

Project SafeCom News and Updates

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1. Waleed Aly: Islamic State is a bit player in a much bigger fight

Force will not wipe out Islamic State because it is a byproduct of a much bigger conflict that needs to be resolved first.

Sydney Morning Herald
November 26, 2015 - 9:55PM
Waleed Aly

Amid the relentless focus of this past fortnight, it was possible to believe in a global consensus on the fundamental importance of destroying Islamic State. Putin and Obama reconciled enough to confer earnestly, while France simply khakied up and pounded Raqqa. But then Turkey shot a Russian plane out of the sky and reminded us of the complexities of this mess.

The Middle East has now become the political equivalent of an Escher drawing; a canvas on which irreconcilable perspectives gather, and where everything is more important than everything else.

The perhaps shocking fact is that IS exists only by indulgence. The indulgence, in the first place, of Syrian President Bashar al-Assad who responded to IS's arrival in Syria with acquiescence. It's easy to forget that back in 2011, as the Arab uprisings rounded on Assad, he dismissed his protesters as terrorists and foreign agents as a way of justifying his brutal response, and convincing the world to leave him in power.

At the time this was bollocks – little more than a page spoken verbatim from the dictator's playbook. But over time IS became a prize gift. Much of its violence was directed not at Assad, but at the Syrian opposition who had taken control of Raqqa. In fear, many of them ended up joining IS, and IS eventually took hold of the city Assad had lost anyway. Until 2013 IS and Assad were content to play wide of each other in what David Kilcullen recently described as "a de facto truce". In short, IS made Assad's lie come true.

The indulgence, too, of Iraq. This is not to deny the rude shock last year when IS screamed onto the world stage by taking Mosul, Iraq's second-largest city. But Iraq as we knew it no longer exists. The north, which IS controls, is a different country now. The Sunnis living there have little desire to be part of what they consider to be a repressively Shiite state governed from Baghdad, and the southern Shiites seem equally content to cut the Sunnis loose.

We don't talk much about Baghdad any more, partly because life is more normal and mundane there than it has been in years. Investment is up, and suicide bombing is down. Television airs sitcoms ridiculing IS and pop songs do the same. As Nicolas Pelham recently wrote in *The New York Review of Books*, southern Iraqis talk about IS in the past tense. Even if the Iraqi state could launch some military assault on the north, you get the distinct impression it couldn't be bothered.

Then there's the indulgence of Turkey, which was happy to let Sunni terrorists pour over its border into Syria for years when IS was just a lad. Here, Turkey had two interests. First, to facilitate any opposition to Assad that it could. And second, to ensure its Kurdish population couldn't use the chaos to establish their own proto-state. Turkey is now a mirror image of Russia: a proud, once-imperial nation led by a macho aggressor determined to entrench its interests, subdue its separatists and act on behalf of its ethnic brethren.

So, as Russia nicked Crimea off Ukraine in the name of protecting the Russian-speaking population, so too is Turkey enraged at Russia's air strikes on Syria which drop bombs on ethnic Turkmen. Russia, meanwhile, cheerfully bombs anyone opposed to Assad as a way to preserve him and maintain its own regional power. So for Putin, IS is simply convenient rhetorical cover that allows him to bomb whoever stands in Assad's way.

No one likes IS, but everyone ultimately has greater, conflicting concerns. Partly that's because most nations recognise IS has no air force, no history of military victories against capable enemies and controls a largely empty swath of land, which it has recently commenced losing. Western nations might be keen to see that process complete itself, but the truth is they have little appetite for making it happen.

Western populations have tired of war – a fact reflected in an Essential poll this week revealing that even so soon after Paris, fewer than a third of Australians want to see us step up our military involvement. But even more seriously, there's the stench of futility here. That same poll has only 17 per cent of us believing it would even make us safer if we did, and 45 per cent believing the opposite.

That's why it's hard to see us rushing into a full-scale war. Sure, we could crush IS, but what then? Would we end up delivering land to the Kurds, and enraging Turkey? Or back to Assad, which would bolster Russia's power and entrench a dictator whose own body count simply dwarfs IS's? And what of the far likelier result that the land ends up contested by scores of warring groups engaged in an encore performance of the carnage in Iraq that gave birth to IS in the first place?

In the visceral urge to smash things after Paris, you can overlook the fact that whenever we've tried to use our armies to smash terrorism we've generally scattered it all over the world. Remember when US president George W. Bush said we were fighting terrorists in Baghdad so we wouldn't have to fight them in Boston? And remember how, not so long ago, bombs went off in Boston? The idea that we can gather terrorism in one place and then destroy it is now surely one of the most demonstrably wrongheaded of our age.

It takes a special kind of ideologically induced amnesia to ignore all this. It's an amnesia that takes centre stage in the American Republican party and the lunatic fringe of our own Coalition. But if Malcolm Turnbull is to be believed, this amnesia is not taking hold of Western leaders more generally. That's because they understand IS isn't a player. It's the Middle East's illegitimate child: a byproduct of the power vacuums of a broken region. It exists because it gets lost amid the much bigger fights going on around it – you know, between armies that actually have planes to shoot down. And you can do what you will to IS. Until those bigger fights are somehow resolved, there will always be a byproduct.

<http://www.smh.com.au/comment/no-military-answer-to-islamic-state-which-prospers-as-big-boys-squabble-20151125-gl8af3.html>

2. Richard Ackland: The Paris attacks changed our compassion equation – and not for the better

Turning our backs on Syrian refugees could turn out to be an effective Isis recruitment tool, but why worry about that when being alarmist is so much fun

The Guardian
Richard Ackland
Wednesday 25 November 2015 11.05 AEDT

It's as though we've come back to where we began. After patting ourselves on the back for generously accepting 12,000 Syrian refugees, a disturbed segment now want to pull up the gangplank. Either we're not accepting enough Christians, or we taking in too many Muslims. Some think that "Middle Eastern refugees or Islamic boat people" should be entirely turned back.

The Paris attacks have changed the west's compassion equation. This could be seen most recently in the intensity of last weekend's pro-immigration versus anti-Muslim demonstrations, or riots, in Australian cities – with Reclaim Australia types more flagged-up, tattooed and bellicose than ever.

In the United States, a majority of governors has come out in opposition to the resettlement of Syrian refugees in their states. They are Republicans, bar one Democrat.

The US House of Representatives, with the support of 47 Democrats, has also supported a bill seeking to stop Syrian refugee resettlement, which amounts to a lousy 10,000 over the next year.

Republican presidential contenders have also been on the ramparts led, unsurprisingly, by Ted Cruz who wants persecuted Syrian Muslims sent to Muslim countries but, on the other hand, let's provide safe haven for Christians.

This must be playing well in the boondocks because Jeb Bush was onboard with the same message. It doesn't take much to imagine what Ben Carson, Donald Trump and Mark Rubio are posturing: don't let in anyone from the Middle East.

Trump has floated the notion that all Muslims in America should be placed on a national register. New Jersey governor Chris Christie thinks even Syrian orphans under the age of five might pose a danger and should be banned from entry to the United States.

On Saturday we learned that Anthony Fisher, the Roman Catholic archbishop of Sydney, had written to the prime minister expressing concern that the bulk of the refugees to arrive in Australia would be Muslims rather than persecuted non-Muslims, such as Christians. This does not seem to be the situation at all, but why spoil a good story.

Local politicians are also milking it. Halal food expert Senator Cory Bernardi has heeded columnist Andrew Bolt's warning that the arrival of Syrian refugees would be in the face of "rising fears of importing terrorism".

The White House recently published an infographic showing the nine step vetting process for refugee entry into the US. Ours would not be dissimilar, but why bother with going into this when it's more fun being alarmist.

It wasn't all that long ago that Malcolm Turnbull was in step with Eric Abetz on the importance of giving Christian refugees priority.

In Britain, where the government has agreed to take 20,000 Syrian refugees by 2020, much the same sort of reaction is underway, while in Europe borders are being entangled in barbed wire in the face of the human tide.

So, what gives? Does concern about the the proportion of non-Muslims and Muslims in the resettlement program make sense, let alone the even more contentious proposition that our borders should be entirely closed to people from the Middle East?

The central idea seems to be that the humanitarian response should be defined by religion and that endangered Christians, Yazidis, Zoroastrians and Jews make for a better quality refugee than Muslims.

It's not as though Christians have a history devoid of terrorist activities, as the people of Northern Ireland know too well, so too the citizens of Oklahoma City or Charleston, who were violently attacked by good ol' white boys.

FactCheck.org points to the UN figures that show a majority of Syrian refugees are women, and children under 12 account for nearly 40%.

The proposal that the policy should be dictated by a religious test raises more problems than it solves. Where do moderate Muslims fit in, or the Shiites and Alawites who have been targets of Isis? What about atheists, are they in or out? And, naturally, there would trouble determining who might be hiding their Muslim faith under a cloak of Christian opportunism.

However, the more objectionable aspect is that such a crude selection method would strengthen the message propagated by terrorists, that the west hates Muslims – as effective an Isis recruitment poster as you could hope to devise.

A Kurdish Iraqi refugee was reported in the Guardian from Washington a few days ago as saying that the refusal to take in refugees would feed the anti-US narrative Isis perpetuates. The same would apply with other intake countries.

On this basis, it can be argued that the solution is to take in more Syrian refugees, not fewer. It's not as though our politicians haven't been making self-basting remarks about our generosity. In September, the then prime minister Tony Abbott said: "We are a country which on a per capita basis, takes more refugees than any other. We take more refugees through the UNHCR on a per capita basis."

A couple of things have got conflated and muddled in that sweeping statement.

The Refugee Council says the fairest comparison is to look at Australia's total refugee and humanitarian program and see how it stacks up on a global basis. Accordingly, the 14,350 refugees recognised or resettled in Australia last year made up 0.43% of the global total.

That puts us at number 22 globally, 27th of a per capita basis and 46th relative to total national GDP.

We shouldn't be too smug about accepting 12,000 Syrians because, comparatively, we're way behind the eight ball when it comes to taking in asylum seekers. As for the idea of weeding out the Muslims, that idea has been politely labelled "highly unusual" by the UNHCR.

<http://www.theguardian.com/commentisfree/2015/nov/25/the-paris-attacks-changed-our-compassion-equation-and-not-for-the-better>

3. Cory Bernardi: Australia must reconsider refugee intake in light of Paris attacks

Liberal senator says he previously backed government's decision to take extra 12,000 Syrian and Iraqi refugees but changed his mind after Paris attacks

The Guardian
Shalailah Medhora
Monday 23 November 2015 16.19 AEDT

The government must reconsider its decision to take an extra 12,000 refugees from Syria and Iraq in light of the Paris attacks, Liberal backbencher Cory Bernardi has said.

Bernardi told ABC TV on Monday he supported the initial cabinet decision to offer an additional 12,000 visas to refugees from Syria and Iraq, on top of the 13,750 existing humanitarian visa places.

But since this month's attacks in the French capital, Bernardi has changed his mind.

"I do think that cabinet now needs to reconsider the decision to take in 12,000 additional refugees on the basis of evidence that's come to light over the last week," he said.

"In our previous refugee intake we've had examples where people who have been accepted as refugees have gone on to commit terrorist acts or planned terrorist acts in this country. Why do we think that suddenly this is going to be any different?"

Bernardi said the screening process for refugees was open to inaccuracies, as security agencies were unable to go to Syria to do background checks. He also objected to handing over the decision of who could come to Australia to the "bunch of unelected bureaucrats" at the United Nations refugee agency.

"A lot of the most persecuted minorities in the Middle East – the Jews, the Christians, the Yazidis – don't even go to UNHCR camps, they don't register there because they're scared for their lives by the Muslim communities there," Bernardi said.

He said he wanted a rethink of the way the whole system worked.

"I do believe we should be reassessing our refugee humanitarian intake," the Liberal senator said, adding his views were shared by many Australians.

"For many years I've been voicing my concerns about extremist elements in the country and the lack of political will to confront that and of course I've been called all sorts of names for my trouble by my colleagues and the media," Bernardi said.

"But the point is I've been right about it and it is now a widespread community sentiment. We have extremist elements at work in this country. Why risk bringing in more to add to their ranks, even potentially, and bear the financial and social burden that comes with that?"

Bernardi's call to axe the 12,000 refugee intake was promptly shot down by the attorney general, George Brandis, who reiterated the government's determination to proceed during a statement to the Senate condemning the Paris attacks.

"These attacks give no reason to reduce our commitment to helping those who flee the barbarism of Isis and other terrorists," Brandis said during question time on Monday. "Indeed, they demonstrate more graphically why it is necessary, both to stand resolutely against Isis, and also, to help as best we can its many innocent victims, including the 12,000 Syrian refugees we have rightly committed to take."

The immigration minister, Peter Dutton, told the House of Representatives' question time 2,800 Syrian and Iraqi refugees were in the process of having health and security checks as part of the 12,000 intake.

"The Australian government has in place the most robust security screening measures in relation to those coming in under the humanitarian program and we will not resile from that one bit," Dutton said.

He said the government would cast aside any application of those seeking to come into Australia under the humanitarian visa system if the application presented security concerns.

The first five of the 12,000 intake, a Syrian family, arrived in Perth last week, in line with the government's promise to resettle the first group by Christmas.

But the New South Wales refugee resettlement coordinator, Peter Shergold, told ABC radio on Monday morning the lengthy security process refugees had to undertake could mean the bulk of the 12,000 visa holders would not be resettled until 2017.

"I'm working on the basis that the vast majority will come next year, in 12 or 18 months, not six months," he said. "I think it's appropriate that screening, security, character checks are all done before they arrive."

<http://www.theguardian.com/australia-news/2015/nov/23/cory-berardi-australia-should-not-take-in-extra-12000-syrian-and-iraqi-refugees>

4. High Court move to extend enrolment window and unlock one million votes

Sydney Morning Herald
November 27, 2015 - 7:40AM
Lisa Cox

Laws that prevent Australians from enrolling to vote in the weeks leading up to a federal election are set to be challenged in the High Court.

In a landmark case, activist group GetUp is pushing to have laws that suspend voter enrolment seven days after an election is called deemed unconstitutional.

The group says Australia's electoral laws have not kept pace with technology and are robbing hundreds of thousands of voters of their right to participate in the democratic process.

If successful, the case could see voters able to enrol as late as polling day – a practice that is now in place in NSW and Victorian elections.

In Queensland elections, voters can enrol up to the day before polling day.

The plaintiff in the case is Melbourne activist Tony Murphy, a GetUp member who recently lost a High Court battle to stop Melbourne's East-West Link from being built.

The legal team is being led by prominent QC and former federal court judge Ron Merkel.

A recent Auditor-General's report found more than a million eligible Australians are not enrolled to vote in federal elections and there is a "strong correlation" between age and enrolment, with just 61 per cent of 18 and 19-year-olds currently enrolled.

The report found just 68 per cent of Indigenous voters are enrolled to vote.

"That's more than a million people, including 100,000 Indigenous Australians, who politicians can forget about when they make decisions," GetUp democracy campaigns director Joshua Genner said.

"If we win in the High Court, someone who has just turned 18, a new citizen, or an Indigenous Australian who's never been enrolled would have much longer to enrol after an election's called and should even be able to go to a polling booth on election day, enrol and vote."

Polls consistently show that young voters are more likely to lean towards the left end of the political spectrum, suggesting a flood of late enrolments could benefit Labor and the Greens.

The case, which is being lodged on Friday, is not the first time GetUp activists have challenged Australia's electoral laws.

In 2010, two young GetUp members mounted a successful legal challenge to laws introduced by former prime minister John Howard that reduced the window people had to enrol to one day after an election was called, and to three days if they were changing their address.

"The two biggest states have now had elections with day-of-election enrolment and, by every measure, those elections have been better: more people have been enrolled, waiting times at polling booths have been unaffected, and the integrity of those elections has remained absolutely sound," Mr Genner said.

Mr Murphy said, "We are acting in the public interest, to encourage wider participation in the democratic process."

"This case is part of the democratic process. In our parliamentary democracy, the place where these sort of questions are resolved is the High Court," he said.

<http://www.smh.com.au/federal-politics/political-news/high-court-move-to-extend-enrolment-window-and-unlock-one-million-votes-20151126-gl8wgb.html>

5. Michael Gordon: Gillian Triggs steps in from the cold

The end of her period as outcast is significant, not least because it reflects the end of the ascendancy of ideology over civility.

Sydney Morning Herald
November 28, 2015 - 12:15AM
Michael Gordon

The big chill is over. Its end was sealed over a cup of tea, poured by Malcolm Turnbull from his bright red teapot in his Parliament House office, for Gillian Triggs, the woman his predecessor had vilified, tried to remove and finally banished.

Hostilities began in January, when Triggs' Human Rights Commission produced a report that condemned the detention of asylum seeker children under the policies of the Abbott and Rudd-Gillard-Rudd governments as a clear violation of international law.

After sitting on the The Forgotten Children report until the last possible moment, senior Abbott government ministers dismissed the evidence gathered over eight months as "out of date" and partisan – and they turned on the messenger.

A month later, a plan was clumsily executed to pressure Triggs into resigning from her five-year statutory appointment as president of the commission, including the lure of another taxpayer-funded position if she stepped down. She resisted.

Her public statements were twisted and past decisions demonised in further attacks, before Attorney-General George Brandis confirmed in June that Triggs was persona non grata. "Professor Triggs does not have a relationship with the government," he told ABC radio. "The Human Rights Commission does; the president does not."

The most remarkable aspect of the entire saga was not so much the nastiness, but Triggs' capacity to continue her critique of the over-reach of ministerial discretion at the expense of fundamental freedoms and not lose her composure, even in the face of a Q&A assault by Bronwyn Bishop.

Now, without any formal government announcement, the exile is over. Triggs broke the news in answer to a question at the annual dinner of the Refugee and Immigration Legal Centre, now called Refugee Legal, in Fitzroy on Wednesday night.

After her keynote speech prompted a standing ovation from a crowd including volunteer solicitors, benefactors, prominent silks and judges, Triggs was asked what she saw as the likely consequences of the change from Tony Abbott to Turnbull, and responded with trademark candour.

"I think the changes will be profound," she replied. "I hope that I am not breaching any confidence, but I did meet the Prime Minister two days ago and the first thing he said to me, and repeated, was that he hopes to bring cabinet government back in a classical Westminster style, with due process, transparency and the rule of law."

Turnbull's office duly confirmed no breach of confidence. The Prime Minister had been accompanied by advisers responsible for social and legal policy during the meeting, they said. Triggs was alone. Malcolm poured the tea.

At Wednesday night's event in Fitzroy, Triggs stressed that she did not expect Turnbull to walk away from the asylum seeker policies of his predecessor any time soon. "I think it's going to be far too difficult to change these policies at an explicit level," she said. "But I think we are now back to a cabinet that will operate according to proper process and that, I think, gives us a lot of encouragement for the future. I feel very optimistic indeed."

On one level, Triggs' positivity simply reflects the mood in the wider electorate: a sense of relief that six years of political instability and division have finally been laid to rest, and the hope that something better is in store.

"The vibe is that people want this to work out," is how one Labor strategist puts it. "No one is looking at Bill [Shorten] or Labor. Why would they? It's not Liberal versus Labor, or even Turnbull versus Shorten. It's Turnbull versus Abbott, and Turnbull versus the period of Abbott and Kevin Rudd and Julia Gillard."

But the end of Triggs' period as outcast is significant, not least because it reflects the end of the ascendancy of ideology over civility and Turnbull's less combative, more engaging, everything-is-on-the-table attitude to public discourse.

As such, it represents this challenge to those who believe there is a better way across the policy spectrum: mount a compelling argument and, at the very least, you will be heard.

The task for those dismayed at the damage still being done to people in detention, especially those in limbo on Nauru and Manus Island, is to craft a policy that ends the inhumanity of the approach backed by both major parties, without carrying the risk of re-starting the boats.

The biggest problem is not the crafting of such a policy, because the elements are within our grasp. The most contentious is the expectation that boats will be turned back to Indonesia, but even this could win acceptance if asylum seekers were turned back safely to something meaningful as part of a regional compact: humane conditions, timely processing and resettlement in a range of countries including Australia.

No, the biggest problem with putting up alternatives is the kneejerk response that any departure represents a weakening of resolve that will constitute a "green light" to people smugglers.

Turnbull discovered this within 10 days of becoming prime minister when he told one interviewer he shared the concerns of Australians about those languishing in offshore detention centres and, within hours, felt compelled to return to the Abbott script and vow that they would never be resettled in Australia.

Since then another refugee has died in detention (after repeated warnings that he should not be in detention), the secretary-general of the United Nations has personally appealed to Turnbull to change tack, and multi-faith leaders have pleaded for the release of those children still in detention.

This week, as the national spotlight turned to the violence against women, there were pleas to the Prime Minister to reunite Nazanin, the Iranian refugee who is desperately mentally ill in Brisbane after allegedly being raped and beaten on Nauru, with her mother who is going mad with worry and is still on the tiny island.

One given is that Triggs will not temper her advocacy now that the door to the PM's office has opened. Among the topics discussed after the dinner on Wednesday was the potential to mount a test case on the separation of powers.

As Triggs points out, punitive detention is for the courts alone and, when it results from decisions by ministers or their bureaucrats, it violates the principle of the separation of powers. "I'd love to see the constitutional lawyers and people with your experience start to take some of these cases and challenge the extraordinary extent of administrative detention that our ministers believe they have a right to exercise," she said.

A good topic to discuss the next time Malcolm pours the tea.

<http://www.smh.com.au/comment/triggs-steps-in-from-the-cold-20151127-gl9osy.html>

6. Australia becoming increasingly isolated on human rights: Gillian Triggs

Sydney Morning Herald
November 26, 2015 - 7:16AM
Michael Gordon

The erosion of fundamental freedoms and overreach of ministerial discretion is leaving Australia increasingly isolated from international community standards, the president of the Human Rights Commission, Professor Gillian Triggs has warned.

"Gone are the days when we could say, 'How dare Saudi Arabia, Qatar, Libya criticise Australia's human rights record,'" Professor Triggs said in a speech on Australia's asylum seekers and refugee policies.

"Now we are attracting the concern of our traditional allies - the UK, Canada, the US - and powerful allies in Asia such as China, Japan and Indonesia."

In an impassioned address, Professor Triggs called for the end of offshore detention, branding it "illegal, eye-wateringly expensive and unsustainable in the longer term".

Blaming both Coalition and Labor governments for the trend, Professor Triggs said that, over the past 15 years, "Australia has become increasingly isolationist and exceptional in its approach to the protection of human rights".

But, in a sign of improved relations with the Coalition government, Professor Triggs praised Malcolm Turnbull's national security address to Parliament, saying she was heartened by his emphasis on the rule of law and respect.

"I believe one of the greatest challenges for our political leaders is to ensure that counter-terrorist measures do not diminish our protection for asylum seekers fleeing conflict and discrimination," she said.

Professor Triggs also appealed to politicians to "avoid the stereotype that Muslims seeking Australia's protection are potential terrorists".

This followed a call by Coalition senator Cory Bernadi for the intake of 12,000 Syrian refugees to be suspended or cancelled because of the risk that terrorists could be among them.

"The challenge over the coming weeks and months is to respond to global insecurity and mounting terrorist threats with rational and proportionate measures to protect our borders and security while also upholding the rule of law and our fundamental freedoms," Professor Triggs said.

Addressing the annual dinner of the Refugee and Immigration Legal Centre in Melbourne, Professor Triggs also:

- Warned that indefinite administrative detention by the executive is risking being punitive, which would violate the separation of powers
- Accused the Australian delegation to the United Nations of repeating the "profoundly misleading" statement that Australia is the third largest resettlement country within the UNHCR settlement process, "failing to mention that this so-called 'lawful' process applies to about one per cent of the 60 million asylum seekers and displaced persons globally"
- Lamented that Australia, as a nation, "turned a blind eye" towards the management of immigration detention centres
- Asserted governments and political leaders have "played on community fears of terrorism and the undocumented entry by boat of refugees to concentrate power in the hands of the executive to the detriment of Australian liberty"
- Repeated her call for a legislated charter of rights to provide "some benchmark against which government actions and parliamentary laws can be assessed"
- Described the decline in the rule of law as "one of the most troubling recent developments"

Professor Triggs maintained one of the most effective safeguards of human rights was the cultural expectation of Australians that our freedoms will be protected.

"We are quick to assert our liberties under the rubric of a 'fair go' - a phrase that is as close to a bill of rights in this country as we are likely to get."

<http://www.smh.com.au/federal-politics/political-news/australia-becoming-increasingly-isolated-on-human-rights-gillian-triggs-20151125-gl7zsx.html>

7. The Saturday Paper: Peter Dutton's contempt of court battle

Victoria's Supreme Court will decide if Peter Dutton is wrongly depriving a man on a bridging visa of the right to a fair trial.

The Saturday Paper
Nov 28, 2015
Martin McKenzie-Murray

Kurt Esser and his client, Akuoch Akuoch, have wildly different histories, but those histories are for a time braided. Both men are involved in a legal case against the minister for immigration, Peter Dutton. It is a case that challenges executive power and the independence of courts and, if successful, will find Dutton in contempt of them. It is a little-known case, but with fascinating ramifications.

Esser is a Melbourne barrister. Blunt and impassioned, he speaks with the slow assurance of experienced lawyers. In 2004 he established the Justice Project with his wife. Its members included Malcolm Fraser and Julian Burnside, and it was originally conceived to reform refugee policy and to lobby for the instatement of a bill or charter of human rights. In 2004, the ACT enacted such a charter; Victoria followed two years later. "The Justice Project played some small role in that," Esser tells me. "And Fraser's influence was inestimable. He had a fantastic nose for the right time to do something. I enjoyed his wisdom and guidance."

Esser's client Akuoch was born in Sudan. When civil war erupted there in the 1980s Akuoch joined about 20,000 boys in a perilous exodus from family and country. The boys – many orphaned – fled to avoid death or conscription, making their way to relative safety in Ethiopia, more than a thousand kilometres away. About half of the boys died on the march, claimed by dehydration, drowning, wild animals or crossfire. When war broke out in Ethiopia in the early 1990s, they fled again to Kenya.

Those who comprised the exodus became known as the Lost Boys of Sudan. In early 2001, under the authorisation of president Bill Clinton, 4000 were offered sanctuary in the United States. Akuoch Akuoch – still unsure of the fate of the family he left behind – was one of them. He is now a US citizen.

It was in the States that Akuoch learnt – to his astonishment – that his siblings had not only survived the war that claimed some two-and-a-half-million lives, but that they had emigrated to Melbourne.

In 2011, Akuoch received an Australian visiting visa. The following year, on account of his family living in Australia, he applied for a remaining relative visa which "allows someone outside Australia whose only near relatives are living in Australia to live in Australia as a permanent resident". He was rejected for this status, a rejection that was upheld by the Migration Review Tribunal in February last year.

Not long after Akuoch arrived in Australia, he met someone. She fell pregnant and the following year he became a father.

But it is neither his visa applications nor his fatherhood that involves Kurt Esser. The matter of law involved is much simpler, and fundamental.

Full story at <https://www.thesaturdaypaper.com.au/news/law-crime/2015/11/28/peter-duttons-contempt-court-battle/14486292002683>

8. Pamela Curr: Say no to increasing force against detainees

Eureka Street - Vol 25 No 23
Pamela Curr
29 November 2015

One of the most disturbing aspects of Border Force's takeover of detention camps has been the militarisation and increased use of force against people seeking asylum. Women have been especially targeted by SERCO and Border Force.

Next week in the Senate, the Government is seeking even more powers to use against women, children and men in detention.

Detention

Examples of existing measures include the use of electronic scanners plus physical pat-downs on women before they come and go to medical or counselling appointments outside the camp. The pat-downs involve female guards running their hands over breasts, bottoms and legs.

The women find it very intrusive, and some have had panic attacks as it has brought flashbacks of sexual abuse and rape attacks in Nauru. It is excessive and unnecessary and was not done until Border Force took over.

The women are escorted to the vans, with two guards holding their upper arms from reception to the van. The only point of this is to demonstrate physical force. As the women say, Where would I go?

Another current practice is the use of male guards inside the women's rooms at night. This is called 'high watch' or 'PSP' (Psychological Support Program). If a person expresses suicidal thoughts or is seen to be missing meals etc., surveillance is increased. It is not therapeutic or recommended by doctors; it is a security measure to ensure that SERCO is not fined.

The rooms at the Melbourne Immigration Transit Accommodation (MITA) are 3 x 2.5 metres with a double bunk bed and small cupboard, so a guard sitting on a chair all night in the room is literally at arm's length. The women cannot sleep in this situation. Some guards will not allow toilet doors to be closed, which is really distressing for the women.

Sudden room searches are a further cause of great anxiety. Once the women were given a few minutes warning, but now there is no warning as guards enter the rooms. The children are distressed by seeing their parents with no ability to defend them or their possessions.

Now sewing machines are banned. Donated machines remain in the property office for months. We have tried to negotiate with Border Force to no avail. One woman who has had a machine for a year has now had it taken away. Life in detention is boring and these women wanted something constructive to do — to make things for their children. This is the brutality of the new regime.

Children are escorted into schools by guards in uniform. The days of plain clothes for this are over. Other children tease them about having no families, only guards.

Hospital

Security protocols in hospitals have had the objective in the past of ensuring no media access to a person from detention. This is why six guards over a 24 hour shift would sit outside the rooms of patients who could not walk or who were unconscious or of women who had just given birth.

However today's surveillance has reached a new level of cruelty. Some hospitals allow male and female guards to sit beside the bed of the patient. Other hospitals insist that guards sit outside the door of the room, or even at the entrance out of sight of the patient. These conditions depend on the assertiveness of the hospital staff.

We must all be concerned and vigilant when we see hospitals placing ridiculous security protocols above the welfare and care of the patient.

Some women and most men are now taken to hospital in handcuffs. There are reports of women being in hospital for days with their hands cuffed to the bed except when they go to the toilet. This is an infringement of human rights which should not be tolerated at all. Those hospitals which are allowing Border Force and SERCO to dictate protocols of force and control within the hospital need to rethink their compliance with human rights standards.

Recently a man with only one damaged kidney was taken to a specialist outpatient clinic. He was asked to provide a urine sample but was unable to do so because he was handcuffed and guards refused to undo these. On another occasion a man had his hand x-rayed while he was in handcuffs.

These are not dangerous or deranged people — just ordinary people needing medical care. They already have two or three or four guards standing over them. To add restraints is an insult.

These people are seeking asylum and have never been charged with any crime. Treating them as if they were dangerous criminals is cruel and denying them dignity and respect. The use of excessive force is recent and directly linked to the Border Force takeover. Now they are asking for even more powers.

Next week in the Senate, we need to ask Senators to vote no to more force.

Pamela Curr is a refugee and detention rights advocate. She has supported people seeking asylum since 2000 and worked with the Asylum Seeker Resource Centre since 2004.

<http://www.eurekastreet.com.au/article.aspx?aeid=45754>

9. A phonecall, a meeting, then indefinite detention: the refugees at the mercy of ASIO

Sri Lankan refugee Ranjini was taken from an immigration department meeting with her family to a detention centre and kept there for more than three years – without trial or recourse to appeal

The Guardian
Ben Doherty
Saturday 28 November 2015 08.00 AEDT

Quietly, two weeks ago, a Tamil woman called Ranjini and her toddler son walked free from the gates of Villawood detention centre.

Her son had never known a day of freedom in his life.

Ranjini, a former member of the Sri Lankan separatist Liberation Tigers of Tamil Eelam, who had previously been living in Australia, was held in detention for more than three years without charge or allegation.

While incarcerated, she was never told why she was being held – only that she had been assessed as a threat to national security – and when she was released she was not told why she was now free to go.

Ranjini lives in Sydney, attempting to restart a life interrupted. She is free, but the system that held her is unchanged.

An unknown number of other people – believed to be at least 12 – are held under the same regime as Ranjini, deemed “adverse security assessed” by Asio and so denied a visa, but unable to know why they are being held, or to challenge their detention.

Some have been held for up to six years, without ever being charged or brought before a court.

The United Nations human rights committee says the regime is illegal, and has previously directed Australia to release those it is holding.

At one stage, up to 55 people were believed to be held under the regime. Most were Tamils who had links to Sri Lanka’s LTTE. But many of those links were tenuous, and some were unavoidable.

In the war-ravaged north of Sri Lanka, it was often impossible to escape involvement in the LTTE’s activities: the organisation functioned as a de facto state in the 15% of the country it controlled, running schools, hospitals, courts and police forces, imposing taxes, seizing land and boats to assist the war effort, and forcibly conscripting soldiers, even children, from Tamil families to fight.

On Asio’s assessment, any link was often sufficient for detention, even though the LTTE had never committed an act of violence on Australian soil, and was never proscribed as a terrorist organisation by the Australian government.

On information known publicly, one Tamil man was detained when he came to Australia because he was a lawyer for the LTTE’s civil administration, another because he dug ditches on LTTE orders for civilian Tamils to shelter in during air raids by government aircraft.

Over the past two years, Asio has lifted dozens of adverse assessments on refugees, and the government has quietly released them.

It is believed that nine of the detainees adversely assessed by Asio, all Tamils, are refugees. Most are in Sydney.

But at least three other people on student, partner or working visas have been summarily detained under the same regime.

Most have jobs and homes in Australia. Many have spouses and children who are Australian citizens.

Asio declined to comment on the number of people in these circumstances, stating only that an adverse security assessment was a recommendation to the Department of Immigration and Border Protection not to issue a visa, but is not a “recommendation on the detention or otherwise of the subject”.

On matters of detention, Asio directed Guardian Australia to the department, which did not respond to questions.

Ranjini’s story

Ranjini was a child when she was recruited to the Liberation Tigers of Tamil Eelam, better known to the world as the Tamil Tigers.

For 26 years from 1983, the Tigers waged a brutal insurgent war in Sri Lanka, using forced conscripts, child soldiers, suicide bombers and attacks on civilians to prosecute its campaign for a Tamil homeland.

From the age of 11, Ranjini was “heavily indoctrinated” into the separatist army, and after school completed three months of military and basic weapons training – including being trained to use an AK-47 and in karate.

Ranjini says she spent about six months as an active participant in the war, acting as a supply officer in at least two battles against government forces.

Asio would later allege in court documents “it was considered likely that [Ranjini] had trained minors to be LTTE cadre, though this was not specifically put to her”.

She insists she only ever led female cadres her own age, and that it had been her job, as a school prefect, to teach other students how to hide under their desks during air-raids.

The bulk of Ranjini’s involvement in the Tamil independence cause – to which she was aligned for 17 years – was with the Tamil Rehabilitation Organisation, a relief charity for people displaced for the war but which raised significant funds for the LTTE.

As an adult, Ranjini married another fighter, “Akbar”, who was a bodyguard for feared Tigers’ leader Velupillai Prabhakaran. Ranjini and Akbar had two children before he was killed in conflict in 2006.

In 2008, with the LTTE's resistance weakening, and fearing persecution, including the possibility of being killed or raped, Ranjini fled Sri Lanka for southern India.

The LTTE's resistance was finally, emphatically, crushed in May 2009.

Sri Lankan government forces waged a pitiless bombing campaign on the Tigers' final stronghold in the north, killing an estimated 40,000 civilians, according to the United Nations, as they indiscriminately bombed homes, hospitals and declared safe zones.

In neighbouring India, which is not a party to the refugee convention and offers few protections for displaced people, Ranjini struggled to build a life in safety. A year later, she left that country by boat.

She arrived on Christmas Island on 8 May, 2010, along with her two young sons, Piralkumaran and Kathiraman.

Full story at <http://www.theguardian.com/australia-news/2015/nov/28/a-phonecall-a-meeting-then-indefinite-detention-the-refugees-at-the-mercy-of-asio>

10. Govt accused of ignoring PNG human rights abuses to preserve Manus Island detention centre deal

ABC Radio CAF - AM

By Papua New Guinea correspondent Eric Tlozek

First posted Tue 24 Nov 2015, 7:58am

Updated Tue 24 Nov 2015, 8:13am

The Australian Government is being accused of turning a blind eye to human rights abuses in Papua New Guinea and the investing of criminal proceeds in Australia, for fear of losing the right to detain asylum seekers on Manus Island.

An Australian Federal Police officer, who wishes to remain anonymous, said the Government is ignoring extra-judicial killings and rampant corruption in the PNG police force because of sensitivities around the Manus Island detention centre.

The AFP's mission in PNG is to help local police improve standards, but the officer said he'd been shocked by the scale of corruption and human rights abuses committed by the Royal PNG Constabulary (RPNGC).

"The RPNGC were essentially murdering people, raping people, burning villages down," he said.

"No-one expected to see that."

The officer was deployed in PNG's second-largest city, Lae, from 2013 to 2014.

He said he saw local police commit horrific crimes but his reports were essentially ignored by his superiors.

"What we soon noticed was that anything that painted the government of PNG with corruption, or the RPNGC with their brutality, murder and rape was being sanitised," he said.

The AFP has 73 officers in PNG in a so-called advisory capacity.

They do not have any police powers or the legal protection to take an active policing role.

In a statement, the AFP said the operating environment in PNG was difficult and the officers' work there was "extremely challenging".

It said it had reviewed reports from the officer and hadn't found any matters requiring further action.

But it is not just in PNG the Australian Federal Police and the Australian Government are accused of ignoring crime.

Transparency campaigners and researchers say the Government has allowed what it calls "dirty money" into Australia because it is too scared to prosecute corrupt PNG officials.

Griffith University corruption and money laundering researcher Professor Jason Sharman said they were allowing the proceeds of corruption to be invested in Australia.

"I think that there's criminal money from Papua New Guinea that the Australian Government knows about," Professor Sharman said.

"The Australian Government is choosing not to take action and one of the main reasons for that is the Manus Island deal."

He said all elements of the large Australian aid and diplomatic contingent in Papua New Guinea overlook major problems in order to avoid jeopardising Australia's asylum-seeker deal with the PNG government.

"All roads lead to Manus and the priority of keeping the asylum-seekers hosting deal is paramount and other things that endanger that deal tend to be slightly swept under the carpet," Professor Sharman said.

Transparency International is also concerned by allegations Australian officials are not acting on crime and human rights abuses.

Its PNG chairman, Lawrence Stephens, said observers in the country were disappointed with Australia's attitude.

"Generally, when you talk to them, they say that Australia doesn't appear to have the willpower to argue back and say that some things that are going on here should not be happening," he said.

The Department of Foreign Affairs and Trade has not responded to questions about whether the Manus Island detention centre agreement affects Australia's mission in Papua New Guinea.

<http://www.abc.net.au/news/2015-11-24/australian-government-accused-of-ignoring-png-human-rights-abuse/6967754>

11. Ban Ki-moon personally asks Malcolm Turnbull to review boat turnback policy

UN chief expresses concern to prime minister about asylum policy and detention conditions on Nauru and Manus Island

The Guardian

Daniel Hurst and Ben Doherty

Monday 23 November 2015 11.30 AEDT

The United Nations chief, Ban Ki-moon, has personally called on Malcolm Turnbull to reconsider Australia's policy on turning back asylum seeker boats during a meeting in Malaysia.

The UN secretary general also took the opportunity to raise concerns about conditions in Australia's offshore detention centres on Nauru and Manus Island.

The meeting with the prime minister took place on the margins of the Asean summit in Kuala Lumpur on Sunday.

Ban raised the issue of refugees and migrants in the Asia Pacific region.

"The secretary general expressed concern over the detention conditions in Australia's offshore processing centres and encouraged the prime minister to reconsider Operation Sovereign Borders," a summary of the meeting issued by the UN said.

Ban noted Australia's "longstanding commitment to refugee resettlement" and "appealed to the prime minister to share responsibilities".

The meeting also canvassed the conflict in Syria and Iraq, the prevention of violent extremism, and efforts to tackle climate change. The pair exchanged views on climate change negotiations before the meeting of world leaders in Paris next month, according to the statement, and Ban "encouraged Australia to lead efforts to ensure a low-carbon, climate-resilient future".

Ban's personal plea is not the first time the UN has urged the government to review its asylum seeker policies, but it carries added weight because it was made directly in face-to-face talks with the prime minister.

The UN refugee agency has previously raised concerns over the conditions on Nauru and Manus Island, where asylum seekers are sent while they wait for their refugee claims to be processed and for resettlement to be arranged.

People sent to Nauru have reported rape and sexual assaults, and an Iranian asylum seeker, Reza Barati, was killed during violent clashes on Manus Island in 2014.

The Coalition and Labor share the policy of not offering resettlement to people who try to reach Australia by boat. The government has been trying to negotiate resettlement in third countries, but only a handful of refugees have agreed to go to Cambodia under a deal reached with Australia.

Earlier this year, Labor decided to adopt part of the Coalition's policy by giving itself the option of turning around vessels at sea. Turnbacks were a key plank of the militaristic operation adopted by Tony Abbott after the 2013 election.

The policy helped to slow the number of asylum seeker boats to reach Australia, but there are occasional arrivals. A vessel was intercepted close to Christmas Island on Friday.

Turnbull has continued the practice of secrecy around Operation Sovereign Borders, saying on Friday that the government would not disclose details about the reported boat arrival because "we do not comment on operational matters".

On Monday, the government again refused to comment on the location of the boat, or the circumstances of its passengers and crew.

Shortly after ousting Abbott in September, Turnbull said the government was paying “close attention” to the issue of the people waiting on Nauru and Manus Island. But the government subsequently emphasised that its policies had not changed.

In October, Turnbull told Guardian Australia the government would do “everything in our power, everything we can to resettle them, but resettle them in a way that is not going to result in creating incentives for people smugglers to get back into business”.

Guardian Australia is seeking comment from Turnbull's office on the UN secretary general's comments.

Daniel Webb from the Human Rights Law Centre said Ban's comments were a reflection that international bodies recognised the dangerous example Australia was setting globally on forced and irregular migration.

“If other countries adopted our punitive deterrence policies then the world's refugees would have nowhere to go. We are setting a dangerous global precedent and the head of the UN is quite rightly calling for change.”

Webb said Australia was a wealthy, developed democracy with a strong history of refugee resettlement.

“The UN clearly sees we have the potential to be part of the solution but our current policies make us part of the problem.

“Instead of punishing those who arrive and turning back those seeking to come, we should work with the UN and countries in our region to ensure families who need protection can access it safely.”

Over the past three years, the number of people travelling by boat through the Bay of Bengal and Andaman Sea more than tripled to reach 63,000. In the first half of 2015, 31,000 people boarded boats in the region, a 34% increase on 2014's record figure.

In May nearly 8,000 asylum seekers from Bangladesh and Myanmar were stranded on boats in the Andaman Sea after Indonesia, Thailand and Malaysia refused to allow them to land.

The UN warned the ships risked becoming “floating coffins”, and passengers on board reported fights to the death over dwindling supplies.

The impasse was broken when the Philippines offered to take some of the refugees. Other countries then also agreed to allow asylum seekers to disembark, on condition they would be resettled in third countries within a year.

Months later, there has been no resettlement. While some migrants judged not to have protection claims have been repatriated, most remain in camps in the places they first disembarked, such as Indonesia's Aceh province.

<http://www.theguardian.com/australia-news/2015/nov/23/ban-ki-moon-personally-asks-malcolm-turnbull-review-asylum-boat-turnback-policy>

12. UN's Ban Ki-moon urges Australia to rethink refugee policy in extraordinary rebuke

Sydney Morning Herald
November 23, 2015 - 5:55PM
Nicole Hasham

The world's top diplomat has issued an extraordinary plea to Prime Minister Malcolm Turnbull over Australia's asylum seeker policy, voicing unease over offshore detention and urging him to reconsider the nation's entire border protection regime.

United Nations Secretary-General Ban Ki-moon met Mr Turnbull on the margins of the ASEAN Summit in Kuala Lumpur last week, trading his usual soft diplomacy for stronger language when discussing refugees and migrants in the Asia-Pacific region.

In a statement, the United Nations said Mr Ban "expressed concern over the detention conditions in Australia's offshore processing centres" and encouraged Mr Turnbull to "reconsider" Operation Sovereign Borders, Australia's military-led regime to combat people smuggling and oversee borders.

Counter-terrorism dominated talks at the 18-nation summit, one of a string of international meetings attended by Mr Turnbull less than three months into the job.

It came as the Australian navy turned away a suspected asylum seeker boat from Christmas Island on Friday, and as Australia prepares to accept 12,000 refugees fleeing devastation in Syria.

The UN statement said Mr Ban acknowledged Australia's longstanding commitment to refugee resettlement, but appealed to Mr Turnbull to "share responsibilities".

The pair reportedly discussed problems in Syria and Iraq and exchanged views on preventing violent extremism.

"The Secretary-General indicated that he is preparing a comprehensive Plan of Action to Prevent Violent Extremism for presentation to the General Assembly in the beginning of 2016, and looked forward to the support of Australia," the statement said.

It is understood the language used in the United Nations statement is stronger than that Mr Ban used personally when speaking to Mr Turnbull.

Speaking to reporters in Kuala Lumpur over the weekend, Mr Turnbull said recent terrorist attacks in Paris and Bamako had focused attention on how to counter violent extremism.

"We are intensifying our co-operation on counter terrorism with all of our partners in the region. Sharing intelligence, of course, is of critical importance," he said, adding that countering terrorist messaging on social media was also a high priority.

Mr Ban and Mr Turnbull also discussed climate change and negotiations ahead of global climate talks in Paris later this month.

Mr Ban "encouraged Australia to lead efforts to ensure a low-carbon, climate-resilient future," the UN statement said.

Meantime, the Senate on Monday passed a bill to remove all children from onshore detention by Christmas.

The Migration and Maritime Powers Amendment Bill (No.1) will now return to the lower house.

The amendments proposed by Greens senator Sarah Hanson-Young were passed with the support of Labor and crossbenchers.

Other passed amendments included opening detention centres to media scrutiny, mandatory reporting of abuse and reversing law changes that punish staff for speaking out about conditions in detention.

Senator Hanson-Young said Mr Turnbull must now decide whether to "reverse the will of the Senate and the people just so that he can keep children locked up in detention?"

"These children have had their childhood taken from them ... at least now they can have a real Christmas," she said.

<http://www.smh.com.au/federal-politics/political-news/uns-ban-kimoon-urges-australia-to-rethink-refugee-policy-in-extraordinary-rebuke-20151122-gl5bob.html>

13. MEDIA RELEASE: Broken promises: after one year, Darwin's forgotten asylum seekers hunger strike

Monday November 30, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Sixteen out of a group of 27 asylum seekers brought from Nauru a year ago to be released, have begun a hunger strike in the Darwin detention centre at Wickham Point to draw attention to their plight.

The sixteen (11 Palestinian, 1 Iraqi, 2 Lebanese) began the hunger strike nine days ago. Three of the Palestinean hunger strikers were hospitalised on Sunday 29 November. Out of desperation, both of the Lebanese cut their wrists on Saturday night.

The 27 were among the asylum seekers who were charged after the riots on Nauru in July 2013, which substantially destroyed the original detention centre.

No evidence about any involvement in the riot was ever presented against them. In September 2014, they were offered a deal to get off Nauru. At the time they had already been waiting 14 months for a trial to clear their names.

They were told that if they pleaded guilty to 'unlawful assembly', no conviction would be recorded.

They were told that after some community service on Nauru, they would be sent to Australia and be released while their refugee claims were assessed in Australia.

The 27 were brought to Australia on 1 November, 2014 and expected to be released on bridging visas by Christmas 2014. A year later and they are still waiting; and are still being told their applications for bridging visas are on Peter Dutton's desk.

All the other asylum seekers who had been held in Nauru prior to July 2013 have been released on bridging visas and are living in the community.

On 10 October, 2015, around 11 asylum seekers from Nauru, who has similarly been charged after the riot, but who were only transferred to Australia in April 2015, were released.

The injustice is obvious. The department of immigration has broken the promises made to these asylum seekers. Everyone who followed the case, understood that they would be released on bridging visas a year ago," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

These guys should be released. There is no excuse for keeping them in detention. It is arbitrary detention and bureaucratic delay at its worst."

For more information contact Ian Rintoul 0417 2715 713.

14. Nauru asylum seeker protesting child detention climbs atop crane

ABC News Online

First posted Fri 27 Nov 2015, 11:08am

Updated Fri 27 Nov 2015, 11:19am

An Iranian asylum seeker has climbed atop a large crane on Nauru to highlight the plight of children being held on the Pacific island.

An estimated 90 children are being held on the island as part Australia's offshore processing policy.

The asylum seeker, Reza, has told the ABC his crane-top protest is calling for the release of all of Nauru's younger detainees.

"I have just one message from all kids in Nauru. All kids in Nauru need their freedom," he said.

His sign reads: "World: Kids in Nauru need help".

He said he wants to bring attention to the policies of the Australian Government, and the need for it to assist children and families in detention and in refugee resettlement programs on Nauru.

Earlier this week, a bill to remove all children from onshore immigration detention centres passed the Senate with the support of the Greens, Labor and crossbenchers.

The amended Migration and Maritime Powers Amendment Bill (No.1) will now return to the House of Representatives, where it is likely to be rejected by the government majority.

The bill's amendments did not include provisions to remove children from offshore immigration detention centres, such as Nauru.

<http://www.abc.net.au/news/2015-11-27/nauru-asylum-seeker-protesting-child-detention-atop-crane/6980920>

15. Iranian asylum seeker climbs crane in Nauru to protest detention of children

Reza Khestinzhad, who has been held in detention on Nauru with his sister for 21 months, is carrying a banner that reads, World: Kids in Nauru Need Help

The Guardian

Ben Doherty

Friday 27 November 2015 16.19 AEDT

A Iranian asylum seeker in detention on Nauru has staged a protest by climbing to the top of a crane to demand the release of all children from detention.

Reza Khestinzhad has been held in detention on Nauru, with his sister, for 21 months. He scaled the crane early on Friday and refused to come down.

He spoke to Guardian Australia by phone from the crane, saying that children on Nauru were desperate "because they have no future".

"My position here is very bad, but I have to give my message. The children on Nauru need help, they have been here too long. We are all suffer[ing] here, we are all depress[ed], we are all on medication because our health is bad.

"But it is the worst for the children. They should be free."

He is carrying a massive banner he made that reads World: Kids in Nauru Need Help.

Currently, there are 95 children in detention in Nauru.

Instances of child sexual and physical abuse, psychological trauma, and disproportionate rates of depression, have been consistently reported from the island.

Senate estimates heard last month that in the two years to the end of September, there were 10 instances of sexual abuse against children, and 82 incidents of physical assault.

No one has ever been charged for an assault against an asylum seeker on Nauru.

The crane Khestinzhad climbed is in the detention centre as part of the construction of a new accommodation block. Many of those in detention still live in tents.

<http://www.theguardian.com/australia-news/2015/nov/27/iranian-asylum-seeker-climbs-crane-in-nauru-to-protest-detention-of-children>

16. MEDIA RELEASE: Nauru crane protest continues

Refugee Action Coalition
Friday 27 November 2015
Ian Rintoul
0417 275 713

The Nauru crane-top protest by Iranian refugee, Reza Khestinzhad, (44 years old) continues.

--- Video of Reza climbing the crane and of him on top of the crane with the banner are attached and at <https://drive.google.com/file/d/0B4uIABwVdVXwYWNVTnUyUHJUc2M/view?usp=sharing>

Reza has maintained the protest for eight hours already.

Other asylum seekers supporting Reza have been warned that anyone taking photos will be reported to the police.

Reza's banner reads: World: Kids in Nauru Need Help.

Reza has been on Nauru, with his sister, for 21 months.

Reza's protest comes as the "open detention" policy has highlighted that Nauru is a detention island, and that neither the Australian government nor Nauru has any resettlement arrangements in place to secure the future of the refugees.

For more information contact Ian Rintoul 0417 275 713

17. MEDIA ALERT: Crane-top protest ends

Refugee Action Coalition
Friday 27 November 2015
Ian Rintoul
0417 275 713

The crane-top protest by Iranian asylum seeker, Reza Khestinzhad, (44 years old) ended around 6.30pm, Australian Eastern Daylight Saving time.

Reza came down from the crane, and has been taken to the IHMS clinic for a health check.

It is not known whether Reza will face any action by the Nauruan police for the nine-hour long protest.

Reza told the Refugee Action Coalition, "My protest has one message, please tell all the world, that all kids on Nauru need help. It is very bad on Nauru. All hope is gone. All the kids need help."

For more information contact Ian Rintoul 0417 275 713

18. MEDIA ALERT: Nauruan crane climber arrested by police

Sunday November 29, 2015
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Iranian asylum seeker Reza Khestinzhad, who staged a nine hour protest on top of a the crane on Nauru on Friday (27 November), has been arrested by Nauruan police.

Reza was taken to the IHMS clinic on Friday, around 6.30pm, after he ended the protest and came down from the crane.

But this morning, Sunday, 29 November, Nauruan police arrested him at the clinic and took him to the police station, where he is being held.

Police refused to allow his sister to see him at the police station today and indicated that he would be held until at least Wednesday, although police have not said what charge, if any, he would face.

"We are extrememely worried for Reza's welfare," said Ian Rintoul, spokesperson for the Refugee Action Coalition, "Reza should not be in jail. The police are an extension of the Nauruan government that is doing everything it can to stifle the right to protest on Nauru, including arbitrary arrest.

"Reza's only crime was ro send a message to the world that Nauru is a prison island."

Meanwhile, today, Sunday 29 November, a Sri Lanka asylum seeker has scaled a high tree near the family camp on Nauru. The asylum seeker has been in the tree since 9am, Nauruan time.

The man, his wife and a daughter, have been held on Nauru for two and half years.

For more information contact Ian Rintoul 0417 275 713

19. Senate passes bill to remove children from onshore immigration detention centres

ABC News Online
By political reporter Stephanie Anderson
First posted Mon 23 Nov 2015, 1:44pm
Updated Mon 23 Nov 2015, 3:42pm

A bill to remove all children from onshore immigration detention centres has passed the Senate with the support of the Greens, Labor and crossbenchers.

Amendments put forward by Greens senator Sarah Hanson-Young also call for greater media access to detention centres, with refusals to be tabled by the Immigration Minister Peter Dutton.

The amendments passed the upper house with the support of Labor, as well as crossbenchers Ricky Muir, David Leyonhjelm, Nick Xenophon, Dio Wang and John Madigan.

The amended Migration and Maritime Powers Amendment Bill (No.1) will now return to the House of Representatives, where it is likely to be sunk by the government majority.

Senator Hanson-Young said she hadn't spoken to Prime Minister Malcolm Turnbull about the amendments today, but was confident that "Modern Malcolm" would be uncomfortable voting them down.

"I suspect this is an issue for Malcolm Turnbull to decide," she said.

"He either has to vote now to re-detain children, to lock journalists out of detention centre and to gag staff, or he sees the sense... I can't imagine Malcolm Turnbull feeling very comfortable about voting in the house to re-detain kids."

The Greens had initially proposed five amendments, though one calling for the "separation of people seeking asylum from criminals in immigration detention" was voted down.

Other adopted amendments related to the mandatory reporting of abuse witnessed within detention centres, as well as the reversal of secrecy provisions detailed under Section 42 of the Border Force Act.

Prolonged detention detrimental to children: Welfare agency

Welfare agency Save the Children has called on the Turnbull Government to support the amended bill, and extend it, to cover children in offshore immigration detention centres.

The group had previously provided education and welfare to detainees — including children — on Nauru prior to their removal last month.

In a statement, Save the Children spokesman Matt Tinkler said the amendment limiting the detention of children to 30 days should be extended.

"Our experience working with asylum seekers and refugees on Nauru and Manus Island before that tells us that detaining children for prolonged periods is detrimental to their mental and physical wellbeing," he said.

"We urge the Turnbull Government to bring on the legislation for debate, and pass the amendments as a matter of urgency."

<http://www.abc.net.au/news/2015-11-23/bill-to-remove-children-from-detention-centres-passes-senate/6966484>

20. Senate passes bill calling for release of all children in immigration detention

Bill unlikely to pass Coalition-controlled House of Representatives, with decision on asylum seeker children now resting with Malcolm Turnbull and colleagues

The Guardian
Ben Doherty and agencies
Monday 23 November 2015 17.47 AEDT

All children in immigration detention in Australia must be released into the community under legislation passed by the Senate on Monday, but the bill faces being struck down in the government-controlled House of Representatives.

The Migration and Maritime Powers Amendment Bill (No. 1) – a technical government-sponsored bill largely concerning visa application rights – passed the Senate, but with a suite of amendments proposed by Greens Senator Sarah Hanson-Young that mandates the release of all children from Australian immigration detention centres, unless a court specifically orders a child's release is not in the public interest.

The amendments would also: impose mandatory reporting of abuse in detention centres to relevant, independent authorities; require all reasonable media requests for access to be granted to detention centres; and reverse the secrecy provisions of the Australian Border Force Act which makes it an offence to disclose information in the public interest about detention.

Workers in immigration detention centre, including doctors, social workers and security staff, could reveal details of what happens in detention without fear of prosecution.

The bill, with amendments, passed with the support of the Greens, Labor, and a majority of crossbench senators.

A fifth amendment, requiring asylum seekers to be detained separately from non-citizens facing deportation on character grounds (so-called 501s), did not pass.

The bill – with new amendments – will now go before the House of Representatives.

The House – which is controlled by the government – can choose to pass the new bill, reject it or amend it (likely by removing the changes voted for by the Senate).

If the House further amends the bill it will then have to go back before the Senate which is almost certain to reinstate the current amendments.

The Greens leader, Richard Di Natale, said the decision on children in detention now rested with the prime minister and his colleagues in the House of Representatives.

"Malcolm Turnbull's got a choice here: will he make an active decision to defy the Senate and keep kids locked up?"

Currently, there are 112 children in immigration detention in Australia, about one-20th of the peak figure of 1,992 in July 2013.

Australia's offshore detention regime is outside the scope of the legislative changes.

Currently 95 children are in detention on Nauru. Australia maintains their detention is a matter for the Nauruan government.

There are no children detained on Manus Island.

Hanson-Young said it was about time children were released from detention. "It is a national shame that we have kept them locked up, that we have effectively stolen this amount of time from their childhood," she told the parliament.

Labor amended the Greens' changes to inject ministerial discretion into the decision to release children in hopes of reducing any national security risk from dangerous parents.

The assistant multicultural affairs minister, Concetta Fierravanti-Wells, said the government couldn't forcibly remove children from detained parents with adverse security assessments. "As a government we can't just take children out if their guardian or parent does not wish them to be removed from them," she said.

The changes were unnecessary because minors were only detained as a last resort and it was already mandatory for assaults to be reported, she said.

Fierravanti-Wells said the changes were well outside the scope of the bill, which was largely technical in nature.

But Labor frontbencher Kim Carr said the opposition was determined to improve accountability and transparency and had always opposed the "excessive secrecy" surrounding immigration detention.

Australians had a right to know what was happening inside the centres at a large cost to the taxpayer, he said.

<http://www.theguardian.com/australia-news/2015/nov/23/senate-passes-bill-calling-for-release-of-all-children-in-immigration-detention>

21. Religious leaders push for release of asylum seeker children before Christmas

Sydney Morning Herald
November 27, 2015 - 4:21PM
Michael Gordon

A cross-section of Australia's most prominent Christian leaders is imploring the nation's politicians to "do the right thing" and release asylum seeker children from detention before Christmas.

After lobbying MPs from all parties last week, they have published an open letter calling for children and their families to be given "the gift of freedom" before the Parliament adjourns on Thursday for the year.

"In the next week, you have the opportunity to decide whether to release children and their families from immigration detention," they write. "This is a critical moment in the history of this nation."

It is not clear whether the Turnbull government will bring on legislation amended by non-government senators last week for debate in the House of Representatives in Parliament's last week of the year.

The plight of children in detention was raised this week by Gillian Triggs, president of the Human Rights Commission, who told a Melbourne audience Australia continued to hold in closed detention about 2044 people, including 113 children. There are 934 males on Manus Island and 631 refugees on Nauru, including 92 children.

"Most have been held for well over a year in conditions that have been criticised by UN Rapporteurs as breaching the Torture Convention and constituting 'calibrated cruelty'," Professor Triggs said.

On Nauru on Friday, a sole demonstrator stood on a crane with a hand-painted placard saying, "World: kids in Nauru need help".

Aside from providing for the release of all children in mainland detention centres, the legislation introduces mandatory reporting of abuse. It also reverses legislation making it a criminal offence for public servants and contractors, including doctors, to disclose knowledge acquired in detention centres.

Sister Anne Lane, spokesperson for the leadership group, told Fairfax Media there was "a wonderful sense across all parties that it's time to do this".

But she conceded that it could be difficult for those backing change to prevail in their party rooms. Several of the religious leaders met this week with Greens senator Sarah Hanson-Young, Liberal Craig Laundy, independent Cathy McGowan and Labor MPs Melissa Parke and Anna Burke.

Their letter is published in a half-page advertisement in Saturday's Sydney Morning Herald. Among the signatories are Archbishop of Melbourne, Denis Hart; Primate of the Anglican Church of Australia, Archbishop Philip Freier; President of the Uniting Church in Australia, Stuart McMillan; congregational leader of the Sisters of Charity, Sister Clare Nolan; and Auxiliary Bishop of Sydney, Bishop Terence Brady.

"This is the best opportunity the government has had to get children out of detention," Senator Hanson-Young said. "I hope the Turnbull government doesn't stick to the playbook of cruelty and injustice towards innocent children that epitomised Tony Abbott's leadership."

Sister Lane said the issue had been discussed at a cross-faith meeting of around 40 Christian, Muslim and Jewish leaders in October. "I think there is a sense among all of us that there has been a shift in the community and we need to make doubly sure our politicians are aware of it," she said.

"For some of the children, this will be their third Christmas in detention and we can see no reason why they can't be released before spending another one in detention. There's certainly a willingness around our communities to assist them in many, many ways."

Sister Lane said the religious leaders were similarly concerned about the plight of men on Manus Island, but believed the immediate focus should be children and their families.

"Perhaps when people see that they are no danger to society, we have a chance to further the conversation."

<http://www.smh.com.au/national/religious-leaders-push-to-release-asylum-seeker-children-before-christmas-20151127-gl9und.html>

22. Peter Dutton says he's never texted his chief of staff about official business

Immigration minister's office denies freedom of information request for texts and imessages between the two because 'the office has no records to produce'

The Guardian
Paul Farrell
Friday 27 November 2015 11.26 AEDT

The immigration minister, Peter Dutton, says he has never sent a text message to his chief of staff that relates to government business.

Unlike the foreign affairs minister, Julie Bishop, it appears Dutton is unlikely to have dallied with emojis. Roflcopters, lols and other LMAO also appear to be right out.

Guardian Australia requested access to Dutton's text and imessages with his chief of staff between January and March 2015.

Under Australia's freedom of information laws, any communication that is held by a minister or a government agency that relates to official business is generally accessible under the laws. The use of private messaging services for government business has been an increasingly common means of communicating for government ministers around the world.

But Dutton's office denied the request on the grounds that no documents – which means no texts or messages – existed.

Alexander Dalglish, the minister's FOI decision-maker, wrote in his decision letter: "The office has undertaken reasonable searches in relation to your request. As a result of these attempts, I am satisfied that the minister and the chief of staff do not hold any documents within the scope of your request.

"As no documents have been identified within the possession of the office, the office has no records to produce."

But questions remain over the accuracy of the response from the minister's office. In September 2015, the head of the immigration department's freedom of information unit strongly indicated Dutton's chief of staff did text the minister relating to the minister's duties after she spoke to Dutton's current chief of staff.

The department's chief FOI officer wrote in an email: "Minister Dutton has had two chiefs of staff during the period in question. The first has since left the office and their messages can no longer be accessed. The current has advised that work matters other than something such as 'I'll be there in 15 mins' are not discussed by text."

It is unclear why correspondence from the earlier chief of staff could not be retrieved from Dutton's phone. The minister's office did not respond to questions about whether there was indeed any correspondence between the minister and his chief of staff.

The use of private devices that are potentially out of reach of freedom of information laws in Australia and abroad has been an increasingly prominent theme across government.

In October it was revealed that the prime minister, Malcolm Turnbull, had been using a private email server that contained some correspondence relating to official business.

Turnbull's department said it would not release emails from his private email servers because it "does not have access to or provide administrative support" for personal email servers.

The use of private email servers by public officials had previously raised concerns after it was revealed that former United States secretary of state, Hillary Clinton, had been operating a private server. Many of her emails are now being periodically released.

<http://www.theguardian.com/australia-news/2015/nov/27/peter-dutton-says-hes-never-texted-his-chief-of-staff-about-official-business>

23. Christmas Island asylum seeker boat 'disappeared' after being towed by navy

The Guardian

Helen Davidson

Wednesday 25 November 2015 15.50 AEDT

Lawyers express concern for welfare of occupants after boat that made it within 200m of Australian territory was towed out to sea by navy last week

Asylum seekers on a boat that made it to within 200m of Christmas Island have not been publicly seen or heard from since residents watched a navy vessel tow the boat back out to sea last week.

Mystery surrounds the whereabouts of the boat and the welfare of its occupants as the federal government refuses to discuss it.

The boat, believed to have originated in Indonesia, was sighted close to shore by Christmas Island residents and an SBS journalist on Friday. It was then boarded by Australian officials, according to sources on the island. Photographs of the vessel were taken and circulated.

Passengers – believed to number less than 15 – were given lifejackets and the boat covered with a tarpaulin. It was then towed out to sea by a navy vessel and has not been seen since.

Australian and Indonesian advocates, lawyers and human rights organisations – who in the past have been regularly contacted by asylum seekers on board vessels trying to get to Australia – have heard nothing.

"There are simple facts that need to be established," Greens senator Sarah Hanson-Young told Guardian Australia.

"How many people were on that boat, were there women and children on there and are they safe? The government's obsession with secrecy should be brought to an end."

The boat's arrival is the first in Australian waters since 157 Sri Lankan Tamil asylum seekers were intercepted and held on board a navy vessel for a month before being sent to Nauru after negotiations with India to take them broke down.

"We can't let another group of people go through that same trauma," said Hanson-Young. "Hiding these boats out on the high seas, away from public scrutiny so that the Australian people don't know what's being done in their names simply isn't good enough."

Addressing the Senate on Monday, Hanson-Young asked the whereabouts of the boat and who was on it. She was also chastised for using a photograph of the boat as a prop.

"Senator Hanson-Young, if in years gone by, you had held aloft a photograph of every boat that penetrated Australian borders there would not have been enough question times in the six years of the Labor government for all the individual boats that penetrated Australia's borders," replied the attorney general, George Brandis.

"The Australian people know that as a result of our successful policies, the people-smuggling trade has been broken, the boats have stopped and innocent women and children are no longer in peril of being drowned at sea."

Lawyer George Newhouse, who represented a number of the Sri Lankans held at sea last year, said there was "no transparency".

"I can't say whether this case is similar to the [Sri Lankan asylum seekers] because we have no idea who is on the boat and where they came from," Newhouse told Guardian Australia.

"I'm not suggesting that the passengers might not have some right of appeal under Australian law but without a complainant and details there is little that can be done."

On Friday the immigration minister, Peter Dutton, and the prime minister, Malcolm Turnbull, both refused to discuss the boat or its passengers, citing operational matters.

The Department of Immigration and Border Protection said on Monday its response had not changed, and referred further questions to the minister's office. The minister's office said the same.

On Friday Labor's immigration spokesman, Richard Marles, labelled the response as "nothing more than a tired, lazy slogan for suppressing facts from the Australian community".

"If these reports are true, Mr Dutton must properly and accurately detail what refugee assessment process is being undertaken in regard to any asylum seekers that have been intercepted in Australian territorial waters and provide an assurance that Australia is complying with its international obligations in respect of refugees," he said.

<http://www.theguardian.com/australia-news/2015/nov/25/christmas-island-asylum-seeker-boat-disappeared-after-being-towed-by-navy>

24. Asylum seekers return to Indonesia after Christmas Island turn-back

ABC News Online

By Indonesia correspondent Samantha Hawley and staff

First posted Fri 27 Nov 2015, 8:22am

Updated Fri 27 Nov 2015, 9:31am

A boat has arrived in Indonesia carrying the same asylum seekers as a boat turned around at Christmas Island last week, the ABC has confirmed.

The boat arrived in Kupang on Timor yesterday carrying 17 people including one Indonesian crew member.

The asylum seekers had attempted to reach Australia by boat but were intercepted by the Australian Navy just off Christmas Island on November 20.

A local fisherman who found the group told police the boat they used to return to Indonesia had run out of fuel.

Those on board were being interviewed by police this morning.

They have told the ABC they were turned around by the Australian Navy as they approached Christmas Island last week.

The asylum seekers said they were escorted back towards Indonesia before being transferred onto another boat, which landed at Kupang late yesterday.

One of the asylum seekers, who said his name was Muhammad Anwar, told Indonesia's Rima News he spent four days detained by Australian authorities.

Boat was towed out to sea

Both the Prime Minister and Immigration Minister refused to comment when reports emerged of the interception last week.

Photos supplied by Christmas Island residents showed a long, narrow green and white fishing boat, dwarfed by a Customs and Border Protection ship.

Christmas Island Shire president Gordon Thomson said he saw it being towed out to sea.

"I saw it being towed out to sea by RAN patrol boat, at four to five kilometres distance around 6:45am Christmas Island time," he said at the time.

"I haven't any knowledge of what they were given or what's happened to them, but it would seem that if the Navy was towing the boat back to sea it is most likely that they were towing the boat back to sea with the intention of turning the boat around."

In a report published in August, Australian Border Force (ABF) said only one asylum seeker vessel had arrived in Australian waters since the start of Operation Sovereign Borders in December 2013.

The 157 people from that vessel spent a month on a Customs ship before being transferred to the Curtin Detention Centre and then Nauru in mid-2014.

<http://www.abc.net.au/news/2015-11-27/asylum-seekers-return-to-indonesia-from-christmas-island/6980270>

25. Mystery asylum seeker boat 'pushed back by Australian Navy' found

Sydney Morning Herald
November 27, 2015 - 9:45AM
Jewel Topsfield and Amilia Rosa

Sixteen asylum seekers whose boat was pushed back to sea by the Australian Navy last week were reportedly found stranded near West Kupang in Indonesia on Thursday night.

The whereabouts of the boat had been a mystery after it was towed out to sea when it came within 200 metres of Christmas Island last Friday.

Indonesian news agency Antara reported a boat named Farah was found stranded at Skala Village in West Kupang by a local from Tablolong called Daniel Lani.

The boat, which Mr Lani said had run out of fuel, carried 13 people from India, two from Nepal and one from Bangladesh.

"They were yelling for help then we guided them to land, then we contacted the local police," he told Antara.

Muhammad Anwar, 22, from Bangladesh, told Antara he and his 15 friends sailed for about 10 days.

"We were heading to Christmas Island in Australia. When we arrived, we were detained for four days, the boat we used from Jakarta was destroyed by Australian security," he told journalists.

He said after they were detained for four days, the Australian Navy ordered them to go back to Indonesia, supplying them with a new boat and fuel. Mr Anwar reportedly said the navy officers said Australia did not accept illegal immigrants from any countries.

The asylum seekers were taken to the Nusa Tenggara Timur police, who are investigating.

Last week Immigration Minister Peter Dutton and Prime Minister Malcolm Turnbull both refused to comment on the boat, citing "operational matters".

The discovery of the boat comes as Australia's ambassador on people smuggling issues, Andrew Goledzinowski, will attend a regional summit on asylum seekers in Jakarta on Friday. The meeting, which will include representatives from 13 countries, the UNHCR and the International Organisation for Migration, will discuss the root causes of the "irregular movement of persons".

<http://www.smh.com.au/federal-politics/political-news/mystery-asylum-seeker-boat-pushed-back-by-australian-navy-found-20151126-gl9duq.html>

26. Asylum seekers turned back from Christmas Island found off West Timor

The 16 people from India, Nepal and Bangladesh were forced to return to Indonesia after their boat was intercepted by Australian authorities

The Guardian
Ben Doherty
Friday 27 November 2015 13.10 AEDT

Sixteen asylum seekers whose boat was intercepted by Australian authorities 200 metres from Christmas Island have reappeared in the Indonesian island region of West Timor after a week being held incommunicado.

The 16 people from India, Nepal and Bangladesh were put on to a boat built at Australian expense – the Farah – with one crew member, and forced to return to Indonesia.

The asylum seekers were found stranded at sea near the town of Tablolong, on the western tip of West Timor, by local man Daniel Lani, according to a report by Antara news agency.

Lani told Antara the ship had run out of fuel and was stricken.

"They were yelling for help ... we led them to land, then we contacted the local police," he said.

Bangladeshi asylum seeker Muhammad Anwar, 22, told Antara he, 15 other passengers, and one crewman, had been at sea for 10 days.

“We were heading to Christmas Island in Australia. When we arrived, we were detained for four days, the boat we used from Jakarta was destroyed by Australian security,” he told Antara.

Anwar told reporters navy officers told him Australia did not accept “illegal immigrants” from any countries. It is legal under international law to enter Australia without a visa to seek asylum.

It is not clear whether the passengers onboard the boat made asylum claims, or whether any such claims were assessed.

The navy towed the asylum seeker boat away from Christmas Island before transferring its passengers to a naval vessel and sailing them east to meet the Farah.

The Farah had been brought out of dock in Darwin for its single voyage. Australia does not expect to retrieve the boats built for returning asylum seekers.

The transfer to the Farah – provisioned with fuel, maps, life-jackets and supplies – took place at sea, with the navy ordering the asylum seekers to sail north, back to Indonesia.

In March, Guardian Australia revealed the Australian government had signed a “multi-million dollar deal” with a Vietnamese ship-builder to build 10 custom-made “alternative transportation vessels”, resembling Asian fishing boats, to be used to forcibly return asylum seekers to other countries.

The whereabouts of the Christmas Island boat – and the welfare of its passengers – has been the subject of intense scrutiny in parliamentary and public debate.

“The Australian people know that as a result of our successful policies, the people-smuggling trade has been broken,” attorney general George Brandis told parliament.

But Greens immigration spokeswoman Sarah Hanson-Young said the government’s “obsession with secrecy should be brought to an end”, while Labor’s immigration spokesman, Richard Marles, said the government rebuff was “nothing more than a tired, lazy slogan for suppressing facts from the Australian community”.

Lawyer George Newhouse, who represented a number of Sri Lankans held at sea for a month last year, said there was “no transparency” and no avenue for legal action “because we have no idea who is on the boat and where they came from”.

On Friday, representatives from 14 countries across south-east Asia, the UNHCR and the International Organisation for Migration were due to meet in Jakarta to discuss irregular migration across the region.

The number of people travelling irregularly by boat through the Bay of Bengal and Andaman Sea has more than tripled over the past three years to reach 63,000.

In the first half of 2015, 31,000 people boarded boats in the region, a 34% increase on 2014’s record figure.

<http://www.theguardian.com/australia-news/2015/nov/27/asylum-seekers-turned-back-from-christmas-island-found-off-west-timor>

27. Boat captain previously detained by Australia, passengers detail interception

ABC News Online

By Indonesia correspondent Adam Harvey

First posted Fri 27 Nov 2015, 6:13pm

Updated Fri 27 Nov 2015, 6:33pm

The captain of an asylum seeker boat intercepted off the coast of Christmas Island and turned back to Indonesia is reported to have been previously detained by Australia in 2012.

Godliel Leopena, a 32-year-old Indonesian fisherman, said he was held in an immigration detention centre in Darwin for four months, after taking another boat to Christmas Island in 2012.

Mr Leopena said he was paid the equivalent of \$2000 to steer his new passengers to Christmas Island, but added that he would no longer get paid for the unsuccessful trip that has ended in a police station in Kupang in West Timor.

He added that the boat was only 200m from reaching Christmas Island.

All sixteen of his passengers are now being held in immigration detention and Mr Leopena faces possible criminal charges.

Passengers aboard the boat — originally from India, Bangladesh and Nepal — have told the ABC they were turned around by the Australian Navy as they approached Christmas Island last week.

Mr Leopena was even reported as saying that he was familiar with the journey.

The Australian Government had refused to confirm whether or not any boat had been spotted or intercepted.

But several Christmas Island residents and a border protection source confirmed on November 20 the wooden boat had been intercepted by the Navy.

The asylum seekers have said they were escorted back towards Indonesia before being transferred onto another boat, which landed at Kupang late yesterday (local time).

One of the asylum seekers, who said his name was Muhammad Anwar, told Indonesia's Rima News he spent four days detained by Australian authorities.

Mr Leopena and his passengers have said that they had no idea that Australia had a policy of automatically turning back boats.

The passengers said they were distraught when they realised what was happening. One man jumped into the sea, but was rescued by an Australian crew.

They say their boat was scuttled by Australian sailors.

Over six nights they were transferred between three different navy or customs vessels before being put on another wooden fishing boat supplied by Australia and pointed back to Indonesia.

Indonesia has said in the past it is opposed to boat turnbacks.

<http://www.abc.net.au/news/2015-11-27/indonesia-asylum-seeker-boat-captain-previously-detained/6982558>

28. Indonesia protests boat push-back policy after asylum seekers found stranded

Sydney Morning Herald

November 27, 2015 - 5:01PM

Jewel Topsfield

With Amilia Rosa, Karuni Rompies and Nicole Hasham

Tensions have once again flared between Indonesia and Australia over asylum seeker policy after a boat that was pushed back from Christmas Island by the Royal Australian Navy ran out of fuel off Indonesia.

On Thursday evening - just hours before a two-day summit on refugees began in Jakarta with 14 countries participating including Australia - the boat carrying 16 asylum seekers and an Indonesian captain washed up at a beach in West Kupang.

The whereabouts of the boat had been a mystery after it was towed out to sea when it came within 200 metres of Christmas Island last Friday.

The Indonesian Foreign Ministry on Friday reiterated its opposition to Australia's boat push-back policy, which it says puts lives at risk and is not a sustainable solution.

"Unilateral action is not in line with our spirit of co-operation," Vice Minister for Foreign Affairs Muhammad Fachir said outside the meeting.

"Those who were sent back - what about their fate? It should become our common concern."

Mr Fachir said the latest boat incident would not disturb the refugee round table, which would focus on the root causes of the irregular movements of persons. However Indonesia will seek an explanation from the Australian government.

Australia is being represented at the round table by the ambassador for people smuggling issues for Australia, Andrew Goledzinowski, who will chair a panel on Saturday on future co-operation among affected countries.

"Indonesia's stance remains that boat push-backs are endangering," Arrmanatha Nasir, a spokesman from the office of Foreign Minister Retno Marsudi, told Fairfax Media.

"The irregular migrant issue must be addressed comprehensively, it cannot be solved by only one party such as the destination country or source country."

Mr Nasir said the Bali process was the mechanism in the region to discuss asylum seekers.

"So if we want to have a sustainable solution we have to go beyond our own self interest," he said.

One of the police officers who assisted the 16 male asylum seekers off their boat, Farah, at Tablolong beach told Fairfax Media they could have died if no one had found them.

"They were in OK condition, they were given enough food and plenty of water, but they ran out of fuel. They could've died if they sunk or if no one found them," he said.

The asylum seekers, who are from India, Nepal and Bangladesh, say they reached Christmas Island but were turned back by the Royal Australian Navy after being detained for five days.

Bangladeshi man Muhammad Anwar, 22, told Fairfax Media their vessel was leaking water so they were transferred to another boat.

"I don't know about Australia turning back boats before. The agent said Australia is good now, they take immigrants now."

Mr Anwar said he paid a people smuggling agent \$USD5000 (\$AUD6890) to take him to Australia.

"In my country there are many problems, everything is expensive, wages low, many killings. All I want in Australia is to make a living, and they didn't help," Mr Anwar said.

The Director-General for Multilateral Affairs at Indonesia's Ministry of Foreign Affairs, Hasan Kleib, said there was a principle of protection at sea and a code of disembarkation at a safe place.

"So this is what we would like to see as well when they are already in the middle of high seas with the unseaworthy boat... It must be better to disembark at a safety place and then deal with them (the asylum seekers) afterwards."

However he said he did not wish this incident to become a stumbling block for co-operation between the two countries.

Immigration Minister Peter Dutton and opposition spokesman Richard Marles refused to comment

Green senator Sarah Hanson-Young said the Turnbull government has "serious questions" to answer if the boat was allowed to run out of fuel before washing up in Indonesia.

<http://www.smh.com.au/federal-politics/political-news/indonesia-protests-boat-pushback-policy-after-asylum-seekers-found-20151127-gl9zzi.html>

29. Indonesia asks Australia why it wasn't told of turn-back

Sixteen men are in detention in West Timor after they came ashore nearly a week after being stopped by Australian authorities near Christmas Island

The Guardian
Australian Associated Press
Saturday 28 November 2015 13.07 AEDT

Sixteen men who almost landed on Christmas Island last week are in immigration detention in Indonesia, and Jakarta is demanding answers from Canberra.

The United Nations high commissioner for refugees (UNHCR) has said it has not yet established whether the 16 men who were on a boat that came ashore in West Timor are seeking asylum.

The men were taken to detention at Kupang on Friday, one week after almost making it to Christmas Island and then going into Australian custody, after which time authorities would not comment on their fate.

East Nusa Tenggara police spokesman Jules Abraham Abast said the men were detained for four days before being returned to Indonesia on a different boat called the Farah.

Indonesia's deputy general of multilateral affairs, Hasan Kleib, said they had no notice of the boat coming back and he only learned of it when news broke that locals in West Timor discovered the men on Thursday night.

He planned to seek an explanation from Australia's ambassador for people smuggling issues, Andrew Goledzinowski, who was in Jakarta on Friday for a regional meeting on asylum seekers.

"We are concerned when some country like Australia knows it and rather than informing us, working with us, takes a unilateral action and pushes back the boat," Kleib said. "I don't want to see this incident become a stumbling block or a blockage for any cooperation."

Indonesian police say the 16 men were put on a different boat and sent towards Indonesia where they ran out of fuel and got stranded before a local man stumbled on them.

UNHCR Indonesia representative Thomas Vargas says its stance on Australia's policy of sending boats back is clear.

"These types of incidents of pushing boats away is not in line with international standards and conventions that at the core have rescuing people, saving lives, bringing them to safety," he said.

"We hope all governments would act that way when they intercept a boat on the high seas." It was not clear if the men were seeking asylum, he said.

The original boat's Indonesian skipper was being questioned by police and could face charges.

The asylum boat turn-back policy frustrates Indonesia, as does Australia's decision one year ago to close resettlement to asylum seekers arriving in Indonesia after July 2014.

Then immigration minister Scott Morrison described the move as "taking sugar off the table".

The decision has created what Jakarta terms "a bottleneck" that is placing strain on communities where asylum seekers and refugees spend years in waiting.

Kleib said the discussions on Friday with "source countries" were important to save lives by stopping people getting on boats in the first place.

"At the end of the day what we are discussing is lives, those who are in need who left their country," he said.

At April last year, there were 10,623 people on the UNHCR's books in Indonesia. It now has a total 13,244 "persons of concern" – 5798 refugees and 7446 asylum seekers.

<http://www.theguardian.com/australia-news/2015/nov/28/christmas-island-boat-indonesia-asks-australia-why-it-wasnt-told-of-turn-back>

30. Jakarta hopes for better boat talks

An Indonesian official has approached Australia for an explanation over the latest boat sent back under Operation Sovereign Borders.

SBS News
Source: AAP
28 Nov 2015 - 4:24pm

Australia advised Indonesia it was sending back 17 people aboard a boat only after the fact, an official in Jakarta says.

Foreign Affairs Deputy General of Multilateral Affairs Hasan Kleib says he has informally approached an Australian official about the group turned away from Christmas Island for Kupang, West Timor.

"We are ready to sit down with Australia to discuss openly, candidly," Mr Kleib told AAP on Saturday.

The boat's arrival was flagged to Indonesia's Bakamla (Maritime Security Board) but only after the passengers had been detained for four days, transferred to a different boat and sent back with enough petrol to get them close to shore.

Mr Kleib said the correspondence was "much appreciated, but notification after they were found is a little bit too late".

The men from India, Pakistan and Nepal are now in immigration detention, and the Indonesian fisherman who sailed the boat to Australian waters is in police custody.

The office of the United Nations High Commissioner for Refugees (UNHCR) says it hasn't yet established if the men are asylum seekers.

Indonesia representative Thomas Vargas says the UN organisation's position on Australia's policy is clear.

"These types of incidents of pushing boats away is not in line with international standards and conventions that at the core, have rescuing people, saving lives, bringing them to safety," he said.

After almost a week of operational secrecy around the boat group, it was discovered by a local man near Kupang on Thursday night.

On Friday Australia's ambassador for people smuggling issues Andrew Goledzinowski arrived in Jakarta for two-day regional talks on the root causes of the refugee crisis.

Mr Kleib doesn't want the boat turnback to be an obstacle to co-operation with Australia, but said the unilateral policy failed to share the burden of responsibility.

"We respect fully the sovereign right of any country to their policy," he said.

"But we wish, really, really wish, that policy was not done in a way that would give negative ramifications to the framework in the region."

The Jakarta talks are part of the Bali Process on the refugee situation, which will bring together the foreign ministers of Australia and Indonesia in March.

<http://www.sbs.com.au/news/article/2015/11/28/jakarta-hopes-better-boat-talks>

31. Australia's 'Rohingya' refugee in Cambodia wrongly identified, returns to Myanmar

The Age
November 24, 2015 - 12:49PM
Lindsay Murdoch

Phnom Penh: Mohammed Ibrahim took time off selling warm roti on the crowded streets of the Cambodian capital to greet a fellow Rohingya man who was arriving in the country under Australia's controversial \$55 million agreement to resettle refugees from Nauru.

Mr Ibrahim felt empathy for the single man in his early 20s who had decided to abandon hopes of reaching Australia to take a one-way ticket to one of the world's poorest nations.

"I want to help him ... life is very difficult for us here," he said, as he waited at the gate of Phnom Penh's airport on a stifling hot morning in June.

But the man and three other Iranian refugees – the first and only group so far to arrive from Nauru – were whisked past him in a van and taken to a luxury villa in a Phnom Penh suburb.

Over the following weeks 32-year-old Mr Ibrahim made repeated attempts to contact the newly arrived Rohingya, including asking the Australian embassy to arrange a meeting, but was blocked each time.

Mr Ibrahim says he became increasingly worried that something was amiss, amid reports the man was unhappy living in Phnom Penh, despite being showered with Australian taxpayer-provided benefits, and wanted to return to Myanmar.

"I couldn't work out why he wouldn't want to meet other Rohingya here," he says.

"It took me a long time to realise the truth."

Fairfax Media can reveal that the refugee was wrongly assessed as a Rohingya fleeing persecution in Myanmar, as Australian immigration officials on Nauru were trying to convince hundreds of other refugees and asylum seekers on the Pacific island to take up the Cambodian offer.

Under the agreement Cambodia has agreed to accept only people assessed as refugees fleeing persecution in their home countries.

The so-called "Rohingya" man left Cambodia in mid-October after his father had flown to Phnom Penh to back his son's new claim that he was not a Rohingya, but in fact a Burmese Muslim.

Myanmar's government does not recognise Rohingya, claiming they are illegal migrants from Bangladesh, despite hundreds of thousands of them having lived in the country's western Rakhine state for centuries.

Myanmar routinely refuses to allow Rohingya to return to the country.

Australia's Immigration Minister Peter Dutton declined to comment on the man's wrongful assessment.

His spokesperson said Nauru is responsible for determining the refugee claims of asylum seekers on the island, referring to Australian-trained and assisted assessors.

Shyla Vohra, deputy secretary of Nauru's Department of Justice and Border Control, said identities claimed by asylum seekers on Nauru are tested in accordance with accepted international practice.

"We note that many Rohingya will use a Burmese alias when in Myanmar," she said.

Phil Robertson, director of Human Rights Watch's Asia division, said there is no way the refugee could have gone back to Myanmar "unless he was not really Rohingya".

"So it's a fair question whether Australia fudged this guy's claim over into the refugee category, to bolster the numbers for its failing Cambodia refugee return scheme," he said.

<http://www.theage.com.au/world/australias-rohingya-refugee-in-cambodia-wrongly-identified-returns-to-myanmar-20151124-gl6bo3.html>

32. Fifth refugee secretly moved from Nauru to Cambodia under \$55m deal

The ethnic Rohingya man from Myanmar arrived in Phnom Penh last week under the resettlement arrangements, as Cambodian political divisions deepen

The Guardian

Lauren Crothers in Phnom Penh and Ben Doherty
Thursday 26 November 2015 18.59 AEDT

A fifth refugee from Nauru has been secretly moved to Cambodia, arriving last week under Australia's controversial \$55m deal with the south-east Asian nation.

The man, understood to be an ethnic Rohingya from Myanmar, arrived in Phnom Penh as always-fractious political tensions inside Cambodia escalated further, and the UN warned the country was headed towards "a dangerous tipping point".

The man is the fifth refugee to be resettled under Australia's controversial deal with Cambodia, signed last year.

"I can tell you a male arrived last week, and he'll be part of the cultural orientation program that we have been running up to now," said Joe Lowry, the Bangkok-based spokesman for the International Organisation for Migration, which has been overseeing the resettlements.

Last month, Cambodia's interior minister, Sar Kheng, said two Rohingya men had expressed an interest in moving to Cambodia. The government then began processing their paperwork.

Asked if the new arrival was Rohingya, Lowry said he was "not in a position to disclose his provenance—except to say that he has come from Nauru—nor anything else about him, because of confidentiality rules."

The Rohingya, a Muslim ethnic minority in Myanmar, face severe and systemic persecution in that country.

Cambodia's interior ministry spokesman General Khieu Sopheak and General Tan Sovichea, director of the refugee department, could not be reached.

Australia's deal with Cambodia has been controversial, chiefly because of sustained allegations of human rights abuses committed by its government, and the country's poor record of dealing with refugees.

Australia offered Cambodia an additional \$40m in aid as an inducement to sign up to the deal, and, in addition, has paid, already, \$15m in resettlement costs, for, so far, five people.

The first group of four refugees arrived in Phnom Penh in June, but one, a Myanmar man in his 20s, was unhappy living in Cambodia and opted to return home to Myanmar, reportedly for family reasons.

Three Iranians in that group, who were previously housed in a sprawling villa on the outskirts of Phnom Penh, have since been moved to other accommodation in the city. Lowry said one has since been offered work, but turned it down.

The integration of the refugees is managed by the International Organisation for Migration, which provides assistance with housing, food, language lessons and "cultural and social orientation".

But Cambodia is currently mired in a divisive political crisis after an arrest warrant was issued for prominent opposition politician Sam Rainsy, currently in exile and who accuses the prime minister Hun Sen of trying to destroy all political opposition.

The United Nations human rights rapporteur for Cambodia Rhona Smith said the political instability had increased rights abuses, including "incidents of violence, intimidation of individuals, and resort to offensive language in the political discourse".

"Any intensification of current events could bring Cambodia to a dangerous tipping point," she said in a statement.

<http://www.theguardian.com/australia-news/2015/nov/26/fifth-refugee-secretly-moved-from-nauru-to-cambodia-under-55m-deal>

33. Manus Island hunger striker 'close to death': Julian Burnside

Sydney Morning Herald
November 23, 2015 - 3:54PM
Nicole Hasham

An asylum seeker who once reportedly cut open his stomach during a hunger strike to prove it was empty is close to death and must be brought to Australia for treatment, prominent human rights lawyer Julian Burnside QC says.

Mohammad Albederee, a married Iraqi father-of-three who is detained at Papua New Guinea's Manus Island, recently had a fit and "bashed his head against a wall until he lost consciousness," Mr Burnside said.

"He was sent to hospital bleeding from the head, the nose and the ears," he said, adding he understood Mr Albederee can no longer take fluids or solids and struggled to accept intravenous hydration.

Confirmation of the claims has been sought from the Immigration Department.

Mr Burnside said he contacted the office of Immigration Minister Peter Dutton and spoke to Labor leader Bill Shorten about the case.

"The department needs to be very quick off the mark. I think he needs to be [evacuated], probably to an Australian hospital, to get proper care," he said.

Asylum seeker advocates had alerted officials to the man's condition and "if he dies, he dies with their knowledge of the risk. The sad truth is whatever happens whether he lives or not, he is likely to be seriously damaged long-term," Mr Burnside said.

The government has previously been reluctant to bring offshore asylum seekers and refugees to Australia for treatment, and Mr Dutton has previously said they should not attempt to seek permanent resettlement in Australia once brought here.

In July, when Mr Albederee had been on a hunger strike for 100 days, Mr Dutton said he had access to world-class health care facilities in PNG.

Asylum seeker advocate Jeanie Walker reportedly told the ABC in October that Mr Albederee "became really distressed so he cut his stomach open to prove there was nothing in it".

Ms Walker told the ABC he "shouldn't still be alive but he's also now struggling with fluids, so he's not going to be around for much longer".

Mr Albederee is believed to have stopped eating after an alleged assault by guards at the detention centre last year.

Asylum seeker advocate Sarah Smith, who is in phone contact with Mr Albederee, said on Monday his wife in Iraq was "very, very worried about him".

She said he had tried to boost the spirits of his fellow detainees, even in his own perilous state.

"Even during these months when he can't feel his legs any more, where he's lapsing in and out of consciousness, he actually sits up all night with his friends keeping them from committing suicide," she said.

Mr Dutton, Mr Shorten and the Immigration Department have been contacted for comment.

<http://www.smh.com.au/federal-politics/political-news/manus-island-hunger-striker-close-to-death-julian-burnside-20151123-gl5jcu.html>

34. Detainee refusing food may be evacuated

Yahoo! Seven / The West Australian
By Lisa Martin
Thursday, 26 November 2015, 4:58 pm

An Iraqi asylum seeker who has been refusing food for more than 230 days is expected to be medically-evacuated from Manus Island to Port Moresby.

Mohammad Albederee, 31, a father-of-three, has been receiving fluid via intravenous drip on and off during that time.

Refugee advocate Jeanie Walker said he was now jaundiced and had no circulation in his legs because of prolonged starvation and dehydration.

"He has been moved to a Port Moresby hospital on previous occasions and they said they don't have the specialist resources required for his multiple and chronic health problems so there is no point keeping him there," she told AAP on Thursday.

Confirmation has been sought from the immigration department.

Ms Walker said Mr Albederee has been at the International Health and Medical Services clinic at the detention centre on Manus Island for the past few days.

He has 10 injections daily to prevent blood clots.

"They have told him quietly to leave his belongings in his room and they will collect them and send all of them with him this time, which seems to indicate he is not coming back," Ms Walker said.

Mr Albederee stopped eating to protest the lack of medical treatment for his kidney and shoulder problems, the result of an alleged assault by guards at the Papua New Guinea detention centre last year.

He was reportedly flown to Port Moresby in mid-June for X-rays and an MRI but instead of being kept in a hospital, was put in a hotel room and guarded for 12 days.

<https://au.news.yahoo.com/thewest/a/30202084/dying-hunger-striker-sent-to-port-moresby/>