

Project SafeCom News and Updates

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1. Michael Gordon: Christmas Island death highlights need for detention inquiry

Sydney Morning Herald
November 9, 2015 - 2:09PM
Michael Gordon

Why was a refugee with a history of trauma and torture incarcerated indefinitely on Christmas Island?

Among the host of questions raised by the mysterious and tragic death of Fazel Chegeni, an Iranian Kurd, this is the threshold one.

Were his death an isolated occurrence, it would be the subject of a coronial inquiry that hopefully would provide answers that might just inform detention policy.

Tragically, it is not. This is one of a spate of recent deaths by asylum seekers in detention, or in the community on bridging visas, that demand a broader and independent review of the detention network.

Such an inquiry would examine the common denominators in each of the deaths (the cause of Mr Chegeni's death is not yet known) and how they should be addressed. It would also probe the extent of self-harm in the network.

It should investigate how it is that vulnerable torture victims like Mr Chegeni, who arrived five years ago, are placed in detention with convicted criminals awaiting deportation after visa cancellations.

It would probe his history since his arrival in 2010, including the assault charge (after an incident in detention that resulted in him being given a good behaviour bond) and several acts of self-harm, and ask whether he had been let down by the system.

It should ask whether other more compassionate and affordable alternatives are on offer for people like Mr Chegeni, who, we are told, was making solid progress during a brief period of community detention.

According to Pamela Curr, the refugee advocate who came to know him well while he was living in the northern suburbs of Melbourne, "he was learning English, riding his bike and walking his friend's dog and generally helping his friends".

It should also probe the secrecy that, almost certainly, would have been a factor in the build-up of tensions inside the Christmas Island facility in recent months, along with the other causes of the unrest in the centre.

In particular, it should examine why so little information was released after Mr Chegeni absconded until, with trademark insensitivity, an official confirmed the death of an "illegal maritime arrival" on Sunday.

More broadly, an inquiry should investigate the institutionalised cruelty of a system that, until earlier this year, saw asylum seekers taken from detention in handcuffs to attend counselling for trauma and torture.

If there is a well-defined criteria governing placement of asylum seekers either awaiting receipt of protection visas or facing return to their homeland after the rejection of their claims, what is it?

In the absence of evidence to the contrary, it seems a one-size-fits-all approach is applied to people whose situations could not be more different.

There is no shortage of advice coming from experts within and outside the system. What is it? And has it been followed?

<http://www.smh.com.au/federal-politics/political-opinion/christmas-island-death-highlights-need-for-detention-inquiry-20151109-gku6ri.html>

2. Who was the man whose death in detention sparked a riot on Christmas Island?

ABC-TV - 7.30
By Madeleine Morris and Gus Goswell
First posted Fri 13 Nov 2015, 5:21pm
Updated Fri 13 Nov 2015, 7:45pm

As investigators piece together how this week's riot on Christmas Island unfolded, a clearer picture of the man whose death prompted the destruction is also starting to emerge.

Iranian Kurd, Fazel Chegeni, arrived by boat in Australia four years ago to seek asylum.

He was granted refugee status but was held in the Curtin Detention Centre for final security checks before being granted a visa.

It was there an incident occurred that shaped the rest of his life.

Mr Chegeni was involved in a fight inside the detention centre's canteen.

CCTV vision obtained by 7.30 shows Mr Chegeni pushing another detainee who then hits him with a plate.

The fight then degenerates into a brawl.

It is all over in less than a minute, but the brawl condemned Mr Chegeni to never being settled in Australia.

Conviction sentences Fazel to 'life in detention'

More than a year later, Mr Chegeni and four other men were charged with assault.

His solicitor, Matthew Wilson, said a strategic decision at the trial backfired, sealing Mr Chegeni's fate.

After initially entering a plea of not guilty, the five men changed their plea on legal advice when it appeared that the court was unlikely to be sympathetic to their argument of self-defence.

"Fazel and our other four clients elected to plead guilty, allowing them to express their remorse for their involvement in the fight and throw themselves at the full mercy of the court," Mr Wilson said.

The Perth magistrate hearing the case was Barbara Lane.

"Sadly, Magistrate Lane showed no mercy," Mr Wilson said.

Mr Chegeni and the other men were convicted of assault and sentenced to six months jail.

Mr Wilson said this was effectively a life sentence.

"Any person who receives a conviction as part of their sentence for an offence committed in migration detention is automatically denied the right to receive residency in Australia," he said.

"They fail the character test, and effectively for a refugee, this amounts to a life sentence.

"They cannot be returned to their country of origin and they will see out their days inside the migration detention system in Australia."

Mr Chegeni's lawyers appealed against the sentence, but the West Australian Supreme Court found it was excessive and overturned it.

But, crucially, the conviction remained.

"And it beggars belief that a person with the overwhelmingly appalling circumstances that Fazel had been through could be treated so cruelly," Mr Wilson said.

Magistrate Lane later resigned under a cloud over another case.

She declined to comment to 7.30.

Questions raised over why Fazel was moved to Christmas Island

After his conviction, Mr Chegeni was moved to detention centres around the country.

Refugee advocate Pamela Curr said his mental health was deteriorating.

"I'm hearing from his friends he was losing hope that he [would] ever been released," she said.

Earlier this year he was moved to Christmas Island, joining around 200 other men in immigration detention.

Many in the detention centre are convicted criminals, awaiting deportation from Australia after serving prison sentences.

Pamela Curr said Christmas Island was no place for refugees or asylum seekers.

"Why was this man, who was so obviously ... ill, sent to Christmas Island?" she asked.

"The minister says it's a place for the worst of the worst.

"Fazel was a gentle man who was found to be a refugee."

Family in mourning, seeking answers

7.30 contacted Mr Chegeni's family, who live in a rural area of Iran near the border with Iraq.

Mr Chegeni's brother, Ali Asgar, said in a video message that the family was in mourning.

"We ask the Australian Government to transfer the body of my brother according to its legal and humanitarian duties," he said.

"We want to know why he died, and who caused the death."

A spokesman for the Immigration Minister, Peter Dutton, declined to comment, saying the matter was the subject of a police investigation and would be the subject of a coronial inquiry in West Australia.

<http://www.abc.net.au/news/2015-11-13/who-was-christmas-island-refugee-fazel-chegeni/6940110>

3. The Saturday Paper: The plight of New Zealand '501' detainees on Christmas Island

The Saturday Paper
Nov 14, 2015
Megan Anderson

[...]

"Rose says Nerang Neighbourhood Centre is using emergency relief funding to help Kiwis in trouble move back to New Zealand. But even without Rose's help, New Zealanders are leaving Australia in droves: New Zealand reported in May the first net gain of migrants from Australia to New Zealand since 1991.

"While a thriving New Zealand economy and stable government are also factors in the change, Gassin says publicity around Australian Kiwis has "harmed the image of Australia a lot".

"While Prime Minister Malcolm Turnbull and his New Zealand counterpart, John Key, have urged New Zealand-born detainees to lodge their appeals from New Zealand, Australian Lawyers Alliance national president Greg Barns argues doing so would be "extremely difficult"."

[...]

Full story at <https://www.thesaturdaypaper.com.au/news/politics/2015/11/14/the-plight-new-zealand-501-detainees-christmas-island/14474196002628>

4. Christmas Island detention: why is Australia deporting so many people?

People who have lived in Australia for years are to be deported to countries including Britain and New Zealand, throwing spotlight on strict visa policies

The Guardian
Ben Doherty and Joshua Robertson
Friday 13 November 2015 18.35 AEDT

Who is being held on Christmas Island?

The island – a tiny rock in the Indian Ocean far closer to Jakarta than any Australian city – has been used as an immigration detention centre for asylum seekers since 2001. But the complexion of the population has changed in recent months, with the addition of a new cohort, the so-called 501s, migrants whose visas have been cancelled and who face imminent deportation.

Christmas Island is currently home to 199 detainees, 113 of whom, according to the Australian government, have criminal convictions.

The 501s, facing only an indefinite incarceration without charge, or forcible deportation, now outnumber asylum seekers in many immigration detention centres across Australia, including on Christmas Island.

Why have so many visas been cancelled?

Nearly 400 people have been caught up in changes to Australia's Migration Act that automatically cancel the visa of a person deemed to have a "substantial criminal record". That is now defined as a crime carrying a prison sentence of 12 months, even if the time served is much lower.

Section 501 of the Migration Act – hence the "501s" moniker for those affected - allows for the cancellation of the visa of a person who "does not satisfy the minister that the person passes the character test".

The character test is both broad and subjective. It includes provision that a person can have a visa cancelled if the minister "reasonably suspects" a person of associating with a group or person engaged in criminal activity, even if they commit no crime themselves.

The government embarked on a massive enforcement campaign of the character test, detaining people even for historical offences, or people who had lived for years in Australia after serving several short prison sentences.

The number of people detained under section 501 rose more than 600% in a year, from 76 in 2013-14 to 580 in 2014-15.

Why are the 501s not simply being deported?

If those whose visas have been cancelled return to their country of birth, they are deemed to have accepted their deportation and cannot return to Australia, where many of them have lived for many years and have homes, jobs and families.

A significant number have lived in Australia since infancy and have no connections in the countries they are to be deported to.

To contest the deportation decision, they must remain in detention until their appeal is heard.

Are those facing deportation serious criminals?

Some of those on Christmas Island do have significant and violent criminal histories; the Australian immigration minister, Peter Dutton, has described them as "serious criminals ... extreme threats".

New Zealand citizens held include those convicted of manslaughter, grievous bodily harm, child sex offences, armed robbery, armed assault on a child or spouse, assaulting police, drug supply and weapons and stalking offences, the Australian government said.

But some are there for relatively trivial offences such as multiple driving offences or property crimes.

Ian Wightman, a British citizen who has spent 50 of his 51 years in Australia, who served in the Australian army reserve, and whose partner, siblings and elderly parents are in Australia, is being held on the island facing deportation for lighting a scrub fire.

Several of the detainees on Christmas Island are New Zealanders. Other New Zealand-born men are in detention on the Australian mainland – including Ngati Kanohi Te Eke Haapu, also known as Ko Rutene, who served as a bodyguard to New Zealand prime minister John Key in Afghanistan and has no criminal record – and risk being deported from Australia on "character grounds" solely on the basis of membership of the Rebels motorcycle club.

Why were there riots on Christmas Island?

The mix of asylum seekers hoping for a way into Australia and 501s resisting being forced out has proven volatile, with a string of assaults, riots and deaths in immigration detention.

This week Christmas Island has been the scene of unrest, with up to \$10m in property damage wreaked by riots that followed the death of Fazel Chegeni, an Iranian man being held at the centre despite the fact the government had recognised he was a refugee requiring Australia's protection.

Serco staff, responsible for maintaining order, withdrew from the detention centre as unrest grew. A number of buildings were set alight by detainees.

Not all of those in detention took part in the riots, which lasted for two nights before riot police carrying shields and weapons raided the centre, reportedly using teargas and rubber bullets to forcibly re-establish control.

What does the Australian government say?

Dutton, the immigration minister, has firmly defended the government's visa cancellation policies. He told the ABC people were not sentenced to prison terms of 12 months or more for minor offences.

He said visa cancellation for non-citizens convicted of a crime was unremarkable internationally and had been part of Australian migration law since the second world war.

"If somebody is here on a visa ... if they've committed a crime they have their visa cancelled. And they face the criminal penalty and administratively their visa is cancelled. In this case they're taken into custody and they await deportation."

What does the New Zealand government say?

Prime minister John Key sparked a storm in the New Zealand parliament this week when he accused opposition Labour and Green MPs of "backing the rapists" when they raised concerns over the detention of citizens by Australia.

Labour MP Kelvin Davis visited the centre in October and said detainees were so desperate to return to their Australian homes, they were considering rioting.

"These New Zealand-born Australians are not murderers or rapists. They have served their time yet Australian authorities are treating them as though they are a terrorism threat," he said.

Key has said he agrees with the policy of deportation, "but I think when it comes to New Zealanders, the threshold's currently set in the wrong place", he added.

"It's a bit little bit like the Australians saying, 'well, we're going to pick and choose, we're going to keep the ones we like but we're going to send back the ones we don't like.'"

<http://www.theguardian.com/australia-news/2015/nov/13/christmas-island-detention-why-is-australia-deporting-so-many-people>

5. Michael Gordon: 'Fazel is free now, God gave him a visa'

The Age
November 14, 2015 - 12:15AM
Michael Gordon

When Peter Dutton was asked this week how it was that Fazel Chegeni, a traumatised and stateless refugee, came to be detained with some of the country's "most hardened criminals" (his words) on Christmas Island, he wasn't the least bit fazed.

It wasn't just criminal convictions that were considered when deciding to incarcerate someone in the island's detention centre, he said. A whole range of other factors, "some of which will be publicly available, others of which won't be", were taken into account.

"It will go to the threat that they pose to detention centre staff, or threats they might have made against the staff or, indeed, actions within the centre against other detainees – all that forms the risk profile that is determined by the Australian Border Force."

Dutton had no comment to make about the case of Chegeni, which will be examined in due course by a coroner, but his message was clear: the stateless Faili Kurd had been consigned to Christmas Island for very good reasons.

The only problem with this "trust me, we know what we're doing" response is that it sits very uncomfortably with the sad, sad story of Chegeni, whose death over the weekend after he escaped from the centre has left many of those who came into contact with him grief-stricken.

"I feel devastated," said Katie Penley, a volunteer yoga teacher at the Brisbane Immigration Transit Accommodation, who came to know Chegeni this year when he began attending her classes.

"I cannot understand how it came to be. This is a man who was beautiful and gentle and offered so much, only to be ripped down and disposed of. That's how I feel."

Chegeni's death was a catalyst for the riots that resulted in a damage bill of more than \$10 million and strained relations across the Tasman, but it is his back story that raises a host of questions about a detention network where notions of punishment and deterrent are paramount and secrecy rules.

Of more than a dozen deaths of asylum seekers in mainland and offshore detention centres and in the community in recent years, including the brutal killing of Reza Barati, a case can be made that Chegeni's is the most troubling.

Full story at <http://www.theage.com.au/national/fazel-is-free-now-god-gave-him-a-visa-20151113-gky50c.html>

6. Fires of anguish and heartache burn in the hearts of those on Christmas Island

Riots after the unexplained death of Fazel Chegeni this week have again focused attention on the tiny island and its immigration detention centre

The Guardian
Ben Doherty
Thursday 12 November 2015 11.35 AEDT

A distant speck of rock amid the immensity of the Indian Ocean, far closer to Jakarta than any Australian city, Christmas Island is once again the unlikely, unhappy epicentre of Australian political debate.

Once famous for its lucrative bird-deposited phosphate and an ill-fated casino, it is now singularly notorious for the immigration detention centre that dominates the island, and all news coming out of it.

This week the centre has again been the scene of unrest, with up to \$10m in property damage wreaked by riots that followed the death of an Iranian man being held at the centre, a man detained despite the fact the government had recognised that he was a refugee requiring Australia's protection.

But, as ever, the news is of the Christmas Island detention centre, not from it. The centre is off limits to journalists and public scrutiny.

The island has been the subject of news bulletins and talkback radio, of fierce New Zealand parliamentary debate, and Australian ministerial press conferences, but for two days after Australian federal police officers retook control of the centre by force and put the facility into lockdown, almost no information has emerged from inside its steel fences.

After initially being able to speak to the outside world freely by phone, detainees found themselves held incommunicado. In the past few hours, some communications have been re-established.

It is understood most of those detained inside are being held within the so-called Red compound, the high-security wing of the detention centre, although some have been allowed to return to their accommodation blocks.

But what exactly happened, and why a man is dead, remains unknown.

Christmas Island detention centre has been the scene of riots and unrest before.

In 2011 an accommodation block was burned down before being rebuilt more securely; last year, more than 300 people went on a hunger strike after asylum seeker Reza Barati was killed, allegedly by guards, on faraway Manus Island, in Papua New Guinea, where Australia runs another detention centre.

The catalyst for this latest chapter of unrest was the death of Fazel Chegeni. Mystery still surrounds how and when he died. Questions are also being asked about how he came to be on Christmas Island at all.

Chegeni was an Iranian Kurd who had come to Australia from his homeland through Afghanistan and the arcane asylum routes that exist out of that country. He arrived by boat in July 2011.

Full story at <http://www.theguardian.com/australia-news/2015/nov/12/fires-of-anguish-and-heartache-burn-in-the-hearts-of-those-on-christmas-island>

7. New Zealand soldier who was PM's bodyguard faces deportation from Australia

Ko Rutene, a decorated former soldier, is one of up to 300 mostly New Zealand-born men who risk deportation due to membership of Rebels motorcycle club

The Guardian
Joshua Robertson, Eleanor Ainge Roy
Thursday 12 November 2015 18.06 AEDT

A decorated former soldier who faces deportation from Australia as a security risk – despite a military record including acting as bodyguard for the New Zealand prime minister in Afghanistan – has asked from prison: “Doesn't John Key remember me?”

The case of Ngati Kanohi Te Eke Haapu, also known as Ko Rutene, is at the centre of an emerging trans-Tasman political dispute over Australia's hardline approach to deporting New Zealand-born residents on “character grounds”.

Rutene, who has no criminal record, is one of up to 300 mostly New Zealand-born men who risk being deported from Australia solely on the basis of membership of the Rebels motorcycle club, according to his barrister Michael Pena-Rees.

Pena-Rees said the immigration minister, Peter Dutton, was unaware of both Rutene's distinguished military background and his de facto relationship with an Australian woman when revoking his visa.

"As soon as there's an attachment to a [motorcycle] club, you are deemed a national security risk," Pena-Rees said.

"The problem we have with the former soldier [is] you can't be a national security risk if you fought in Afghanistan and were privy to national high security information, you were protecting the prime minister, you were operating sophisticated weaponry.

"This was such an inept investigation by his staff that Dutton wasn't even aware this former soldier had a partner in Perth, and was stepfather to her child, when one of the main things you have to consider under the UN charter is the effect on families."

Pena-Rees said the former army lance corporal was awarded three medals of honour after serving from 2008 to 2012.

News of his detention prompted broadsides from opposition MPs in his home country, including New Zealand Labour's corrections spokesman Kelvin Davis, who said it was an example of the "politics of fear" and "pretty damn shit to be honest".

The New Zealand minister of internal affairs, Peter Dunne, wrote in Fairfax Media on Thursday that Australia was subjecting his country's citizens to "appalling treatment" in "pretty disgusting" detention centres.

"Australia has always had a much more frontier approach to justice than New Zealand, as the treatment of their Indigenous people has shown, and the current treatment of boat refugees continues to show," he wrote.

"The modern concentration camp approach Australia has taken is simply wrong."

Rutene was arrested last week outside a maximum security Perth prison where he had just visited clubmate Joel Makaea, another New Zealand native who in September became the first person in WA to face deportation solely because of membership of an outlaw motorcycle club.

Other New Zealand-born Rebels facing deportation include Mehake Tepuia, a father of three with no criminal record, and Michael Joiner, whose convictions Pena-Rees said dated back more than a decade.

Friends claim Rutene was asleep in the back of a car when police pointed a stun gun at his head, dragged him out and handcuffed him before taking him back inside the prison.

Rutene's partner Teresa Mariner told Guardian Australia that he spent the next six days in solitary confinement.

Mariner said she had been unaware of Rutene's work on Key's security detail in Afghanistan in 2010 until she was visiting him in prison this week. Key had told New Zealand media that he was not aware of Rutene's case.

"He just said the other day: 'Doesn't John Key remember shaking my hand and thanking me when I was his bodyguard? I was one of his personal bodyguards in Afghanistan and this is how I'm being treated'," she said.

"He doesn't talk much about the army, he's normally very reserved and for all this to be going on around him, I think he would be mortified."

Mariner said she and her daughter, both Australians, would ultimately have no choice but to join Rutene in New Zealand should he be deported.

"I could understand it if he was a criminal but he's not and it's just so unfair," she said.

"Our life is here. We met each other here. Everything we have is here. We have a daughter at kindy, her grandparents are here. But I know it's not something he would want, to be pushed away, when he's done nothing wrong."

WA Rebels president Nick Martin said Rutene was one of eight New Zealand-born Rebels in Western Australia held in Australian prisons for deportation and vowed to fight the case "as far as we can fight it".

Pena-Rees said he estimated there were up to 300 foreign-born members of the Rebels in Australia that Dutton could deport "if the minister wishes to do it".

He said Rutene's case was likely to end up in the high court. He called for his release into the community "pending an outcome of a judicial review".

A spokesman for Dutton told Fairfax that a person suspected of having been a member of "a group or organisation which has been involved in criminal conduct ... does not pass the character test".

New Zealand citizens held in Christmas Island detention centre, the scene of violent protests earlier this week, included those convicted of manslaughter, grievous bodily harm, child sex offences, armed robbery, armed assault on a child or spouse, assaulting police, drug supply and weapons and stalking offences.

<http://www.theguardian.com/australia-news/2015/nov/12/nz-soldier-who-was-pms-bodyguard-faces-deportation-from-australia>

8. British citizen, in Australia for 50 of 51 years, faces deportation for scrub fire

Ian Wightman, who was in the Australian army reserve, is now being held on Christmas Island after serving 15 months in a Western Australian jail

The Guardian

Ben Doherty

Thursday 12 November 2015 13.55 AEDT

A British citizen who has spent 50 of his 51 years in Australia, who served in the Australian army reserve, and whose partner, siblings and elderly parents are in Australia, is being held on Christmas Island facing deportation for lighting a scrub fire.

Ian Wightman is one of nearly 400 people caught up in changes to Australia's Migration Act that automatically cancel the visa of a person deemed to have a "substantial criminal record". That is now defined as a crime carrying a prison sentence of 12 months, even if the time served is much lower.

Wightman was born in London and came to Australia as a one-year-old. He has lived his entire life in Australia. He served two-and-a-half years as a volunteer in the Australian army reserve and has only once visited Britain, more than a decade ago.

His family say he has always considered himself an Australian, even without the formality of citizenship.

Wightman was convicted last year for a fire he lit in 2011. The blaze burned less than an acre of scrubland and did not destroy any property or threaten life.

Wightman served 15 months in jail, his first serious criminal conviction. He had previous driving convictions and low-level drug offences but none that attracted more than a fine.

The court heard Wightman had lit the fire as he battled serious mental health problems brought about by drug abuse.

When Wightman was released from jail in September, Western Australia's prisoners review board noted he had completed all rehabilitation programs and had demonstrated "a motivation to change his offending behaviour".

"A limited criminal history indicates an ability to lead a pro-social life," it said.

But Wightman was apprehended immediately on leaving prison and detained at Yongah Hill detention centre, 90km east of Perth, for eight weeks before he was suddenly flown to Christmas Island in the middle of the night.

Wightman's brother Gary told Guardian Australia it was "morally wrong" that his brother was being held in immigration detention indefinitely.

"It's just wrong on any moral level that people are in there in those conditions. Ian was convicted of a crime, he was sentenced and punished. He served his time and he was rehabilitated. He was released a free man but then they arrested him at the gates."

He said Ian was finding immigration detention much harsher than prison. He has told family he was "keeping his head down" and did not participate in the riots that razed significant sections of the detention centre this week.

"But it's just wrong. With prison, you've got your start date, you've got your end date," Gary Wightman said, "you know how much time you have to serve. But this, it's just the uncertainty, they've got no idea when he might be released. It's unbelievable. This detention is far, far worse than prison."

Gary Wightman said his brother had told him there were dozens of other detainees – known as 501s after the section of the Migration Act that applies to their cases – with similar lifelong links to Australia in detention, facing deportation to countries they hardly knew.

"Some of the other guys' stories, they are just tragic. These people shouldn't be there. This is just wrong," he said.

Ian Wightman's partner of more than two decades, Diane Clifton, said Ian's family had been deeply affected by his detention. His elderly parents had made the round trip from Perth to visit him at Yongah Hill weekly, but now he was on Christmas Island, they could not see him.

"Ian has lived all his life in Australia," Clifton said. "He pledged his allegiance to this country when he volunteered for the army, I think this is totally unfair.

"There is a chance he could end up in detention longer than he was in jail. According to Australian law, he has served his time. I just can't see how this is fair."

Clifton said she had decided that if Wightman was deported, she would go with him.

"I'll be leaving my job, my family and the life we have here to go to a country I don't know. I'll have no family, no support, no accommodation, no employment. That is what these laws are doing, they are breaking up families."

Guardian Australia has put questions to the immigration department over Wightman's detention.

But the immigration minister, Peter Dutton, has firmly defended the government's visa cancellation policies. He told the ABC people were not sentenced to prison terms of 12 months or more for minor offences.

"Nobody's jailed for 12 months for shoplifting and it defies common sense. So I think people should frankly stick to the facts and I think we'd have a better debate.

"These people [on Christmas Island] are serious criminals and people who have been involved in attempted murder, in manslaughter, convictions for rape, convictions for grievous bodily harm and serious assaults otherwise."

He said some detainees on Christmas Island had been assessed as an "extreme threat".

Dutton said visa cancellation for non-citizens convicted of a crime was unremarkable internationally and had been part of Australian migration law since the second world war.

"If somebody is here on a visa ... if they've committed a crime they have their visa cancelled. And they face the criminal penalty and administratively their visa is cancelled. In this case they're taken into custody and they await deportation."

The number of people detained under section 501 rose more than 600% in a year, from 76 in 2013-14 to 580 in 2014-15.

<http://www.theguardian.com/australia-news/2015/nov/12/british-citizen-in-australia-for-50-of-51-years-faces-deportation-for-scrub-fire>

9. Unrest breaks out at Christmas Island detention centre after refugee's death

Immigration department confirms disturbance after reports guards had left the centre following fires and damage to detention centre buildings

The Guardian
Shalailah Medhora, Ben Doherty and agencies
Monday 9 November 2015 07.46 AEDT

Unrest has broken out among detainees on Christmas Island after the death of an Iranian refugee, the immigration department has confirmed.

The department said in a statement it was working with service providers "to resolve the situation". It said no one had been injured in the disturbance.

Refugee Action Coalition spokesman Ian Rintoul said fences and walls had been knocked down and fires started in some sections of the detention centre in the unrest on Sunday night.

Rintoul told Guardian Australia a demonstration that began about 11pm local time on Sunday had involved about 200 people, and a smaller number had damaged the centre.

The canteen, medical centre and property area had extensive fire damage, he said. There was smaller fire damage in accommodation areas and fences had been damaged.

He said the centre was quiet on Monday morning.

A New Zealand Labour MP Kelvin Davis, who recently visited the island, said a New Zealander in detention had told him detainees had taken over the centre and guards had retreated.

Davis told ABC radio the riots began when a detainee who had asked questions about the death of the man, named by refugee groups as Fazel Chegeni, was assaulted.

"They have put holes in the walls, so even if they are rounded up and put back in the cells they actually can't be locked up," Davis said.

On Monday morning most detainees were huddled together outside the detention centre on a sports ground, Davis said.

"There's safety in numbers there and they want to be outside."

New Zealand detainees on the island had asked Wellington for help, Davis said.

"They're scared, they've asked me to try and get New Zealand consulate people over to Christmas Island to be witness to the injuries that they believe they're going to receive in the coming days."

The behaviour of guards was fanning the flames of unrest, he said.

"They're scared that these guys will come in with batons waving, rather than trying to calm the situation in the first instance," Davis said. "I don't think that the situation will be helped if they come in guns blazing, so to speak."

A New Zealand detainee earlier told TVNZ guards had abandoned the centre.

"They've gone, they've freaked out and left," he said, according to audio provided to ABC radio.

Another New Zealand detainee, Ricky Downs, told Radio NZ he feared a crackdown from guards in the coming days, including the use of "rubber bullets and tear gas".

A coroner will investigate the death of the Iranian Kurdish refugee, whose body was found on Sunday after he escaped from the centre on Friday.

Detainees "feared the worst" had happened to the Kurdish man, Davis said.

"If he was out for a couple of days and on the run, he wouldn't have been found near the perimeter of the detention centre, and there's nowhere to run on Christmas Island either," he said. "So there's a lot of grey areas. I think there's a quite a bit of propaganda coming out from both sides."

On Monday morning, the department put out a second statement outlining the events.

"The disturbance follows an incident on Saturday (November 7) in which a detainee escaped from the centre," the statement said. "A search and rescue operation was immediately undertaken however the escapee's body was later discovered by search and rescue teams on Sunday at the bottom of island cliffs away from the centre."

"The cause of his death is not currently known and a report is being prepared for the coroner," the statement said. "The department will make further comments as events unfold through the day."

Christmas Island shire president Gordon Thomson said the escape had triggered panic among local residents.

He told ABC radio he was disappointed the immigration department had "allowed rumour to spread" through the community without providing any information.

A spokesman for the immigration department said any criminal offences "would be referred to police".

"The department is committed to providing a safe and secure environment for detainees, and maintaining the good order of detention facilities," the spokesman said. "It would not be appropriate to make further detailed comments on matters that are subject to ongoing operations."

The Greens leader, Richard Di Natale, told reporters the situation in the detention centre was "volatile" and "needs to be investigated". "We have grave concerns about what's happening on Christmas Island," he said. "This is a stain on our national character."

"We've got a policy now that is morally unsustainable, that is financially unsustainable," Di Natale said. "This is something that Malcolm Turnbull needs to demonstrate some leadership on."

The Greens would work with the government on changing asylum seeker policies, he said.

"I'll be talking to Malcolm Turnbull to let him know that I'm prepared to work with him to change our current system of offshore detention to ensure that it is more decent and more compassionate," Di Natale said. "We are pushing people to breaking point ... This is a symptom of a government policy that is now in crisis."

<http://www.theguardian.com/australia-news/2015/nov/09/unrest-breaks-out-christmas-island-detention-centre-after-refugee-death>

10. Reports of riot following detainee's death; claims guards have left detention centre; Immigration confirms 'disturbance'

ABC Radio CAF - AM

By Brad Ryan, Peta Donald, staff

First posted Mon 9 Nov 2015, 3:48am

Updated Mon 9 Nov 2015, 5:56am

The Immigration Department has confirmed an ongoing "disturbance" at the Christmas Island detention centre, amid reports of a riot in the wake of the death of a detainee over the weekend.

There are reports guards have abandoned the detention centre and fences have been torn down.

The Immigration Department said no injuries had been reported and "the Department and its service providers are working together to resolve the situation". It said reports of damage were yet to be confirmed.

The disturbance broke out in the wake of the death of an Iranian Kurd detainee who escaped the centre on Saturday. His body was found yesterday.

New Zealand Labour MP Kelvin Davis said he had been told detainees had "taken over the detention centre".

"I'm hearing that the guards have exited the detention centre, that fences have been torn down and that detainees in the segregated area are mixing with the mainstream detainees," he told the ABC.

"Some of them have been on that island for four, five years and, quite frankly, everyone's sick of being treated like animals and right now they're turning around and biting."

Mr Davis said detainees on the island had told him they were angry about what they believed was a "cover-up" of the truth about how the man died.

He said he hoped authorities negotiated with the detainees to restore order rather than responding violently.

"They [the detainees] are really worried for their lives," he said

"Right now, the lights have been switched off, there's about 60 detainees on the sports field, there's about another 60 wandering around the site.

"One detainee said he fears that the authorities will come in not just with batons but with guns."

Perth woman Megan Mulheisen said her fiance, who is being held on the island before being deported to Slovakia, believed inmates were preparing to burn the detention centre down.

She said he feared for his life.

"They are rioting, they have broken down fences and they are burning it down, and he sounds really distressed on the phone," she said.

"He's petrified, he's actually really scared, and it's not like him to be scared."

Riot 'started after guards asked about man's death'

New Zealand detainee Lester Hohua told ABC NewsRadio the riot was sparked when a guard started arguing with an asylum seeker, who was asking about the man's death.

"When we saw the officer try to fight with the refugee, that's when [some other detainees] stood up, and we didn't give it back or anything, didn't throw any punches, but we said 'you can't do that'," he said.

"And then we came back to our compound and it just all went haywire."

Another New Zealand detainee, who did not wish to be named, told Auckland's TVNZ the centre was in chaos.

"The canteen's been smashed to pieces, there's no security, there's no emergency response team, there's no border patrol, there's no guards, there's nothing," he said.

"They're not here. They've gone. They freaked out and left, I think."

Another detainee, John, said detainees were expecting a strong response from authorities after staff walked out of the centre.

"Probably have the AFP or military come in, using lethal force," he said.

"Everybody is bracing themselves for it. We're not being told anything. There's [no staff] here."

The Refugee Action Coalition's Ian Rintoul said he had been in contact with detainees throughout the night.

"The fences are down, [centre management contractor] Serco has abandoned the detention centre, there have been many fires set," Mr Rintoul told 702 ABC Sydney.

"I don't think the accommodation blocks have been burned — a lot of people have not been involved — but there is certainly considerable property damage and breaching of the fences.

"[The man's] death has triggered the tensions inside Christmas Island [detention centre] that have been building for many, many months.

"It is the most systematically brutal of the detention centres run in Australia now."

Escaped detainee had 'history of attempting suicide'

Refugee advocate Pamela Curr said the man who died at the weekend had a history of attempting suicide, having previously tried to take his life by jumping from the roof of another detention centre before being sent to Christmas Island.

"He showed me his legal file at one stage, and I am really sorry I ever read it, because that man was most brutally tortured in Iran," she told the ABC.

"And our Government knew, because they accepted that evidence and they gave him a positive refugee decision.

"And despite the fact that he was so brutally tortured, they kept him in detention for years.

"We are heartbroken. He was a lovely, gentle man, who should never have died."

Border protection officials had said the centre remained calm after the death.

Another Christmas Island detainee, Matije, said he heard cries for help around the time of the man's escape.

"The person has been screaming for help and later on, people have been carrying a body bag," he said.

"It was a couple of screams: 'Help, help, help me'."

Christmas Island Shire President Gordon Thompson said locals were confused by "rumours".

"I'm very sad to hear that someone's died," he said. "I'm very, very disappointed that the department has allowed rumour to spread through the community over the last three days, two and a half days, without providing any information."

The Christmas Island camp houses New Zealand citizens being deported from Australia, as well as asylum seekers.

<http://www.abc.net.au/news/2015-11-09/guards-abandon-christmas-island-detention-centre/6922866>

11. Riot breaks out at Christmas Island detention centre after detainee death: reports

Sydney Morning Herald

November 9, 2015 - 12:39PM

Lisa Cox

with AAP, Neelima Choahan, Latika Bourke

Detainees have described chaotic scenes at the Christmas Island detention centre including claims guards have abandoned their posts amid riots at the facility.

Refugee groups on Monday morning said the centre's canteen had been burnt down and fences and walls knocked over.

The Department of Immigration and Border Protection issued a statement confirming a disturbance at the facility but said while there were reports of damage, the perimeter was secure and there were no reports of any injuries.

In a later statement, the department said there was no actual "riot" but has classified the incident as a major disturbance.

The department has not yet responded to claims guards have abandoned the centre.

A New Zealand detainee, Ricky Downs, told TVNZ guards had fled.

"The canteen's been smashed to pieces, there's no security, there's no emergency response team, there's no border patrol, there's no guards, there's nothing," he said, according to audio provided to ABC radio.

"They've gone, they've freaked out and left."

Serco, the private company contracted to secure the centre, would not comment on the claims on Monday.

The riots come after the death of the Iranian Kurdish asylum seeker, named by refugee groups as seeker Fazel Chegeni.

His body was found on Sunday after he escaped from the centre on Friday. A coroner will investigate.

Another male detainee who said he was in detention for overstaying his visa and wanted to remain anonymous told the ABC detainees were staying put despite the guards abandoning the centre because "we've got nowhere to go."

"There's holes in the walls now, there are no doors holding up in our compounds, things have been set on fire. The place is getting destroyed now pretty much," he said.

Refugee Action Coalition spokesman Ian Rintoul said fires had been started at the centre and some fences and barriers had been knocked down.

But he said the property damage had subsided since the disturbance began.

"There are still no guards inside," Mr Rintoul said.

"People are still able to walk quite freely around the detention centre.

"There's no ongoing property damage happening anymore. They have broken all the security cameras. There's no intent to break out of the centre."

He said the main walls around the perimeter of the centre remained intact.

"I think we have seen an explosion of anger over a faceless death and the brutality they confront inside, day in, day out," he said.

Mr Rintoul said Mr Chegeni had been found to be a refugee when he was in Curtin detention centre, around two and a half years ago. But he had been charged with assault following a fight between detainees at the detention centre.

He was later released into the community in Melbourne for a few months but was re-detained in Melbourne even though he was given a good behaviour bond for the assault charge, Mr Rintoul said.

"He had been in Christmas Island detention for around 10 weeks after being transferred from Wickham Point, Darwin," Mr Rintoul said. "Like so many others, Fazel, was suffering the effects of long-term arbitrary detention. He had told other detainees that he could no longer stand being in detention and just wanted 'to go outside'."

Mr Rintoul said at a meeting late on Sunday afternoon, detainees were told that Mr Chegeni's body was found 'in the jungle' and that he had been dead 'for some time'.

Christmas Island, which was formerly used to house asylum seekers, has been converted into a detention centre for about 200 foreign nationals whose visas have been revoked on character grounds under section 501 of the Migration Act.

The Department of Immigration and Border Protection on Monday morning confirmed "a disturbance" at the detention centre. A department spokesperson said no injuries have been reported.

"The Department and its service providers are working together to resolve the situation," the spokesperson said.

"The Department is committed to providing a safe and secure environment for detainees, and maintaining the good order of detention facilities.

"Any criminal offences will be referred to the police. It would not be appropriate to make further detailed comments on matters that are subject to ongoing operations."

<http://www.smh.com.au/federal-politics/political-news/riot-breaks-out-at-christmas-island-detention-centre-after-detainee-death-reports-20151108-gktwam.html>

12. Christmas Island detainees describe burning, ransacking of buildings following death of escapee

ABC News Online

First posted Mon 9 Nov 2015, 8:27am

Updated Mon 9 Nov 2015, 8:38am

Detainees on Christmas Island have described scenes of chaos at the detention centre, including the ransacking and burning of buildings, following the death of an Iranian Kurdish refugee on the weekend.

The Immigration Department earlier confirmed "disturbance" on the island after the body of Fazal Chegeni was found at the base of a cliff yesterday.

George, a detainee, told the ABC he had not been involved in the riots but said "most of the compounds have actually been broken into, including the medical [compound]".

"The canteen, I can see from where I'm standing now, has been completely ransacked and is burning as I speak to you," he said.

"It's a complete disaster zone.

"The compound that I'm in ... there's a lot of spot fires in there, all the cameras have been smashed up, all the kitchen has been smashed up, the offices have been breached and all the computers and everything has been broken up."

He said Mr Chegeni's death triggered the riots.

"I think one of the officers wanted to challenge one of the Iranian detainees who were disgruntled by the way the fellow detainee was treated prior to him escaping and dying and that's basically how it all started," George said.

"Basically people are sick of this place and just want to shut it down.

"All the lights now, the fellas going with the cricket bats and smashing all the lights up."

He said the number of detainees involved was up to 100, and the Serco officers had decamped.

"They've completely left the area and there's no-one here, so the duty of care is just non-existent.

"I'm just trying to hide anywhere I can from all the mayhem that's going on around me."

'Nobody is helping us'

Twenty-five year-old detainee Matej Cuperka, who is set to be deported to Slovakia, told the ABC the riot was started by ex-convicts who had their Australian visas cancelled after serving time in jail.

"The death (of the Iranian man) is very, very suspicious," he said. "They [the inmates who are rioting] believe Serco officers did something to him. "I clearly heard him in the morning screaming for help, and the next thing I see they be bringing him in a body bag, and after that the whole place went into lockdown.

"About 30 people started a fight with the emergency response team in front of the medical [clinic] where officers left their stations and put the place in lockdown. They are setting fires everywhere.

"There are cars full of officers driving around the complex. They are just having a look through the window, but nobody is helping us. I want to get out of here. Get me somewhere safe please."

Another detainee, John, said he was expecting a strong response from authorities after staff walked out of the centre.

"Probably have the AFP or military come in, using lethal force," he said.

"Everybody is bracing themselves for it. We're not being told anything. There's [no staff] here."

Around the time of Mr Chegeni's escape, detainee Matije, from Slovenia, said he heard cries for help.

"The person has been screaming for help and later on, people have been carrying a body bag," he said.

"It was a couple of screams: 'Help, help, help me'."

<http://www.abc.net.au/news/2015-11-09/fires-ransacked-buildings-on-christmas-island-detainees-say/6923544>

13. Christmas Island detainees riot over asylum seeker death

Andrew Tillett & Andrew Probyn
The West Australian
November 9, 2015, 4:58 am

Christmas Island detention centre is on fire and detainees are rioting after the death of an escaped refugee, an inmate says.

Detainees hold grave fears for their safety and are worried New Zealand detainees may bash them.

Tensions have boiled over after the death yesterday of Fazal Chegani, an Iranian Kurd aged in his early 30s.

Matej Cuperka, a 25-year-old Slovakian awaiting deportation after overstaying his tourist visa, told The West Australian the unrest started after Iranian friends of Mr Chegani asked guards what had happened to him.

With the fall in the boat people, the Government is increasingly using the Christmas Island detention centre to house hardened criminals and former prisoners awaiting deportation, leading it to be dubbed "Kiwi Alcatraz" because of the number of New Zealanders detainees.

However, other people with no criminal record but awaiting deportation on immigration offences such as overstaying visas, are also held there, along with some asylum seekers.

"The officers didn't give them nothing," Mr Cuperka said, as emergency sirens wailed in the background.

"Over around 10 o'clock last night in front of the medical wing, all officers left their station...

"The guys just broke into the canteen, broke into the property and just started burning the place down and well it is continuing.

"It is pretty smoky here, we can see the fire from different compounds. Our compound is sort of a protection area so no one has got in here so far but we're pretty scared that the Kiwi guys are going to get in here when they get bored and they will start bashing people up."

"We saw the smoke coming from the top but we can't see because we are under lockdown so from the other compounds. We see burning in the property area. The guys have been setting off the fires everywhere they possibly could.

"I call the police and fire rescue myself, no one gives a flying f*** about it."

Mr Cuperka said he was in the Gold 2 compound. Detainees had not been locked down in their rooms but could not leave the compound.

New Zealand Labour MP Kelvin Davis, who recently visited the island, says he's been told by a New Zealander held at the centre that detainees had staged a two-hour riot.

<https://au.news.yahoo.com/thewest/a/30032440/detainees-riot-at-christmas-island-detention-centre-over-death-of-asylum-seeker/>

14. Christmas Island detainees fear retribution following unrest over death of escapee

Guards have still not re-entered the detention centre after confrontations with Iranian detainees turned violent, with reports compound now 'unliveable'

The Guardian
Joshua Robertson and Shalailah Medhora
Monday 9 November 2015 16:54 AEDT

Guards had still not re-entered the Christmas Island detention centre on Monday afternoon after violent confrontations overnight with Iranian detainees over the death of a compatriot.

Sunday night's unrest saw fences and walls knocked down and fires started in some sections of the detention centre.

Detainees told Guardian Australia that fear of retribution from Serco's emergency response team (ERT) was the main concern of people inside the compound, which was now "unliveable".

The immigration minister, Peter Dutton, told parliament in Canberra that the circumstances around the death of an Iranian refugee, believed to be Fazel Chegani, whose body was found yesterday after his escape from the centre, were "not suspicious".

UK-born detainee Mick Tristram said a group of about six Iranians had “started the trouble” by confronting three ERT guards, who retreated as a group of another 20 detainees looked on.

However, Tristram and another New Zealand-born detainee said the outbreak of fires and damage in the centre came after the ERT “stormed” another compound and dragged one detainee out screaming.

Tristram said while the group of Iranians had been distressed about the death of Chegeni, there was an undercurrent of tension between some members of the ERT and detainees, many of whom had been violently dealt with.

“The Iranians were pretty wound up about the death of one of their friends,” he said.

“But there is one particular ERT guard there who has been bashing a lot of people here. I mean one of these Iranians, he broke his leg, broke his ribs [previously]. There is a lot of people here who have been beaten up by these ERTs,” Tristram alleged.

An immigration department spokesman declined to comment on these claims, saying it would not add to its earlier statement on the unrest.

However, Tristram said most detainees had refused to join the group of between 20 and 30 people responsible for the unrest, some of whom he claims wore T-shirts over their heads while inflicting widespread damage in the compound overnight.

Some destroyed property belonging to their fellow detainees and threatened to turn on some who did not join them in the unrest, Tristram said.

Some also stole medications from the dispensary and had overdosed, he said.

“What we’re concerned about is [whether ERT] are going to come in heavy. I’m just going to drop to my knees, put my hands behind my head ... that’s all I’m going to do.”

The New Zealand detainee said the centre was now flooded from fire sprinklers and showered with shattered glass.

He agreed “100%” that the main concern of detainees was the response by the ERT upon its return.

“I think people are still quite angry but they’re all sort of just in defence mode where they’re just waiting for the emergency response team to do something about it,” he said.

“I have thought maybe they could send in somebody to do negotiations ... that would probably be a nice outcome, I just don’t think it will go like that.

“To be honest, I don’t even know how they’re going to lock us down – where would they put us? If they handcuffed us all again, they can’t really hold us here any more. It’s like, destroyed, unliveable.”

The ABC reported that about 25 detainees had barricaded themselves into a compound for protection.

It cited claims the unrest was provoked by an exchange between the group of Iranians and ERT officers who allegedly challenged them to go “one on one” in a physical confrontation and then made jokes about Chegeni.

The New Zealand detainee said he saw the “fight” between the ERT and the Iranian contingent sometime after 8pm on Sunday night in the centre’s medical dispensary, but could not hear what provoked it.

“All of the guys were prepared for something to happen but we just wanted to make sure the Iranians were OK and they didn’t get too hit,” he said.

“But yeah, they started going off at the ERT because the ERT doesn’t normally stand up at medication [dispensing time] so it was kind of odd that they were even there. It was almost like they were taunting us.”

The ERT then retreated behind caged doors in the medical centre and things “died down” temporarily, he said.

“And then ERT tried to storm another compound and that’s when virtually everyone got upset, basically,” he said.

The immigration department has denied there was a “large-scale riot” but admitted there was a “major disturbance”.

It said the facility was secure but remained tense, with some staff being withdrawn for safety reasons.

It said a group of detainees whose visas had been cancelled were thought to be the main instigators of action that started as a peaceful protest.

A number of small fires had been lit within the centre but there were no reports of injuries, the department said.

Dutton said while Chegeni's death was subject to a coronial inquiry, he was advised there were "no suspicious circumstances in relation to the death".

He said the government would rely on the coronial investigation assisted by the Australian federal police but declined to comment further.

The New Zealand detainee said the unrest was "an inevitable situation" that stemmed from "a bunch of people that have had enough".

"We've been taken away from our homes, we've been taken away from our families. And obviously watching people hurting themselves, there's been a few deaths now, I think it's all built up to this situation.

"I think it's just a really serious incident. I don't even think this detention centre really exists any more."

<http://www.theguardian.com/australia-news/2015/nov/09/christmas-island-detainees-fear-retribution-following-unrest-after-death-of-escapee>

15. Christmas Island detention centre: Extra police sent to restore order; detainee says no guards in the facility

ABC News Online

By Jade Macmillan on Christmas Island and staff

First posted Tue 10 Nov 2015, 4:17am

Updated Tue 10 Nov 2015, 5:11am

Extra police have been flown into Christmas Island to regain control of the detention centre after the death of an escaped refugee sparked a riot.

The unrest at the Immigration detention centre started on Sunday night and was sparked by the discovery of the body of Iranian Kurdish man Fazal Chegeni after he escaped from the centre on Saturday.

This morning Immigration Minister Peter Dutton said a "core group of criminals" were barricaded in the centre and the Australian Federal Police (AFP) officers would help calm tensions.

Access to the centre has been blocked off by police with Australian Border Force staff onsite and their vehicles, including a fire truck, seen leaving the area.

Additional AFP officers have been flown into Christmas Island along with extra Serco staff to try to bring the situation under control.

A medical flight has also left the island, although it is not yet clear whether that was carrying a detainee who was injured in the riot.

The Department of Immigration said staff had been able to re-enter the facility and they had taken back control of the administration area and the medical clinic.

They say staff are also providing a food service and that the perimeter is still secure.

However, they are still negotiating with protesters to try to get medicines to people with pre-existing medical conditions.

Mr Dutton said there was currently an operation underway "to restore calm and order to the centre".

"We have been very clear about the fact that the Government's not going to cower in the face of the activities of some of these criminals," he said.

"The initial reports, early reports that I've received, [are] the officers were met with little resistance but nonetheless there's still a core group of criminals who are causing disruption and the Australian Federal Police and the Serco guards no doubt will deal with that threat in due course.

"People who have caused damage to Australian Government property will be dealt with accordingly."

A detainee at the Christmas Island detention centre said the facility was still in the hands of protesters, there were no guards inside the facility and fires had been lit in the education centre.

"There's no officers on site, they haven't come in and take control," the detainee said.

"There's no medication for people that need medication because apparently they broke into that too.

"I don't know why the officers aren't coming — I scared, you know. I don't know what's going to happen, I mean, I'm not involved. They've opened up all the gates in the compound so they can come in and out."

The Department denies a large-scale riot took place and said reports buildings had been destroyed by large-scale fires were incorrect.

<http://www.abc.net.au/news/2015-11-10/extra-police-sent-to-restore-order-at-christmas-island-centre/6926034>

16. Australian government says Christmas Island is calm after riots

Refugee advocates dispute immigration department's account as riot police are flown on to island

The Guardian
Staff and agencies
Tuesday 10 November 2015 07.36 AEDT

The Australian government and refugee advocates are at odds over the condition of the Christmas Island detention centre the day after riots broke out.

The immigration department said centre operators have regained control of the administration block and health clinic at the facility's entrance, the situation is calm and food and medication has been distributed.

But other reports say the disorder has continued overnight. ABC News reported that extra police have arrived on the island overnight.

A coroner is to investigate the death of the Iranian Kurdish man on Sunday, named by refugee groups as Fazel Chegeni.

In a statement, the immigration department says service provider staff have re-entered to take control of some facilities including administration areas and the health clinic, and the perimeter of the centre is being patrolled.

But refugee advocate Ian Rintoul told AAP guards were yet to re-enter compounds. "There's been no attempt by Serco to go back into the detention centre yet," he said.

He said an estimated 50 people slept on a sports oval overnight and there were fears among detainees that riot police would storm the centre.

Rintoul said Australian federal police were making announcements over loud speakers demanding detainees return to their rooms and discard weapons. "They have drones circulating above the centre," he said.

The opposition immigration spokesman, Richard Marles, called on the federal government to detail what measures were in place to ensure the safety of detainees and staff. "It's difficult to make an assessment about how this is being handled or whether rioting is being done, when there is so little information," he said on ABC radio.

A UK-born detainee, Mick Tristram, said a group of about six Iranians had "started the trouble" by confronting three emergency response team guards, who retreated as a group of another 20 detainees looked on.

The ABC reported that detainees had barricaded themselves into a compound for protection.

It cited claims the unrest was provoked by an exchange between the group of Iranians and ERT officers who allegedly challenged them to go "one on one" in a physical confrontation and then made jokes about Chegeni.

<http://www.theguardian.com/australia-news/2015/nov/10/australian-government-says-christmas-island-is-calm-after-riots>

17. MEDIA RELEASE: 'Stand-off' continues and tension grows on Christmas Island

Tuesday November 10, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Around 50 people have spent the night on the oval (green zone) of Christmas Island detention centre, as more police and Serco guards gather on the perimeter of the centre.

As of 2.30am Christmas Island time, no attempt had been made by police or guards to re-enter the detention centre. Late yesterday, television had been cut off to the centre. Some food had been left at the gate of the centre and detainees told to collect it.

Armed police and others in full riot gear can be seen outside the detention fences. Detainees report that drones have been circulating over the centre and the Federal police have been issuing instructions through a megaphone to 'dump any weapons and return to your rooms.'

Most detainees have remained in the accommodation blocks in any case. "The government talks about 'restoring order' in the centre, but restoring order to the riot police and Serco's Emergency Response Team will only mean a return of the brutal rule of force inside the detention centre, that led to the explosion on Christmas Island.

"The 'behavioural management' regime inside Christmas Island is reminiscent of the behaviour familiar in Guantanamo Bay. It relies on solitary confinement, 24 hour surveillance, denial of access to a phone or the internet and systemic force, reprisals, and beatings by the Serco guards of anyone who they consider steps out of line.

"There is a widespread belief that Serco guards were involved in the death of Fazal Chegeni because of their experience of the guards in the detention centre," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"One of the first measures detainees took inside the detention centre when the guards withdrew late Sunday night was to free the detainees from the hated high security Red Compound.

"Christmas Island is being used as the punishment centre of the government's detention regime. People are arbitrarily moved there as a punitive measure. It is much worse than jail. There is no reason for the so-called 'criminal deportees' to be in immigration detention. They have done their time, according the criminal justice system.

"There is no reason for the asylum seekers to be there. They have committed no crime. Fazal, whose death ignited the tensions inside the detention centre, should never have been in detention. He should never have been on Christmas Island.

One Facebook message from inside the detention centre, referring to the Fazal's death reads, "On Friday night our brother managed to get over the fence and spend his last days in the living hell, a free man. Whatever happened to our brother is [the doing] of immigration and Australian Border Force."

"The punitive regime on Christmas Island must end. Like Nauru and Manus, Christmas Island should be closed," said Rintoul.

For more information contact Ian Rintoul 0417 275 713

18. Police backup flown in to Christmas Island as detention centre unrest continues

The Age
November 10, 2015 - 9:00AM
Latika Bourke

Extra federal police have been flown to Christmas Island to help secure the detention centre amid reports of widespread rioting by detainees.

The unrest began on Sunday after the death of Iranian Kurd, Fazel Chegeni, who had escaped the detention centre.

The Immigration Department on Monday confirmed staff at the centre had been moved from the facility for their own safety with small fires lit within the centre, and damage to medical, educational and sports facilities.

Detainees told reporters guards from Serco, the company contracted to secure the centre, had abandoned the centre.

Immigration Minister Peter Dutton said on Tuesday that federal police had flown in overnight to stabilise the situation and had been met with little resistance.

"Nonetheless there's still a core group of criminals who are causing disruption and the Australian Federal Police and Serco guards will deal with that threat in due course," Mr Dutton told reporters at Parliament House.

Mr Dutton said the composition of detainees at the Christmas Island detention centre had changed from primarily asylum seekers to hardened criminals who had violated their visas.

"Many of the people on Christmas Island in the detention centre there, bikies, people that have been committed or convicted of manslaughter, of serious grievous bodily harm charges, sexual assault against children," he said.

"And we're not going to tolerate destruction of Commonwealth property and those people that have undertaken that sort of behaviour will face the full force of the law."

The Department of Immigration said in a statement on Tuesday that the centre perimeter for the detention centre "remains secure," and an operation is underway to secure the rest of the site.

"Service provider staff are continuing to negotiate with detainees engaged in protest activity and are methodically re-entering and securing control of compounds within the centre," a department spokesperson said.

"Overnight some detainees not actively participating in the disturbance were moved to a secure part of the facility. However, a group of detainees are continuing to engage in non-compliant behaviour putting themselves and others at risk."

The department confirmed more damage, including as a result of more fires.

In a statement the Australian Federal Police said they had deployed "specialist personnel" on Monday night.

"If required, these personnel will provide assistance to the regular security providers at the facility," the statement said. The AFP would not say how many police officers had been dispatched to the island.

<http://www.theage.com.au/federal-politics/political-news/police-backup-flown-in-to-christmas-island-as-detention-centre-unrest-continues-20151109-gkut8m.html>

19. Christmas Island riot: Peter Dutton says use of rubber bullets 'up to police'

The immigration minister has 'full confidence' in Australian federal police and border force officials to restore order after detainee riot

The Guardian
Shalailah Medhora
Tuesday 10 November 2015 10.16 AEDT

The immigration minister, Peter Dutton, has not ruled out using rubber bullets or calling in the riot squad to quell unrest in the Christmas Island detention centre, saying Australian federal police (AFP) on the ground will make those determinations.

AFP and border force officials arrived at Christmas Island overnight, after a major disturbance during which detainees lit fires and made holes in the walls of the centre.

Dutton said on Tuesday that he had "full confidence" that AFP and border force officials would restore order completely. A statement released by the Department of Immigration and Border Protection late on Monday night says the situation in the centre "remains calm".

The centre houses asylum seekers and people who are awaiting deportation because their Australian visas were cancelled. Many New Zealand citizens whose visas were cancelled under a recent toughening of deportation laws are also on the island.

One unnamed detainee told Radio NZ on Monday that he fears a heavy-handed response from Serco guards who run the facility. He was concerned they would use teargas and rubber bullets.

Dutton had not been briefed on the use of rubber bullets in the detention centre, but did not rule out their use if police deemed it necessary.

"The Australian federal police response unit is a very professional one, and they will make judgments according to operational needs and they will respond to the threat according to their training and the law. So they'll respond in the appropriate way," he said.

He made similar assertions when asked about deploying the riot squad if the disturbance continued.

"Officers on the ground have obviously deemed the threat level and they have responded accordingly, so the operation's under way at the moment; the Australian federal police will assist the Serco guards in restoring order," Dutton replied.

The opposition spokesman on immigration, Richard Marles, said Dutton needed to commit to the safety of staff and detainees after the unrest.

"If we're really talking about a situation that got to the point of using rubber bullets, then we absolutely need to have an explanation from the minister about how events have got to this point in the first place," he said on Tuesday. "We need to have an explanation from the minister on how he intends to provide an assurance to the Australian people that everyone concerned here is safe."

Refugee advocates have criticised Serco's management of the facility.

“The government talks about ‘restoring order’ in the centre, but restoring order to the riot police and Serco’s emergency response team will only mean a return of the brutal rule of force inside the detention centre that led to the explosion on Christmas Island,” said Ian Rintoul, from the Refugee Action Coalition.

“The ‘behavioural management’ regime inside Christmas Island is reminiscent of the behaviour familiar in Guantanamo Bay. It relies on solitary confinement, 24-hour surveillance, denial of access to a phone or the internet, and systemic force, reprisals and beatings by the Serco guards of anyone who they consider steps out of line.

“Christmas Island is being used as the punishment centre of the government’s detention regime. People are arbitrarily moved there as a punitive measure. It is much worse than jail.

“There is no reason for the asylum seekers to be there. They have committed no crime.”

The unrest on the island began on Sunday, after the body of an Iranian-Kurdish man, Fazel Chegeni, was found at the bottom of a cliff. Chegeni, who had been found to be a genuine refugee, had escaped from the centre on Saturday night.

A coronial inquiry is under way, although Dutton told question time on Monday that there were no suspicious circumstances surrounding Chegeni’s death.

Chegeni and three other detainees were jailed for six months for assaulting a fellow asylum seeker in Curtin detention centre in 2011. The sentence, handed down by Perth magistrate, Barbara Lane, was later found to be “manifestly excessive”.

Chegeni was deemed to be stateless because he was not recognised as a citizen by Iran. He had arrived in Australia in 2011 from Afghanistan, and had tried to kill himself several times while in detention on Christmas Island.

As at early October, the Christmas Island detention centre housed 285 people. Of those, 125 had had their visas cancelled, and 101 were asylum seekers who had arrived in Australia by boat or by plane. Another 57 were visa overstayers who were being sent home.

Dutton has admitted that the facility is being used to house hardened criminals more often than in the past.

“My judgment is that the population on Christmas Island detention centre will include increasingly people with significant criminal history,” he said in October.

The federal government will look at security arrangements after this week’s disturbance.

“There’ll be a review after this incident to see if anything further is required,” Dutton said. “If it is required, the government will respond accordingly.”

He has vowed to crack down on anyone who has broken the law.

“We’re not going to tolerate destruction of commonwealth property and those people that have undertaken that sort of behaviour will face the full force of the law,” he said.

Marles said the security concerns for asylum seekers and hardened criminals such as bikie gang members who have had their visas cancelled is a “different kettle of fish”.

Labor will be briefed by the government later on Tuesday.

“What is important that we need to understand is how everybody is being housed within the Christmas Island facility,” Marles said. “I think it’s fair to say that this isn’t a policy that has been carried out particularly in the open.”

<http://www.theguardian.com/australia-news/2015/nov/10/christmas-island-riot-peter-dutton-says-use-of-rubber-bullets-up-to-police>

20. Five injured as security forces take control of detention centre

The Age
November 10, 2015 - 3:36PM
Lisa Cox

Five detainees have been injured in unrest on Christmas Island as the Department of Immigration and Border protection said “some force” had been used to restore order at the detention centre.

Extra police were flown in to help secure the facility on Tuesday, two days after rioting began after the death of Iranian Kurd asylum seeker Fazel Chegeni.

In a statement on Tuesday afternoon, the department said the centre was back under the "full and effective control" of service providers and department staff.

A spokesperson said all detainees had been accounted for and five had presented with injuries that were being assessed by medical officers.

The department's statement said it could not say whether the injuries occurred during the rioting, or as a result of attempts to bring the centre under control.

"None of the matters are life-threatening. It is not known whether these injuries were sustained during the disturbance itself or during the resolution of the operation," a spokesperson said.

"This morning's operation to regain control of the centre and ensure the welfare of those not participating in criminal damage activities was achieved largely through negotiation and co-operation with detainees.

"This strategy of peaceful negotiation and resolution has always been the clear objective of all involved in the operation."

But the department said some force had been used and patrols and searches at the centre would continue.

An assessment was yet to be conducted to determine how much damage had occurred.

"Some force was used with a core group of detainees who had built barricades and actively resisted attempts to secure compounds, including threatened use of weapons and improvised weapons," the statement said.

"The centre remains calm, with detainees secured in undamaged areas of the centre. Food, fluid and medical support continues to be provided."

"Service provider staff will conduct a sweep of all compounds to search for contraband including weapons before detainees are moved back into normal accommodation areas."

One detainee had described the situation at the centre on Monday as being like "a war zone".

"They've been smashing windows and walls, smashing the cameras, looting the canteen, setting fires. The place has been smashed to pieces," the inmate said.

Others said detainees had heard screaming as Mr Chegeni was pursued after he escaped detention on Saturday.

"We heard him screaming. I think they were chasing him through the jungle. Then the screams just stopped," one detainee said.

Detainees said guards later told inmates the man had died in an accident.

<http://www.theage.com.au/federal-politics/political-news/christmas-island-unrest-five-injured-as-security-forces-take-control-of-detention-centre-20151110-gkvarw.html>

21. Peter Dutton says order restored but five detainees injured

ABC News Online

By political reporter Stephanie Anderson, staff

First posted Tue 10 Nov 2015, 11:54am

Updated Tue 10 Nov 2015, 6:04pm

Immigration Minister Peter Dutton says five detainees were injured during an operation to regain control of the Christmas Island detention centre.

The detainees were involved in a stand-off with staff after the death of a refugee on Sunday.

Mr Dutton said tear gas was used by authorities to bring the unrest under control, but he did not confirm the use of rubber bullets.

He said no police officers were injured.

"I understand there have been five detainees who have received minor lacerations and injuries otherwise as a result of their interaction with the police and their refusal to comply with the directions provided by the Australian Federal Police," he said.

Mr Dutton confirmed the detainees were in possession of a chainsaw after breaking into a gardening shed.

"The detainees have then broken into other secure areas, including, as I'm advised, an area where some of the gardening equipment was stored, including a chainsaw," he told the ABC's 7.30 program.

Mr Dutton said security arrangements at the centre would be reviewed, with additional funding provided to boost security.

He also emphasised the criminal convictions of 113 of the 199 detainees, stating that "the vast majority of people within the Christmas Island detention centre are serious criminals".

A review of damage was still underway, but Mr Dutton said "well over \$1 million of damage" had been caused.

"If people have committed serious offences, including wilfully damaging Commonwealth property, they may face charges of that nature depending on the evidence gathered by the police," he said.

"But obviously the priority for today has been to restore calm to the centre."

The Department of Immigration earlier issued a statement to declare the facility was under control, after Mr Dutton had blamed a "core group of criminals" for the riot, which erupted on Sunday night.

The events, which were described as "out of control", were prompted by the death of Iranian Kurdish man Fazal Chegeni after he escaped from the centre on Saturday.

But the department said the majority of detainees cooperated with service providers in restoring control.

"This morning's operation to regain control of the centre, and ensure the welfare of those not participating in criminal damage activities, was achieved largely through negotiation and cooperation with detainees," the statement said.

"The centre remains calm, with detainees secured in undamaged areas of the centre.

"Food, fluid and medical support continues to be provided."

Detention centre common areas 'severely damaged'

Back-up staff were flown to the island this morning to relieve workers who had been under pressure since chaos took hold.

On Monday the department denied there was a large-scale riot taking place.

But witnesses told the ABC some detainees inside the centre had started fires, armed themselves with chainsaws, firebombs, machetes, bats and "hunks of iron".

The department admitted some force was used on a core group of detainees who had built barricades and used improved weapons against authorities.

Service provider staff will conduct a sweep of all compounds to search for contraband including weapons before detainees are moved back into normal accommodation areas.

"A full survey of damage to the centre is yet to be completed, but some common areas appear to be severely damaged," the department statement said.

"Work to repair the centre will be undertaken as a priority."

'The whole centre could be burning down for all we know'

A 25-year-old man caught up in the riot had just enough time to send a message to his fiancée in Perth before guards stormed the facility last night.

Matej Cuperka's mobile phone battery was running low when he wrote: "They locked us up in a cage and left again. I'm safe, but have no access to nothing. I'm dying in here...."

Mr Cuperka — who is awaiting deportation to Slovakia after he was arrested for overstaying his Australian visa — phoned his mother-in-law to say detainees not involved in the riot were put on a bus and into a "cage".

John Richardson, a Christmas Island resident of 15 years, said the lack of information from authorities caused unnecessary alarm within the community during the violence.

"The rumour mill is very strong," he said.

"We don't have a newspaper, we have only got access to mainland TV, and unfortunately some of the reports on the TV weren't particularly accurate.

"If it happened on the mainland it would have been front page news and everyone would have known exactly what was going on, whereas on Christmas Island it's life as normal.

"The whole detention centre could be burning down for all we know."

<http://www.abc.net.au/news/2015-11-10/australian-immigration-says-christmas-island-is-under-control/6927882>

22. Christmas Island detention centre 'under control' after riot police move in

Immigration department says force was used against detainees who 'resisted attempts to secure compounds' during unrest sparked by death of Fazel Chegeni

The Guardian

Joshua Robertson

Tuesday 10 November 2015 15.58 AEDT

The immigration department has said "some force was used" to quell a prolonged protest inside Christmas Island detention centre, where a group of detainees built barricades and allegedly threatened to use weapons to repel riot police.

The department released a statement on Tuesday afternoon – about 42 hours after unrest broke out in the wake of the death of escaped Kurdish Iranian detainee Fazel Chegeni – saying the entire centre was back under the "full and effective control" of centre staff and its contractors.

It said five detainees were being assessed for treatment of non-life threatening injuries or medical conditions but it was "not known whether these injuries were sustained during the disturbance itself or during the resolution of the operation".

"Some force was used with a core group of detainees who had built barricades and actively resisted attempts to secure compounds, including threatened use of weapons and improvised weapons," it said.

It said the Australian federal police operation to "regain control of the centre and ensure the welfare of those not participating in criminal damage activities was achieved largely through negotiation and co-operation with detainees".

Guards from private security contractor Serco had been forced to retreat from the centre compound on Sunday night after angry confrontations reportedly stemming from an initial fight that broke out between a Serco "emergency response team (ERT)" and a group of Iranian detainees agitated over the fate of Chegeni.

The department confirmed accounts from some detainees of severe damage in the common areas of the centre, after protesters who the immigration minister, Peter Dutton, branded a "core group of criminals" lit fires and smashed walls and windows.

Some detainees told the ABC that the group had been armed with chainsaws, firebombs, machetes, bats and "hunks of iron".

They also said they suspected tear gas and possibly rubber bullets were being used in a bid to end the stand off.

The department previously claimed this group had opportunistically exploited tensions arising during an initial peaceful protest about the death of Chegeni.

Chegeni, who had been stripped of refugee status over his involvement in an assault in Curtin detention centre on the Australian mainland, had somehow escaped the Christmas Island centre before his body was found at the bottom of a cliff nearby on Sunday.

His death is now subject to a coronial investigation but Dutton told parliament he had been told the circumstances were "not suspicious".

Immigration said it was yet to survey full damage of the centre but repairs would be "a priority". It would also investigate and prosecute those suspected of damaging commonwealth property, it said.

Some detainees told Guardian Australia during the stand-off on Monday that a heavy-handed response from Serco's ERT, in view of the level of violence allegedly used to subdue detainees in the recent past, was a central concern.

The department said peaceful negotiation had "always been the clear objective of all involved in the operation".

"The centre remains calm, with detainees secured in undamaged areas of the centre. Food, fluid and medical support continues to be provided."

<http://www.theguardian.com/australia-news/2015/nov/10/christmas-island-detention-centre-under-control-after-riot-police-move-in>

23. Dead refugee sentenced by Perth magistrate

The West Australian
Andrew Probyn and Andrew Tillett
November 10, 2015, 1:30 am

The refugee who died on Christmas Island was languishing in detention after former Perth magistrate Barbara Lane sentenced him to a jail term later found to be “manifestly excessive”.

Fazel Chegeni Najad’s death on Sunday has sparked rioting in the high-security facility, with part of the centre set on fire by New Zealand and Iranian detainees. A stand-off continued late yesterday. Immigration Minister Peter Dutton said negotiations were under way to restore order.

Guards reportedly abandoned the centre to seek safety while there were claims detainees were making weapons out of cricket bats. One detainee asked to leave the centre to seek medical treatment but no other injuries had been reported.

“If people have committed acts of wilful damage or assault or other criminal acts within detention centres, then they’ll face the full force of the law,” Mr Dutton said. “But for us, at the moment, the priority is to make sure that we can restore order within the centre and the people on the ground are undertaking those activities.”

Border Force Commissioner Roman Quaedvlieg earlier disputed the description as a “riot”, blaming opportunists for using Mr Chegeni’s death to fuel “restiveness”.

About 200 adult male detainees are on Christmas Island.

While some boat people are still held there, the detention camp is increasingly be used for hardened criminals including murderers and rapists facing deportation, as well as people who committed immigration offences such as overstaying their visa.

Unrest broke out on Sunday night after Iranian detainees began protesting after seeking information from detention about Mr Chegeni’s death.

But it was New Zealand detainees — many of them hardened criminals awaiting deportation — who are believed to have escalated the trouble.

Witnesses said about 30 people started a fight with the emergency response team. This resulted to damage to the centre, including the medical and canteen buildings.

Matej Cuperka, a 25-year-old Slovakian awaiting deportation after overstaying his tourist visa, told The West Australian last night he still feared “Kiwis” would get into compounds and bash people.

“The live threat is still there,” Mr Cuperka said.

The coroner will investigate the cause of Mr Chegeni’s death, although Mr Dutton said the circumstances were not suspicious.

Refugee advocates are questioning why the 33-year-old was in detention in the first place, given his failure to pass the character test was partly based on a legal process later criticised by the WA Supreme Court.

The Iranian Kurd was sentenced to six months and one day jail by Magistrate Lane after he and three others pleaded guilty to assaulting a fellow detainee in Curtin detention centre in December 2011.

The Supreme Court last year found Ms Lane had erred by not giving him a suspended sentence but did not quash the conviction. A conviction is grounds for a person to be refused a visa by the Immigration Minister under the character test.

In her December 2013 sentence, Ms Lane said there were important public policy reasons that the assault admitted by Mr Chegani and three others should be “accepted as a serious offence because of the good order of the detention centre”.

She said it placed other detainees “at risk of serious harm and injury that good order is disturbed.”

“These offences call for a general deterrent. These are acts of violence in a detention centre. The need to provide discipline, security and safety is paramount in such a facility,” Ms Lane said.

Her decision to convict the men came despite none of them having a prior criminal record and no-one suffering a serious injury in the assault, which was not premeditated.

Supreme Court Commissioner Kevin Sleight found that when all factors were taken into account, “the sentence of immediate imprisonment was manifestly excessive”.

"I conclude that a suspended sentence was a sentencing option open to the learned magistrate and that the learned magistrate erred in failing to impose a suspended sentence," Mr Sleight found.

"I conclude in re-sentencing that a term of imprisonment is warranted given the need for general deterrence but that it should be suspended," he found.

Ms Lane had in the past been criticised for her conduct on the bench, including bullying lawyers and once being taken off a case for doing a Google search on information the subject of evidence during a trial, which Justice Eric Heenan ruled amounted to "a breach of procedural fairness".

In her 2013 sentencing, Ms Lane relied on security footage which she said showed Mr Chegeni shoving the victim in the dining room of the Curtin detention centre but being "knocked to the ground" before joining in the assault of the victim. The assault lasted about a minute and left the victim with a broken nose and scratches.

"These offences, in my opinion, are objectively serious. The accused were in an immigration detention centre at the time of committing the offence. From watching the CCTV footage on numerous occasions, and last night, and this morning in my room today, I consider that they were spontaneous and violent," she said.

"I accept that each of the accused are remorseful and I have heard that through counsel and through the information that I've received from the various advocates. To what extent that is genuine, I am not sure, because the ramifications of these convictions mean that if they fail the character test, then their immigration status is somewhat in jeopardy."

Refugee advocate Pamela Curr, who knew Mr Chegeni, said the conviction against him was "trumped up" and that he had raised his arm to defend himself.

She said Mr Chegeni and his co-accused had planned to fight the charge but were advised as the trial progressed by their lawyer to plead guilty in the hope of being spared a jail sentence.

Ms Curr said immigration officials had never explicitly said why Mr Chegeni was being kept in detention but she believed it was because of a hardline approach on the character test that had "kept him locked up".

<https://au.news.yahoo.com/thewest/a/30040824/dead-refugee-sentenced-by-perth-magistrate/>

24. Fazel Chegeni denied bridging visa after conviction for fight in detention

Iranian refugee found dead after escaping on Christmas Island one of four men found guilty of 'vicious, sustained but short' assault on fellow detainee in 2011

The Guardian
Calla Wahlquist
Wednesday 11 November 2015 07.49 AEDT

Refugee advocates say the Kurdish Iranian refugee who died after escaping Christmas Island detention centre might have been granted a bridging visa if a Western Australian magistrate had not decided to record a conviction against him for a minute-long fight at Curtin immigration detention centre in 2011.

Fazel Chegeni was found dead at the bottom of a cliff face on the island on Sunday, two days after he escaped the detention centre.

In 2013 he was one of four men convicted of assaulting a fellow detainee at Curtin, 2,300km north of Perth, WA, in December 2011. He and two of his co-accused had been granted refugee status and spent a few months living in community detention in early 2013 before being convicted and sentenced later that year to imprisonment for six months and one day.

An application for appeal was lodged within the week and last year the WA supreme court commissioner, Kevin Sleight, upheld the appeal on the grounds that the sentence was manifestly excessive.

But Sleight did not quash the conviction, which was sufficient cause for the men to be returned to immigration detention and denied bridging visas.

In the appeal judgment, Sleight said the magistrate Barbara Lane, who handed down the original sentence, had emphasised that the assault had occurred in a detention centre, which she said made it a serious offence despite the victim not being seriously injured and none of the men having prior convictions.

"There are important public policy reasons that this should be accepted as a serious offence because of the good order of the detention centre and it places other detainees at risk of serious harm and injury that good order is disturbed," Lane said in her sentencing remarks.

She described the assault, which was captured on CCTV, as “very vicious, sustained but short”. Sleight, in his own description of the assault, said it had lasted for one minute, the victim had not been seriously or lastingly injured despite being attacked by four men, no property had been damaged, staff had not been involved and “order was quickly restored”.

Lawyers for the four men appealed the sentence on the grounds that it was manifestly excessive, that the magistrate had erred in not taking into account the long periods each man had spent in immigration detention and that she had erred in failing to impose a spent conviction. The last point of appeal was abandoned by the appellants when the hearing began.

According to the judgment, Chegeni, who was given the approximate age of 31, had been in immigration detention since arriving in Australia from Afghanistan on 12 July 2011. He had spent 51 days in detention at the time of the assault and spent a total of 532 days in detention before he was released on community detention in Melbourne on 8 April 2013.

The other three men, who were also Iranian, had spent an average of 708 days in detention at sentencing. Guardian Australia has been unable to ascertain their current whereabouts.

When asked to consider the time spent in immigration detention as a mitigating factor, Lane said she couldn't because the immigration system was separate to the justice system.

“He's not in custody, he is in detention under the Immigration Act,” Lane told the lawyer of one of the men. “It has got nothing to do with our courts system.”

Sleight said Chegeni had been granted refugee status in recognition of his statelessness and the persecution he had faced in Iran but had not yet passed the character test, a discretionary tool that allows the minister for immigration to refuse to grant a visa. Under the Migration Act 1958 a person does not pass the character test if they have been convicted of an offence committed while in detention.

Ian Rintoul, from the Refugee Action Coalition, said it was “very clear” that the assault sentence was the reason Chegeni had been re-detained. “It is very clear his re-detention at the time was unusual,” Rintoul said. “He got a good behavior bond – he should never have been convicted in the first place – and now has been in detention for three times longer than the length of that good behaviour bond.”

Non-citizens who fail the character test, named “501s” for the relevant section of the Migration Act, make up an increasing number of people in immigration detention and are usually viewed as separate to asylum seekers because of their criminal histories. The act gives the minister broad discretionary powers.

Chegeni's death sparked riots on Christmas Island which reportedly caused \$1m in damage before guards used teargas to subdue detainees and bring the centre back under control on Tuesday.

<http://www.theguardian.com/australia-news/2015/nov/11/fazel-chegeni-denied-bridging-visa-after-conviction-for-fight-in-detention>

25. Secrecy over Christmas Island death 'blatant nonsense', says Jon Stanhope

Former Christmas Island administrator says Coalition should be open about Fazel Chegeni's death, not use coroner's involvement as reason to not elaborate

The Guardian
Australian Associated Press
Wednesday 11 November 2015 09.07 AEDT

A former Christmas Island administrator, Jon Stanhope, has criticised federal government secrecy over the death of an asylum seeker, Fazel Chegeni, which sparked unrest at the island's detention centre.

Stanhope said if the death had been a traffic accident police would be open about it and would not cite the coroner's involvement as an obstacle to discussing it.

“You know, it's blatant nonsense to suggest that a politician can't speak about the death of somebody within your care and control and custody, as a result of the need for the matter to be referred to the coroner,” he told ABC TV.

The immigration minister, Peter Dutton, defended the use of “reasonable” force by police, and said they had responded appropriately, including towards an inmate said to have had a chainsaw.

“I think people need to recognise that we are dealing here with outlaw motorcycle gang members, people who have been involved in extortion and other serious criminal offences,” he told ABC radio.

A former mental health manager at Christmas Island detention centre said the riots were inevitable because criminals were held with asylum seekers.

Steve Brooker resigned from his role with the medical contractor International Health and Medical Services in May to protest against staff cuts.

He said health workers were dealing with drug and alcohol problems, security risks, forensic histories and self-harm risks.

"A lot of the tensions and a lot of the issues that we would have been able to hopefully prevent, we lost the ability to do so," he told ABC TV.

<http://www.theguardian.com/australia-news/2015/nov/11/secret-over-christmas-island-death-blatt-nonsense-says-jon-stanhope>

26. Images reveal extent of damage to detention centre

The Age
November 11, 2015 - 5:26PM
Lisa Cox

Images showing smashed windows, burnt walls and broken equipment that resulted from riots at the Christmas Island detention centre have been released by Immigration Minister Peter Dutton's office.

It comes as the Department of Immigration and Border Protection said it had begun returning detainees to repaired cell compounds as workers continued to assess the full extent of repairs required across the facility.

Eleven photos of the destruction and two appearing to show two detainees involved in the unrest were released by the government on Wednesday afternoon.

They form part of what has been a limited picture of circumstances inside the facility since officials regained control on Tuesday after three days of rioting.

Mr Dutton has put the cost of the damage to the detention centre at more than \$1 million.

The photos show a large number of smashed windows across the centre, trashed offices and canteen areas, and fire damage.

Detainees have destroyed equipment in common areas, including washing machines and dryers and air conditioning units.

In the images of the two detainees, the men are wearing scarves over their faces and lighting what appears to be a flare while one holds some kind of makeshift weapon.

Just how many of the detainees were involved in the riots is not clear, as communication with people inside the compound has been limited since Tuesday.

Mr Dutton said on Wednesday people "need to understand what we're dealing with here" as he described the population at Christmas Island as "serious criminals" who had access to fuel and a chainsaw during the unrest.

But Refugee Action Coalition spokesman Ian Rintoul said the government was "overstating" its depiction of the centre as a place dominated by hardened criminals.

The department said on Wednesday afternoon: "Repairs are under way on accommodation compounds in the centre as a priority, with detainees accommodated overnight in temporary but secure parts of the centre. Reports of detainees sleeping in 'cages' are false."

"Food and medical services are being provided and detainees who require medication are continuing to receive care and treatment as they normally would."

In a statement on Wednesday afternoon, Mr Dutton's office also confirmed that seven detainees had been transferred off Christmas island to a correctional facility in Western Australia.

"They are among a group of extreme risk individuals who are alleged to have been involved in the disturbance at the centre," a spokeswoman said.

"The detainees are travelling on a charter flight accompanied by security officers. Restraints are used where appropriate for the safety and security of detainees, staff and the aircraft.

"Investigations into the damage are continuing."

Labor has called for an independent and transparent inquiry into the riot, which ended on Tuesday with the use of force, including tear gas, on some detainees.

Labor's immigration spokesman Richard Marles said the government had serious questions to answer about its handling of the unrest, which broke out after the death of Iranian Kurd asylum seeker Fazel Chegeni.

"We need an independent and full investigation into the events that transpired following the death of a detainee outside the centre on Sunday, including the violent protests," Mr Marles said.

"It is critical we investigate the events at Christmas Island. We need to know that appropriate security is in place at the centre and staff are adequately trained to deal with detainees, including those that have had visas cancelled."

<http://www.theage.com.au/federal-politics/political-news/christmas-island-riots-images-reveal-extent-of-damage-to-detention-centre-20151111-gkwi3n.html>

27. Seven detainees moved to 'correctional facility' in WA as vision emerges of damage

ABC News Online

First posted Wed 11 Nov 2015, 1:06pm

Updated Wed 11 Nov 2015, 3:45pm

Seven detainees from the Christmas Island detention centre have been flown off the island, as vision emerges of the damage caused during a riot at the facility that was brought under control yesterday.

The ABC witnessed the detainees being transported to the Christmas Island airport.

The men — who say they are from New Zealand — were all handcuffed, and claimed they were being transported to a prison in Perth.

Immigration Minister Peter Dutton confirmed the transfer of the men, who were being taken to a correctional facility in Western Australia.

"They are among a group of extreme-risk individuals who are alleged to have been involved in the disturbance at the centre," he said.

"The detainees are travelling on a charter flight accompanied by security officers. Restraints are used where appropriate for the safety and security of detainees, staff and the aircraft."

Mr Dutton earlier defended detaining New Zealand citizens in the Christmas Island centre.

He denied New Zealanders convicted of only minor offences had been locked up on Christmas Island, saying the Maori Party was promoting a raft of inaccurate claims.

"Nobody is jailed for 12 months for shoplifting and it defies common sense, so I think people should frankly stick to the facts and I think we'd have a better debate," he said.

"If somebody is here on a visa, whether they're from New Zealand or elsewhere, if they've committed a crime they have their visa cancelled.

"And they face the criminal penalty and administratively their visa is cancelled."

Mr Dutton yesterday emphasised the criminal element of detainees involved in a stand-off with staff after the death of a refugee on Sunday.

Video has emerged of the aftermath of the riot, showing extensive damage to parts of the centre.

Mr Dutton yesterday emphasised the criminal element of detainees involved in the standoff with staff, which followed the death of Iranian refugee Fazel Chegeni.

Mr Chegeni was found to be a refugee but was convicted of assaulting another detainee at the Curtin detention centre.

His supporters said he lived in the community in Melbourne for a time before ending up on Christmas Island.

<http://www.abc.net.au/news/2015-11-11/seven-christmas-island-detainees-moved/6932146>

28. Christmas Island detainees says inmates treated like animals, put in wire cages despite not taking part in riot

ABC News Online
By Graeme Powell

Posted Sat 14 Nov 2015, 5:22pm

A 25-year-old detainee at the Christmas Island detention centre says inmates not involved in the recent riot which caused significant damage to the facility are "being treated like animals" as part of a crackdown by authorities.

Matej Cuperka said detainees were rounded up and placed in "wire cages" after riot police stormed the facility to quash the riot which started last Sunday night.

He said the perceived ring-leaders of the disturbance were isolated and have since been moved to a maximum-security prison in Perth.

The detainee said he and other inmates who refused to participate in the riot were placed in a 10-metre-square wire cage for more than 30 hours with no access to showers, toilets or clean clothes.

He said guards also confiscated mobile phones, which do not have cameras or recording devices and did not allow them to contact their families, loved ones or anyone "in the outside world" for three days.

Mr Cuperka described conditions on the island as oppressive and said inmates who were scheduled to be deported this weekend have been told they would not be leaving and are being kept in the dark about what is going to happen to them.

The ABC was scheduled to speak with Mr Cuperka again on Friday evening but he failed to make contact.

In an earlier text message sent to the ABC, Mr Cuperka's fiancée, Megan Muhleisen, said he was allowed a brief phone call to her on a landline.

Detainees 'treated like dogs'

She said Mr Cuperka - who is being deported to Slovakia for overstaying his visa - told her authorities at the centre were withholding phones from detainees.

"I got a 4-minute phone [call] from him and [they are] keeping them incommunicado," the text message read.

"They are still treating the detainees like dogs.

"He's not doing well mentally and to be honest, I'm scared he's going to break and commit suicide soon."

Mr Cuperka first contacted the ABC on Monday morning to report a riot had broken out in the centre following the death of an Iranian refugee.

"About 30 people started a fight with the emergency response team in front of the medical [clinic] where officers left their stations and put the place in lockdown," Mr Cuperka said.

"They are setting fires everywhere," he said at the time.

"They started [on Sunday night]. They have broken into the canteen, into the property area, they started fires over there and now they [are] starting in the compound.

"There are cars full of officers driving around the complex. They are just having a look through the window, but nobody is helping us.

"I want to get out of here. Get me somewhere safe please," he pleaded.

Immigration department denies detainees kept in cages

However, the Department of Immigration and Border Protection denied the inmates were being kept in cages.

In response to the allegations, a spokesman labelled the claims as lies made by hardened criminals housed within the detention centre.

In a statement responding to the latest claims by Mr Cuperka, the Department said: "There has been major damage to areas of [the] centre, including common areas.

"The Department is assessing the damage to infrastructure to determine the full extent of repairs required.

"The timeframe for the repairs is yet to be determined. The damage to Commonwealth property will be investigated fully and identified offenders will be prosecuted.

"Repairs are underway on accommodation compounds in the centre as a priority, with detainees accommodated overnight in temporary but secure parts of the centre.

"Reports of detainees sleeping in cages are false. Food and medical services are being provided and detainees who require medication are continuing to receive care and treatment as they normally would.

"The Department's priority is to ensure the safety, security and welfare of detainees at all times."

The Department initially denied a riot had occurred at the detention centre before conceding a disturbance had broken out.

Despite initially claiming reports of fires being lit were false, the Department later admitted fires had been started inside the detention centre, but claimed damage was minimal.

Immigration Minister Peter Dutton later conceded the repair bill was estimated at \$10 million.

<http://www.abc.net.au/news/2015-11-14/christmas-island-detainees-claim-being-treated-like-animals/6941614>

29. Innocents suffered 'unconscionable abuse' after Christmas Island riots, advocate says

The Age
November 13, 2015 - 4:19PM
Michael Gordon

Detainees who had nothing to do with the riot on Christmas Island were kept in cages, denied food and water and forced to urinate on the ground for more than 24 hours after police regained control of the facility, according to migration agent Marion Le.

Ms Le has written to Prime Minister Malcolm Turnbull seeking an inquiry into the response to the riot that caused around \$10 million damage to the facility after the death of a refugee who had escaped. "Send fresh people to Christmas Island who are able to oversee what is going on there at this moment," she writes. "Believe me, it is not acceptable."

She kept in regular contact with a client who is challenging the cancellation of his visa and asserts he and others suffered "unconscionable abuse" after a terrifying ordeal.

"Those who were not involved in the riots and indeed were cowering unprotected in fear are being punished for simply being there," Ms Le wrote in a separate email to Immigration and Border Protection Department head Michael Pezzullo.

Her account is at odds with the department's official version, which asserts: "All detainees have been provided with food, water and shelter throughout the unrest at the centre."

Ms Le says her client was permitted to leave the "cage" he shared with some 40 others only after he agreed to be strip-searched, the day after order was restored to the centre.

"There has not been enough food and water, for some time some of them were in cages and with nowhere to pass urine or defecate except on the ground within the cages shared by up to 40 people," she writes in the email.

"The health issues are obvious. People who have loved ones on Christmas Island are unable to receive anything except very minor information such as 'All the detainees have been accounted for'."

Ms Le said she hoped "that out of this will come a willingness to accept that this abhorrent treatment of refugees, asylum seekers and long-term residents of Australia cannot continue and that there are other ways to deal with the issues and implement government policy".

The family of Fazel Chegeni, the refugee who died, has asked that his body be repatriated to Iran.

Meanwhile, a New Zealand MP has said ordinary New Zealanders could decide to boycott Australia in protest against the treatment of detainees.

"I think there will be a lot of people who will make that sort of call and who will decide one way of venting their protest is not to go to Australia," Peter Dunne said on Radio New Zealand on Friday.

"Or they could make their concerns known to Australians they know, relatives or friends – this is something that needs to be taken up people-to-people.

"The Australians keep telling us we're family, and families are frank with each other."

Mr Dunne said in a newsletter published on Thursday that Australia's actions amounted to using "a modern concentration camp approach" to detain New Zealanders with criminal records.

He said Australian authorities were pushing the boundaries of human right.

"We can, and should be, speaking out as loudly and frequently as we can against abhorrent practices.

"The government and the opposition need to be turning on the real villains of the piece – ministers like Peter Dutton and others in the Australian government who continue to promote and support such savage and inhumane policies."

<http://www.theage.com.au/federal-politics/political-news/innocents-suffered-unconscionable-abuse-after-christmas-island-riots-advocate-says-20151113-gkygm0.html>

30. Detainees stripped of their mobile phones

The Age
November 12, 2015 - 10:44PM
Patrick Hatch

Immigration detainees on Christmas Island have had their mobile phones confiscated, restricting their ability to contact family, lawyers and journalists.

All detainees at the island's detention centre were stripped of their phones following three days of rioting sparked by the death of Iranian Kurd asylum seeker Fazel Chegeni.

The Department of Immigration and Border Protection confirmed phones had been seized for "security reasons" after Australian Federal Police and guards brought the centre under control on Tuesday.

"Following the disturbance mobile telephones and other personal belongings were removed from detainees temporarily for security reasons," a spokesman said.

The spokesman would not say if or when the phones would be returned.

It is understood asylum seekers could not have mobile phones in the centre but those facing deportation after having their visas cancelled on character grounds could.

Some detainees had used their mobile phones to speak to journalists before and during the riots to describe conditions in the centre.

The department spokesman said detainees could use fixed-line phones at the detention centre and that a hotline had been set-up for family members concerned about their welfare.

Danice Frichitthavong, whose fiance is locked-up on Christmas Island and faces deportation to Syria, said detainees could now only contact the outside world for one hour a day.

"They're allowed out of their cells for one hour a day and they've been given \$10 phone cards they can use on the pay phones," she said.

"I called Christmas Island [after the riot] and they said they were keeping the phones for investigations.

"I was told that if they get them back, it might be in a few months."

Violence broke out at the centre on Sunday after news of Mr Chegeni's death spread and one of his friends claimed guards were responsible.

Equipment was destroyed, windows smashed and parts of the centre burnt out during the riot.

Immigration Minister Peter Dutton has said it would cost close to \$10 million to fix damage.

<http://www.theage.com.au/federal-politics/political-news/christmas-island-riot-detainees-stripped-of-their-mobile-phones-20151112-gkxtv6.html>

31. Dutton confirms \$10m damage bill as centre operator Serco suspends staff

ABC News Online

By political reporter Stephanie Anderson

First posted Thu 12 Nov 2015, 6:57am

Updated Thu 12 Nov 2015, 7:15am

Immigration Minister Peter Dutton has confirmed the Federal Government is facing a \$10 million damage bill in the wake of this week's riot at the Christmas Island detention centre, with centre operator Serco suspending three staff.

Mr Dutton told Macquarie Radio those behind the disturbance could face criminal charges, and branded them "some of the country's worst criminals".

"These people will have to pay for the damage that they've caused through the courts," he said.

"We're dealing with some of the country's worst criminals. I think people recognise now that the population that's in the immigration detention centre on Christmas Island is made up of some very serious criminals."

Mr Dutton also confirmed the nationalities of the seven men who have been transferred to a Western Australian prison facility, saying they included five New Zealanders, one Tongan and one Afghan.

He said more detainees would be "moved out", but could not confirm any numbers.

The Department of Immigration and Border Protection released footage and images yesterday showing extensive damage to the centre during the riot, which followed the death of Iranian Kurdish man Fazal Chegeni.

The initial estimate of the damage bill had been \$1 million.

Mr Dutton said detainees had also broken into the medical centre and took drugs, saying they had their run of the centre after Serco guards left their positions.

He described the Serco officers he had personally met as "very decent people", but said an investigation was being conducted into management at the centre.

"It's unacceptable," he said.

"We expect that the centre is run appropriate and clearly in this case there's been a failing."

In a statement, Serco said the centre was "appropriately staffed".

"All Serco staff are fully trained for their roles and understand their responsibilities and the requirements of each role," it read.

"In this case we are investigating the circumstances that led to the escape and have suspended three staff pending the investigation. Christmas Island Immigration Detention Centre is appropriately staffed for the detainees at the facility."

<http://www.abc.net.au/news/2015-11-12/10m-damage-bill-after-christmas-island-riot/6934078>

32. Christmas Island detention centre's guards were rookies

The Australian

November 12, 2015 12:00AM

Paige Taylor

The two guards running the main control room above the Christmas Island detention centre when Fazel Chegeni escaped on Friday had never done it before and did not recognise the perimeter alarm that sounded as the Iranian asylum-seeker scaled the high fence in the dark.

Mr Chegeni's escape shortly after 9pm set off a chain of catastrophic events that has raised difficult questions for Serco, the contractor that has already earned \$3 billion running Australia's immigration detention network and will earn up to \$1.4bn more by 2019.

For the second time in 4½ years, Serco lost control of the Christmas Island detention centre. This time, an asylum-seeker is dead — Mr Chegeni's body was found on Sunday, about 32 hours after he slipped away -undetected.

Island administrator Barry Haase told residents in an email on Monday that Mr Chegeni's body was discovered at the foot of cliffs.

The unrest that followed caused much more damage than the government first realised.

Detainees commandeered the centre, ripping televisions from walls and lighting fires that melted phones.

Seven inmates, suspected ringleaders, were flown to jail in Perth yesterday.

The Australian can reveal that it was not until two hours after Mr Chegeni escaped, during the 11pm headcount when his compound — called Green — was found to be one man short, that Serco -realised there may have been an escape.

Even then they thought he might be hiding somewhere inside the detention centre and did not raise the alarm with the Department of Immigration and Border Protection until morning.

Security at the centre has been boosted for its new role detaining serious criminals and the highest-risk asylum-seekers, but there are doubts the electric perimeter fence was turned on at the facility when Mr Chegeni escaped.

His death led to frenzied and wild speculation among detainees about how he died.

Weeks of building tensions reached fever pitch and anguish became violence. A core group of asylum-seekers helped themselves to weapons from a shed, including a chainsaw, and later barricaded themselves in the gym.

Serco staff were evacuated for their own safety and two planes brought in Australian Federal Police with teargas and specialist guards from Serco's emergency response team.

The standoff, the fires and the damage bring back memories for Christmas Island residents who watched trouble brew in the weeks before the riots of March 2011 when detainees took on police.

Five months before those devastating riots, Serco's then manager on Christmas Island, Ray Wiley, wrote to his superiors urging- them to hire more staff to tackle security and safety failures at the overcrowded facility.

This time, the centre is not overcrowded but island residents allege that the dangerous nature of many of the detainees has not been properly taken into account with appropriately trained staff and emergency backup.

Local business owner Russell Payne said there was a failure to provide the resources to control the detention facility properly.

"It happened in 2011 and it is happening now. Totally incompetent," he wrote on the community Facebook page called CI Blackboard. "Once again the taxpayer will have to fund a partial rebuild of the centre because these idiots can't provide the resources to cope with situations that arise from, and are caused by, their complete failure to manage (it)."

In the hours after a headcount raised suspicions Mr Chegeni could have disappeared, guards combed the perimeter with instructions to look for blankets or clothing he may have thrown over the fence to insulate himself from the shock but they found nothing.

They were also told to look for human faeces on the fence or the boundary, believing a person who took a big electric shock would lose control of their bowels. They did not find this either. For two Serco guards now suspended, last Friday night was their first shift in charge of the detention centre's main control room above the front gate. They were overseeing all five compounds inside the centre and the control rooms attached to them, without an experienced control room operator present.

It seems far from ideal but Serco had to make some changes recently after sacking an experienced control room operator, a young local man who erred when he was asked to take detainees to a church service in the main settlement of Christmas Island. When he delivered the group back to the detention centre, it became clear he had left one of them behind.

Christmas Island is now a detention centre for the most unmanageable or unpredictable asylum-seekers. Significantly, it also holds criminals who are citizens of other countries and are being deported under Australia's tough new character test.

Of the 199 men detained at the centre yesterday morning, only a quarter were asylum-seekers. The other 133 men once held visas to live in Australia but are being sent home over crimes including 27 for assault, 11 for armed robbery, two for manslaughter and five for child sex offences.

Three hours into the novice control room operators' night shift, one was having a cigarette in an outdoor area on the ground floor. The unfamiliar siren sent him running back upstairs to rejoin his colleague; CCTV footage shows him charging in looking alarmed and a little confused.

Both men had been shown how to respond to alarms that ring when a guard or other official wants access to a restricted area of the high-risk facility. They had each spent parts of two previous shifts watching an experienced control room operator do his work. Neither had heard this alarm before. As the pair talked about what to do next, Mr Chegeni was slipping into the monsoonal rainforest on the rugged, remote northwest corner of the island.

They decided to reset all alarms, and called their supervisor, who apparently came into the control room for a careful discussion about what may have just taken place. Whether or not the supervisor raised the prospect that someone had just climbed the boundary is now a matter for an internal inquiry. That supervisor is suspended too. All three await the outcome of that investigation.

Union of Christmas Island Workers secretary Gordon Thomson said it was not fair the two guards were rostered to do their first full shift in the control room together, before either had done a full shift with an experienced operator. "This is Serco again scapegoating the employees rather than their own problem with mismanagement," he said.

A Serco spokesman said: "Our staff perform important jobs on a daily basis, often in difficult circumstances. All Serco staff are fully trained for their roles and understand their responsibilities and the requirements of each role. "In this case we are investi-gating the circumstances that led to the escape and have suspended three staff pending the investi-gation. Christmas Island Immigration Detention Centre is appropriately staffed for the detainees- at the facility."

<http://www.theaustralian.com.au/national-affairs/immigration/christmas-island-detention-centres-guards-were-rookies/story-fn9hm1gu-1227605442205>

33. MEDIA RELEASE: Christmas Island asylum seekers left without water or guards

Thursday November 12, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Around 20 asylum seekers now in White 2 compound on Christmas Island have been left without enough food or water for more than the last 24 hours.

The asylum seekers were initially in the "protection compound", Gold 2 on Christmas Island and locked in when the disturbance broke out late on Saturday night.

The doors of the compound unlocked on Sunday morning when fires were set from outside the compound.

The asylum seekers were taken from Gold 2 to Red 2 (the high security unit), where they were held three to a cell with no mattresses.

Around 1am Monday morning, prior to police re-entering the detention centre, the detainees were woken and verbally abused by masked Serco guards who ordered them to move from Red 2 to be locked in the basketball court.

They were moved to the basketball court it seems to make room for other detainees who were placed in the high security Red Compound after the police action to re-enter the detention centre.

Early on Tuesday morning they were moved from the basketball court and placed in White 2 -- another high security area. Before the moved they were forced to sign consent forms to be stripped searched.

They have had little food or water since they were locked in White 2 on Monday morning. They were delivered expired beef lasagne on Monday night on the basket-ball court, but no-one ate it.

On Tuesday morning, after being stripped-searched, and moved to White 2, they were given just two packets of bread between twenty people; for lunch they each got a pie and two potatoes (but no water). On Tuesday night they received no food but their first water in over 24 hours - two litres each. They have only been allowed to the toilet twice in almost three days.

Despite being locked in White 2, there are no guards present in White 2. There has already been one attempted suicide on Monday night that they werv loeft to try and manage themselves.

"The detainees in White 2 asked me to get help for them," said Ian Rintoul, spokesperson for the Refugee Action Coalition. "Why is the government saying the guards are in the detention centre, when it is not true?' they asked."

"More than anything they want water. But the asylum seekers also need justice. They should never have been sent to Christmas Island. There needs to be immediate moves to get all asylum seekers and 501s off Christmas Island as a first step to its total closure. And there needs to be a full inquiry to expose Christmas Island's 'behaviour management regime' that has brutalised all those who were sent there.

"The secrecy with which the government surrounds the detention centres has allowed the government and Serco to violate human rights with impunity. The Minister says the order has been restored to the Christmas Island detention centre, but it is the detainees in White 2 tell who tell us what their 'order' really looks like."

For more information contact Ian Rintoul 0417 275 713.