reza Barati in the violence of last year's riots in the Manus detention centre, two men accused of killing him are due to stand trial on Monday.

But the evidence before police – from several witnesses and the official Australian government report into the rioting – states many more people were involved in the assault that killed the 23-year-old Iranian.

Guardian Australia has chosen not to publish the men's names for legal reasons. The names are known to the Australian government and to Papua New Guinea police, and are included in documents before the court.

Statements made to the police name at least two more G4S guards who reportedly kicked Barati in the head as he lay prone and bleeding at the top of a staircase.

But local men Joshua Kaluvia and Louie Efi, both 29, remain the only two charged, and appear likely to be the only two ever called to answer for the crime.

"They want to convict us so that nobody else, no Australians or New Zealanders who are responsible, have to face justice," Kaluvia told Guardian Australia from Lorengau prison. "We have to take the blame for them because we are PNG."

The Manus MP, Ronnie Knight, says the limited prosecution highlights a legal doublestandard: "One law for the locals, and no laws for the expats. The locals don't matter, and the expats get off, they can do what they like."

Justice Nicholas Kirriwom will preside over the trial.

Tensions building before Manus riots

Reza Barati, an architecture graduate and member of Iran's Kurdish ethnic minority, fled the impoverished city of Lumar in 2013 escaping, his family says, the persecution of Kurds systemic under the Tehran regime.

He arrived, by boat, on the Australian territory of Christmas Island on 24 July 2013, five days after the change of policy that meant he could never be resettled in Australia. He had been on Manus Island for six months when he was killed.

The violence that seized the Australian-funded and-run immigration detention centre on Los Negros Island, Manus province, in PNG last February, was "eminently foreseeable" according to a parliamentary inquiry, which said Australia "failed in its duty ... to protect Reza Barati".

Then, tensions had been building in the centre for weeks, particularly between asylum seekers and local guards, and asylum seeker frustration at the slowness of refugee processing had been exacerbated by a meeting where they were told they would be stuck in detention on Manus "a very long time" and would never go to Australia.

Plenty saw the violence coming. One expat guard warned a group of asylum seekers, "tonight, they [PNG guards] are going to kill you."

Protests, racially charged abuse of local guards, and rock-throwing by asylum seekers was responded to with rock-throwing from PNG security guards, and then gunshots by police as they and other local men stormed the compound, pushing down fences and attacking asylum seekers.

In three days of violence between 16 and 18 February, one asylum seeker had his throat slashed, another lost an eye, one was shot in the buttocks by police, while 60 were injured among dozens who were beaten. And Barati was murdered.

According to reports, Barati, prominent in the detention centre because he was two metres tall, was not part of the violence.

In the Australian government's report into the unrest in the Manus detention centre, retired public servant Robert Cornall described him as "a very gentle man".

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

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

At the top of the stairs, the man identified as Kaluvia allegedly struck Barati in the head with the timber, shouting, "Fuck you, motherfucker." Barati did not fall.

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

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

The expatriates cannot be named for legal reasons but the witness statement guards said one "had a bleeding nose that night. He is about 1.75 cm (sic) tall. I can identify him if I see him again or see his photograph." The witness said the other one was shorter.

The statement continued.

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

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

On Manus Island, Guardian Australia independently spoke to two further witnesses to Barati's death.

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

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

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

The man told Guardian Australia he will not give evidence in this week's trial, for fear of reprisals from other guards and local people. He says he has been told he will be killed if he testifies.

The Australian government's Cornall report details the allegations against Kaluvia and Efi attacking Barati. But the report also says others were involved in the attack on Barati.

Cornall heard evidence from one witness: "When he fall down, more than 10 officer passed him and all of them, they kicked him in his head. I can recognise all of them, it was including PNG locals, PNG guards and Australian expats."

Cornall was told by a medical officer who treated Barati that it was clear the asylum seeker would not survive his catastrophic head injury.

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

Barati's catastrophic brain injury caused cardiac arrest.

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

The PNG police have been provided with all of the information, including witness interviews, gathered by Cornall.

Kaluvia and Efi maintain innocence

In the ramshackle insecurity of Lorengau prison, Kaluvia and Efi speak quietly but forcefully as they insist they did not kill Reza Barati.

Speaking to Guardian Australia in a quiet corner of the prison block, Kaluvia, who worked inside the detention centre for the Salvation Army, says he was at his home, on the hill high above the army base where the detention centre stands, on the night Barati died.

He says he only started walking down to the centre after he heard gunshots (fired by PNG police mobile squad at asylum seekers). The journey to the detention centre took him more than half an hour.

Kaluvia says the rioting had finished by the time he arrived, and he only ever stood outside the centre. He says he never went in.

“I didn’t even see Reza Barati, I didn’t see anything at all. I was out of the compound. I was not there,” he says, standing barefoot inside the wire of Lorengau prison.

Kaluvia says he has been identified in witness statements because he was well-known inside the centre.

“In my work with the Salvation Army, I was in direct contact with the guys every day. We tried to help where we could, to give them stuff to do to keep busy. From that work, they know me. They know my name, and they could say, ‘I saw him there that night’.

“But I did not do this thing.”

Efi was employed by G4S and was on ‘static’ guard duty outside the compound on the night of the rioting. He says he did not know Barati, and did not see him on the night he died.

“I only went into the place after this thing happened. I did not see what happened to Reza Barati, I did not throw the stone that police say I throw the stone. I do not know who killed him. But I did not do it. I am totally innocent.”

Efi told Guardian Australia he would bring witnesses before the court to testify to his innocence. “We don’t trust what is happening to us, we don’t trust we will get a fair trial. This is a big political case. We did not commit this crime.”

Kaluvia says: “We are being set up.”

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

On Manus Island, the provincial governor, Charlie Benjamin, is anxious to stress the courts alone must judge the guilt or innocence of Kaluvia and Efi.

But he asks why no action has been taken to investigate or prosecute anybody else, despite the evidence that several people were involved in the fatal attack on Barati.

“Everybody should be treated equally before the law, and the incident should be fully and fairly investigated. It should not just be the two locals who are held responsible. This violence, it was not just these two. These two were not the only people responsible.”

Benjamin said the double standards of justice – one law for expats, one for locals – was a continuing sore point for Manusians, who had otherwise been accommodating of the imposition of the detention centre on their land.

“People are definitely not happy. We need to see these people, everybody who is responsible, brought to justice.”

Knight, the local MP, says his constituents are furious that Kaluvia and Efi appear to be the only people who will ever face charges.

“This is just like the rape case,” he says in reference to the alleged rape of a PNG Transfield worker by three Australian Wilson Security guards, who were then swiftly repatriated off the island.

“One law for the locals, and no laws for the expats. The locals don’t matter, and the expats get off, they can do what they like.

“Our two boys up the road here,” Knight says, pointing in the direction of the jail, “they are facing a murder charge. They get thrown under the bus while everybody else gets off scot-free.”

Others Guardian Australia spoke to on Manus Island said the two local boys had been made “scapegoats” for expat offenders.

“This is how it always is,” one local man who used to work in the detention centre said. “There are no laws for them, and our lives are worthless.”

One of the asylum seekers who watched Barati die told Guardian Australia he still had nightmares reliving his friend's murder, and he was devastated that not all of those who killed him would ever be brought to justice.

"Reza was my best friend in the world. He and I were in Indonesia together, we went to Australia together, we were on the same boat. He was my best friend, we were always roommates, always, because we are both Kurdish.

"They killed him in front of me. He was very generous, words can't describe his personality. He was so good. He was not a smoker, but he was always buying cigarettes for people.

"You can't find one person in this place who has any problems with him, who will say a bad thing about him. But your government killed him."

<http://www.theguardian.com/australia-news/2015/sep/21/men-accused-of-reza-baratis-death-in-manus-detention-centre-stand-trial>