

# Project SafeCom News and Updates

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# 1. Migrant death toll expected to exceed 10,000 in 2016

Projected figures on migrant fatalities released as US prepares to host two major summits on refugee crisis

The Guardian

Mark Townsend and Tracy McVeigh

Sunday 18 September 2016 06.07 AEST

The world is on course to register its highest number of migrant deaths this year, as criticism mounts over failing international efforts to cope with the global refugee crisis.

Forecasts from analysts at the International Organisation for Migration (IOM) indicate that the number of fatalities among refugees will pass the landmark figure of 10,000 in 2016. The dire statistic will cast a shadow over two high-profile summits on migration in New York this week: on Monday the UN general assembly will meet to discuss the record volume of individuals forced to flee their homes as a result of crises and war around the world. That number currently stands at 65 million people, including 21.3 million refugees who have been forced to flee their country.

On Tuesday, US president Barack Obama will host a leaders' summit – to be attended by the prime minister, Theresa May – intended to raise funds for refugee initiatives and expanded resettlement programmes.

Julia Black, of the charity Missing Migrants Project at its data analysis centre in Berlin, said that the organisation was confident that the world was facing its highest-ever mortality migration rate. She told the Observer: "Last year we had more than 5,000 deaths across the world. This year we're already at more than 4,000, but outside of the Mediterranean and Europe the information is so poor we really think it's a gross underestimate.

"This year we'll reach that 5,000 total again realistically, but I would expect the real figure would be twice as much. The order of magnitude is greater than anything we've seen."

A huge proportion of migrant deaths occur from drownings during the hazardous Mediterranean crossing from Libya to Italy. The latest figures show that 3,212 have died so far during 2016 making the journey. The IOM also said it had logged 400 deaths due to migration this year in Latin America. "But the number could easily be two or three times that figure," said Black.

On Saturday thousands of people marched through central London calling on the UK government to display stronger leadership in finding a humane international response to the refugee crisis and urging May to adopt a leading role at the New York meetings.

On Saturday night Yvette Cooper, chair of Labour's refugee taskforce, joined calls for May to provide more safe routes of passage to Britain in addition to increasing help for unaccompanied child refugees and accelerating plans to resettle 20,000 Syrians.

"The decisions parliament and our country have taken are being mired in red tape and government foot-dragging. Britain has always done its bit to help those fleeing persecution – we have to live up to those values again now," said Cooper.

The draft document for the UN summit has been heavily criticised by human rights groups who say it has effectively "sabotaged" its outcome by removing any proposals of substance.

Critics also point to the UK government's donor conference for Syria, held in London in February, which seven months on has yielded only one sixth of the £6bn pledged. On Friday, it emerged that fewer than 5,000 asylum seekers have been relocated from Greece and Italy to other European countries. Adopted one year ago, the EU relocation scheme was designed to relocate 160,000 asylum seekers from frontline EU countries.

New reports indicate that some Syrian refugees are opting to return home. Ghias Aljundi, a Syrian refugee and adviser to Amnesty International's campaign on refugees, said that families stranded in Greek refugee camps were so fed up having to wait months in "dire" conditions they were choosing to return to Syria, where more than 470,000 have died in the civil war.

"They want to go home to Syria. And we all know how bad the situation is there. One father said: 'We have lost hope in Europe, we have lost trust in Europe,'" added Aljundi.

The dangers faced by refugees will be highlighted in a series of reports unveiled this week. Among them one by the Economic and Social Research Council (ESRC) which is expected to reveal that three-quarters of those who crossed via Libya experienced physical violence, and over a quarter detailed experiences relating to the death of fellow travellers.

<https://www.theguardian.com/world/2016/sep/17/migrant-death-toll-2016-syria-united-nations>

## 2. Code of race ethics proposed for parliament to counter rise of One Nation

Exclusive: Labor weighs plan to invite parliamentarians to sign up to a set of principles respecting diversity and truthfulness

The Guardian

Katharine Murphy Political editor

Friday 23 September 2016 06.00 AEST

Labor is preparing to launch a proposal to invite all federal parliamentarians to sign up to a code of race ethics, echoing an initiative advanced by the ALP and the Australian Democrats during the period Pauline Hanson was last in parliament.

The code is yet to clear Labor's caucus processes, but the shadow attorney general, Mark Dreyfus, has told Guardian Australia it would be an important gesture for the 45th parliament. "It would send a message about what sort of parliament we want to be," he said.

The previous code of race ethics was pursued by the then Labor senator Margaret Reynolds and the Democrat senator John Woodley in 1996, prompted by concern about the debate about racism that erupted in that year's election campaign.

The code required parliamentarians to sign on to a set of principles, including respect for religious and cultural diversity, supporting tolerance and justice within a multicultural society, and "to speak and write in a manner which provides factual commentary on a foundation of truth about all issues being debated in the community and the parliament".

Dreyfus indicated that the wording for Labor's proposal would be similar to the Reynolds/Woodley initiative, which won support from 54% of parliamentarians. He said assuming that the proposal cleared Labor's internal deliberations, he would invite all parliamentarians to sign on.

Labor's move follows Hanson's declaration in her first speech in the Senate that Australia was in danger of being "swamped" by Muslims. It comes as new polling suggests 49% of Australians support One Nation's call for a ban on Muslim immigration.

Australia's race discrimination commissioner, Tim Soutphommasane, used a speech at the Australian National University this week to warn about the dangers of politicians fanning xenophobic sentiment.

In an interview with Guardian Australia's Australian politics live podcast, he warned the country was approaching a tipping point in race relations. "Make no mistake, we are in a time when our values and our harmony are being tested, and we need to rise to this test and ensure we live up to the best of our traditions as a nation of immigration," Soutphommasane said.

"Some of the political rhetoric we are hearing at the moment is taking us down a very different path."

He said people declaring in the parliament that Muslims weren't welcome, or people arguing for a watering down of protections in the Racial Discrimination Act, needed to focus on the consequences of their statements, rather than think they were engaged in an abstract philosophical debate.

"If people are worried about Muslim immigrants integrating into Australian society they should remember that telling Muslims they are not welcome is going to do nothing to aid migrants of a Muslim background becoming acquainted with Australian culture, or feeling that they belong to our society – and that's the best way to integrate migrants, to ensure they receive a fair go, and they get the time they need for them and their families to settle in and contribute to our country," Soutphommasane said.

"We are a largely cohesive, harmonious and stable society, so to see these explosions of anxiety is concerning. I wouldn't want to see it deteriorate.

"And here we need to think about the effect it's going to have on our daily lives. When you see or hear hostility being vented against Muslims in our political debate that's going to affect how the young Muslim schoolboy or schoolgirl is going to experience life in the schoolyard. Having that kind of exclusion is no recipe for societal cohesion."

The race discrimination commissioner said people who want to remove the words offend and insult from the Racial Discrimination Act often failed to point out that the legislation was not some broad-ranging prohibition, but a specific form of protection. The commissioner said section 18C of the act was about nipping racial hatred in the bud, and preventing it escalating into actual violence.

"The Racial Discrimination Act covers acts which offend, insult, humiliate or intimidate on the basis of race," he said. "This is a very different thing to offending or insulting on the basis of the football team you support.

"Pogroms have never been organised, as far as I know, on the basis of the football teams you support. But pogroms have been organised against people on the basis of race and their background."

He also responded to the Essential poll that found 49% support for banning Muslim immigration. "I was surprised and very concerned ... because we've had a non-discriminatory immigration policy for many years."

He said the poll was out of sync with other field evidence which confirmed there was broad-ranging community support for a non-discriminatory immigration policy.

"The numbers may reflect where the debate is at the moment. We have seen about two months of blanket coverage of Ms Hanson, not a week goes by when you don't see or hear her views about immigration and Islam, and there's a real danger that we are normalising what might otherwise be unacceptable ideas, beyond the bounds of a liberal democracy."

Again, Soutphommasane urged people to focus on the practical consequences flowing from their statements.

"Consider what the full implications of discriminating on the basis of religion will mean. If this is carried out, our immigration officials at our airports and ports are going to have to make calls about who is going to pass and who isn't."

"Sound familiar? Well this is what we did during the white Australia policy."

<https://www.theguardian.com/australia-news/2016/sep/23/code-of-race-ethics-proposed-for-parliament-to-counter-rise-of-one-nation>

### **3. This is not the Australia I know: first Muslim woman MP hits back at immigration poll**

Canberra Times  
Fergus Hunter  
September 22 2016 - 4:58PM

The first Muslim woman elected to federal Parliament, Anne Aly, has declared that a poll showing half of respondents want to ban Muslim immigration doesn't reflect the true feelings and reality of mainstream Australia.

However, Dr Aly, the Labor member for the WA seat of Cowan and a counter-radicalisation expert, said a degree of xenophobia towards minorities does exist, fed by hateful rhetoric, and needs to be confronted by political leaders and regular people.

The poll, released this week, found 49 per cent of people favoured a ban on Muslims moving to Australia, previously considered an idea espoused only by outsider politicians like One Nation leader Pauline Hanson.

The survey found 60 per cent of Coalition voters, 40 per cent of Labor voters and 34 per cent of Greens voters agreed with the proposition and the most common concern expressed was that Muslim people were not integrating, followed by fears of terrorism.

"We've got a society that is one of the world's most cohesive, multicultural and multi-faith societies," Dr Aly told Fairfax Media.

"What this poll does show is that the cohesiveness is quite fragile. We need to keep working on it."

She said every Australian had a moral duty to call out "false imagery" of Australia that was advanced by One Nation and anti-immigration voices.

Senator Hanson advocated a Muslim ban in her first speech to the Parliament since being re-elected. Queensland Nationals MP George Christensen also called for restrictions on migration from countries with high levels of Muslim extremism.

According to Dr Aly, who arrived in the country as a two-year-old from Egypt, Muslims can also succumb to a divided view of the country despite it not squaring with their own experience.

"It's very easy for the average Muslim Australian to say: 'Oh, wow, everyone around me hates me'. But that's not my personal experience in Australia and I know it's not the experience of other Muslims in Australia," she said.

"People say everyone hates them but then you ask them what their neighbours are like and they say: 'Oh, I love my neighbours'.

"I think every parliamentarian, and particularly the Prime Minister, has a moral obligation to speak up and say: 'This is not Australia' and really lead the debate on who and what we are."

She suggested the Essential poll's questions were too negative and could have skewed the results.

"They did not ask: 'Do you like your Muslim neighbours? Do you agree to have Muslims that contribute to Australia'." she said. "They were all negatively worded."

The former Curtin University professor, who has previously been invited by US President Barack Obama to speak at the White House, acknowledged waves of migrants to Australia do historically attract some hate, especially at times of economic turmoil.

"We can't keep falling into this pattern every time there is a new 'other' that we can blame for everything," she said.

"We've been doing it for 200 years. Grow up, Australia. Let's take our place on the world stage as a mature nation."

She said it was hard to understand why people could hate minorities but that the "root of the grievance" needs to be addressed and that voices like Senator Hanson and Mr Christensen couldn't hide from their role in fuelling xenophobia.

During the election campaign, as the candidate for Cowan, Dr Aly was subjected to a campaign by Liberal figures that sought to paint her as soft on terrorism because of her government-funded de-radicalisation work.

<http://www.canberratimes.com.au/federal-politics/political-news/this-is-not-the-australia-i-know-first-muslim-woman-mp-hits-back-at-immigration-poll-20160922-grm6w3.html>

## **4. One in two favour Muslim immigration ban? Beware the survey panel given an all-or-nothing choice**

The Conversation / ABC Opinion  
By Andrew Markus, Monash University  
Posted Tue 27 Sep 2016, 12:28pm

An Essential Report poll finding that 49 per cent of Australians want to ban Muslim immigration received extensive media coverage last week. In addition to general reporting, Essential's executive director, Peter Lewis, wrote in The Guardian:

"The result floored me."

Less surprised was commentator Ray Hadley in The Daily Telegraph:

"The left-leaning cafe latte sippers were left scratching their heads this week when an Essential poll revealed ..."

Senior journalists, including from Fairfax Media, and politicians took the findings at face value. Labor's deputy leader, Tanya Plibersek, saw the survey as proof that:

"We're not doing a good enough job as national leaders to bring harmony and cohesion to our community."

Among the few to question the result was new Labor MP Anne Aly. She asked whether public opinion was really so adverse.

A second questioner was One Nation senator Pauline Hanson, who said the poll understated the degree of opposition:

"I believe it's a lot higher than that. Because people ... have been in fear to answer the question ... because they don't know who's taking the call."

### ***Surveying methodology***

Some aspects of the Essential findings are worthy of critical scrutiny. One relates to methodology.

There are two main approaches to surveying. One is a sampling of the population based on randomly generated telephone numbers. The other utilises an online panel of respondents who complete surveys out of interest and for reward.

Contrary to Hanson's claims, no-one was "taking the call" in the Essential survey: it utilised an online panel.

Surveys employing online panels are much cheaper and quicker to run. They have a proven record on a number of issues, notably predicting election outcomes, as over a period of years they develop weighting formulas for their panel calibrated against election results. But there are no formulas of the same level of precision when surveys deal with social issues.

An extensive review of online survey methodologies found that:

"Computer administration yields more reports of socially undesirable attitudes and behaviours than oral interviewing, but no evidence that directly demonstrates that the computer reports are more accurate."

Major organisations seeking the highest level of reliability continue to employ random population sampling, despite the cost involved.

To test the impact of different methodologies, in 2014 the Scanlon Foundation administered the same questionnaire to both a random sample of the population and an online panel. It found 44 per cent of Australia-born online panel respondents whose parents were born in Australia indicated they held "very negative" or "negative" views toward Muslims. The same demographic in the random sample had a much lower percentage (28 per cent).

There is a second issue, just as important, with the Essential finding.

Surveys do not simply identify a rock-solid public opinion; they explore, with the potential to distort through questions asked. Essential chose not to present respondents with a range of options on Muslim immigration. Rather, it was a yes/no choice:

"Would you support or oppose a ban on Muslim immigration to Australia?"

The product was easy-to-understand copy for the media, but arguably also a gross simplification. Public opinion on social issues defies binary categorisation. It is more accurately understood in terms of a continuum, with a middle ground on some issues in excess of half the population.

For example, with regard to asylum seekers, nine polls between 2001 and 2010 using various methodologies asked respondents if they favoured or opposed the turning back of boats. The average for these surveys was 67 per cent in favour of turnbacks.

But, in 2010, the Scanlon Foundation survey tested opinion on this topic by offering four policy options, ranging from eligibility for permanent settlement to turning back of boats. In this context, a minority of just 27 per cent supported turnbacks.

### ***Minorities and Australian opinion***

Survey findings are typically considered in isolation in the media, with no understanding of context, of what is within the expected and what is beyond it.

The Essential survey of attitudes to Muslims is hardly the first in the field. Several random population samples since 2010 have found that when respondents are asked for attitudes to minorities, by far the highest level of negative opinion is towards Muslims.

In a 2013 VicHealth survey, 22 per cent of respondents indicated they were negative towards Muslims. This number was 22 per cent-26 per cent in six Scanlon Foundation surveys between 2010 and 2015.

A random population sample by Roy Morgan Research in October 2015 asked respondents if they "support or oppose Muslim immigration". It found a minority, 36 per cent, opposed; 55 per cent in support. Of Greens-voting respondents in the Morgan poll, just 1 per cent indicated they were opposed. This is a marked contrast with the Essential finding of 35 per cent.

A last issue concerns broad context. If the Essential finding is a sound reflection of Australian opinion, is it beyond the realm of previous findings? We cannot be certain, because past surveys rarely raised the zero option — the banning of a specific group — without establishing the range of opinion.

Between 1984 and 1988, however, when there was considerable public discussion of Asian immigration, ten surveys asked if the number of Asian immigrants was too high. On average the surveys found 58 per cent were of that opinion, with a peak of 77 per cent obtained by Newspoll in 1988.

And, in 1996 — at the time of Hanson's first maiden speech in the federal parliament — an AGB McNair telephone poll found 53 per cent of respondents agreed that Asian immigration "should be reduced".

Andrew Markus is the Pratt Foundation Research Chair of Jewish Civilisation at Monash University.

<http://www.abc.net.au/news/2016-09-27/beware-survey-that-found-1-in-2-favour-muslim-immigration-ban/7880526>

## **5. The Monthly Blog, Max Costello: Offshore crimes**

Is the government committing criminal offences by failing to ensure the safety of detainees on Nauru and Manus Island?

The Monthly Blog

By Max Costello

Thursday, 22nd September 2016

Australia's two regional processing centres (RPCs) that house asylum seekers on Nauru and Manus Island are offensive in three ways, according to most critics. Their continued operation offends against basic humanity and morality, against fiscal rectitude, and against international human rights law (civil law) and conventions.

But the way those offshore RPCs operate – and onshore detention centres also, to some extent – is fourthly offensive: it involves apparent criminal offences against an Australian workplace law.

On 14 August 2015, I wrote two letters to Comcare, the health and safety regulator for all Commonwealth workplaces (including both offshore and onshore 'detention centres'). I asked Comcare to lay charges against the Commonwealth of Australia and/or its agency, the Department of Immigration and Border Protection (the Department) under the Work Health and Safety Act 2011 (Cth) (the WHS Act).

Charges would allege breaches of section 19(2) of the Act.

Section 19 imposes a "primary duty of care" on workplace operators to "ensure, so far as is reasonably practicable", that "the health and safety" of both "workers" – section 19(1) – and "other persons" – section 19(2) – is protected from workplace-related risks. "Health" includes psychological health.

At all "detention centre" workplaces operated by the Commonwealth, those "other persons" are the asylum seekers who reside there.

FULL STORY AT <https://www.themonthly.com.au/blog/max-costello/2016/22/2016/1474510146/offshore-crimes>

## **6. Abdul Karim Hekmat: Asylum seekers are taking desperate actions as bridging visas leave them in limbo**

Abdul Karim Hekmat  
Sydney Morning Herald  
September 25 2016

Mohammad Hadi was intelligent, an avid reader, a straight A student and a boy with such a mischievous sense of humour that he was as popular with his teachers as he was with his classmates. He grew up wanting to be a pilot, or – if his short height proved an insurmountable obstacle – an astronomer.

To help his chances, he kept himself as fit as he could, mentally and physically. He studied hard and ran early every morning, and then walked an hour to and from his school in Shoghla, a village in Ghazni province of Afghanistan, six hours south-west of the capital Kabul.

"He was a role model at school," says his childhood friend Naveed Rahimi, "a person other students liked to hang out and be friends with."

In 2012, he was admitted to a university in the north of Afghanistan. He moved to the north but made regular visits to see his family which involved a treacherous journey across the vast sands of Qarabagh, known as the "death desert", where he faced capture by the Taliban. Hadi had had friends and neighbours captured or killed by the Taliban militia who prey on Hazaras, government employees, NGO workers, students and teachers passing through. After a year of making the dangerous trip to university, Hadi's mother begged him to stop and go somewhere safe. In April 2013 Hadi decided to leave Afghanistan and come to Australia.

FULL STORY AT <http://www.smh.com.au/national/asylum-seekers-are-taking-desperate-actions-as-bridging-visas-leave-them-in-limbo-20160919-grjgac.html>

## **7. 'It's simply coercion': Manus Island, immigration policy and the men with no future**

Detention centre staff say refugees are being encouraged to return to places where they face arrest, persecution or torture

The Guardian  
Ben Doherty  
Thursday 29 September 2016 04.30 AEST

"You have no future here," the 833 men detained at the Manus Island detention centre were bluntly told in a formal government statement this week. But, for the overwhelming majority of those still in detention after three years, they have no future anywhere else either. They have nowhere else they can go.

Australia is coercing refugees on Manus Island to return to their home countries, even to places where it is known they face arrest, persecution and possible torture, staff on the island have told Guardian Australia.

The detention centre on Manus was found to be "illegal and unconstitutional" by the Papua New Guinea supreme court in April and, while it remains operational more than four months later, the Papua New Guinea and Australian governments are escalating efforts to close it.

Of the 551 men held there who have had their protection claims assessed, 541 – or 98% – have been recognised as refugees. That is, they have a “well-founded fear of persecution” in their homeland, they cannot be returned there, and they are legally owed protection.

Only 10 have been found not to be refugees.

But those with valid refugee claims are still being pressed to return home: offered upwards of \$10,000 to abandon their right to protection and warned if they choose to stay they face an uncertain future.

An island source familiar with offshore processing procedures spoke on condition of anonymity, fearing retribution under the Border Force Act: “it is just so morally wrong – when you are found to be a refugee you are owed protection”.

“Our government is knowingly and deliberately trying to coerce people back to situations where they can be killed or persecuted or tortured. This is now happening before some have been fully assessed under all the refugee determination procedures. To me that’s so wrong, it’s morally wrong and questionable under the law. It flagrantly disregards non-refoulement obligations under international human rights law.”

“The law is flexible in our government’s hands. Offshore processing allows for an ‘out of sight, out of mind’ mentality whereby if ‘no one’s really seeing what we’re doing then we are not accountable’.”

On Wednesday PNG’s Immigration and Citizenship Services Authority (Icsa) announced the camp would be restructured, with “positive” refugee determined men held separately from those with “negative” assessments.

All in the camp are being actively encouraged to abandon their protection claims even if they have demonstrated they face imprisonment, persecution and torture if they return home.

“Assistance is available for people who want to voluntarily depart PNG. Recently, the amount of integration assistance has increased,” the men were told this week in a statement from Icsa, which also warned police would be called in to force “the movement of those who refuse to cooperate”.

Asylum seekers are being made to attend “status resolution interviews” with an Australian immigration department staff member where they are enticed to abandon their protection claims with inducements of money and immediate passage home – even before their protection claims have been finalised, according to detainees and staff on the island.

“Before the [refugee status determination] process is finished, they are already forcing these into these meetings with the sole intention of pushing them home, a place where they are in serious danger,” said an island source.

Asylum seekers who refuse to attend are stripped of their “points”, the ersatz currency used to obtain food, cigarettes and phone credit inside the detention centre.

At those meetings asylum seekers are offered upwards of \$10,000 – the department has rejected reports of figures up to \$20,000 – to go home immediately.

“This is a new step designed to push men home,” the source on the island said. “After three years we are still squeezing them, pressuring them to go back, it’s simply coercion.”

“The reality it is the Australian government continues to use highly vulnerable people to solve problems the government itself has created. There are no resettlement options either in PNG or a third country. It has been found to be illegal under the PNG constitution to detain asylum seekers. Forcing people home might reduce the size of the problem but it will not make it go away.”

Charlotte Chompff, who formerly worked on Manus Island, told Guardian Australia the men held on the island faced constant coercion to return home “voluntarily”.

Rohingyans, Somalis and Sudanese were being pressed to go home, induced with money and told they should abandon their claim to protection, even though their homelands were active warzones, or it was accepted by the Australian government that because of their ethnicity or religion they faced systemic persecution, she said.

“It is clear refoulement to send someone back home, when they have been found to be a refugee; especially to places where there is an active war occurring. The fact that they are still on Manus after all this time is demonstration of just how impossible it is for them to go home.”

Rohingyans – an ethnic and religious minority not recognised as citizens by their home country, Myanmar – “literally cannot go back”.

“It is impossible. So they are trapped, waiting for nothing.”



Chomppf said detention on Manus was designed to be cruel.

“Australia’s whole underlying strategy ... is to make conditions in offshore detention so difficult that people will give up. It is a deliberate tactic to wear people down, to break them down, so they just give up and go home.”

Chomppf said men who had been found to be refugees, where it was known they faced systemic and violent persecution in their homelands, were still being encouraged, and offered inducements, to return home.

A confidential source on Manus told Guardian Australia: “Some guys put their hand up [to be returned]. Their attitude is ‘I don’t care if I get locked up when I go back, at least I’ll know it is for 10 years, I’ll get sentenced for a specific period of time and then it will be over’. On Manus they don’t know how long the punishment will last.

“Men who have been found to be refugees, have waited and waited, and then given up and gone home. They have been worn down, unable to endure endless uncertainty. They’ve been here three years, more than three years, and then they are escorted back. Information on what happens to people when they are returned is sketchy. The truth is we don’t know. They’re just gone.”

About 300 men have not yet been finally assessed (numbers in the detention centre vary with people moved to Port Moresby for medical treatment, or to the East Lorengau refugee transit centre).

The process for demonstrating a valid refugee claim is exhaustive.

Asylum seekers must first submit to an entry interview (in the case of most of the men on Manus, this was conducted by Australian officials), where they are screened in or out. They then have an interview with a claims assistance provider scheme (Caps) representative, who prepares a formal application for refugee status.

Asylum seekers are then interviewed by officers from PNG’s Icsa, where their claim is extensively tested . The process can take months, especially if asylum seekers are asked to source identity documents, usually from the government of the country they fled.

Interviews regularly run for several hours, some for longer than a day. Conditions are hot and communication is hampered by noisy fans, power failures and lost or incomplete files.

Interpreters who speak the wrong language are sometimes booked, particularly for ethnic minorities, derailing interviews.

Asylum seekers are often asked repeatedly and in detail about the specifics of their persecution, including torture, sexual violence and the deaths of family members. They are regularly left deeply distressed and unable to continue their interview. If abandoned, an interview can take months to reschedule.

“The guys were really suffering,” Chomppf said. “We would be told by our clients about the torture they had endured. We had to probe for some of the details in order get an accurate account. This sometimes meant that they had to relive the trauma of the torture.”

“Sometimes a client would become distressed while describing the things they had suffered and we would not be able to continue the interview. The interviews were scheduled for three hours, but sometimes they went on much longer. Some clients needed a whole day to get out their story and what they had experienced.”

In the weeks or months following an interview, a decision on an asylum seeker’s claim is then made, ostensibly by PNG, but advised by Australian officials.

“It’s a rigorous process, it’s really tough,” Chomppf said. “It’s a high threshold to prove you are a refugee.”

The small number found not to be refugees are able to apply for a merits review of their cases. A significant number of claims are overturned on review.

And there is a final “deportation risk assessment” before people are forcibly deported.

“But we [Australian immigration] are getting geared up to begin the deportations soon, the ones we can do,” an island source told Guardian Australia.

Some countries, such as Iran, will not accept forcible returns of their citizens. Rohingyas are not recognised as citizens of Myanmar and so cannot enter the country.

The refugee status determination process is run by PNG’s Icsa but is actively overseen by Australian Border Force officials, who are present and in uniform on the island.

“We [Australia] are absolutely in charge of the whole process, the whole process,” a source said. “PNG is being instructed by the ABF, by necessity as it’s all relatively new and totally different to how it operated in the past. It is being run according to the Australian government’s agenda.”

A department source said: “We are Big Brother looking over the shoulder.”

Even as Australia attempts to reduce numbers in the camp, the harsh conditions in offshore detention mean an increasing number of men need protection, as asylum seekers’ identities are leaked online by government error, revealed by the media, or their grievances with their home governments are aired on social media.

Many of the men transported on Manus arrived with weak claims to refugee status but they have been strengthened by their treatment during incarceration.

The largest national cohort on Manus is from Iran, whose government closely monitors mainstream and social media.

“Since these guys have left their country they have been on social media, including Facebook, talking about the situation on Manus,” Chomppf said. “Facebook is closely monitored by countries like Iran. Some of them have had their picture in the media. This can give rise to a sur place claim.

“Many of the guys on Manus now could have a sur place claim because of what’s happened to them since being sent to Manus. Some governments perceive seeking asylum in another country [to be] an anti-government or political action.”

In 2014 the Australian immigration department accidentally leaked the details of 9,258 asylum seekers, which it conceded put them in potential danger.

Chomppf said many of the men who have been held on Manus – most for more than three years – had been “so damaged mentally” they could not be safely returned to their home countries.

“They might not have had a strong protection claim before but, because of the terrible conditions, the way they have been treated and lack of adequate health provisions in their home country, there may be a claim for protection. It is refoulement to return a very sick person to a place where there is no adequate healthcare and they will only deteriorate.

“Those men who might have not met the legal definition of a refugee initially, now could have a claim for protection. They have spent three years in a situation where the Australian government has effectively tortured them.”

In response to questions from Guardian Australia, a spokesman for the Department of Immigration and Border Protection said: “The department does not agree with any assertion that ‘the indefinite nature of detention is designed to “coerce” refugees and asylum seekers to go home’. It has consistently refuted such claims.

“The department continues to work in support of the government of PNG to deliver services at the centre.

“Together our priority is to secure appropriate return or settlement outcomes for all people at the Manus RPC and to close the centre as quickly as practicable.”

“Non-refugees do not have a lawful right to remain in PNG and must return to a country where they have a right of residence.

“In cases where people make a decision to return home, assistance is available to help them depart PNG, return home and re-establish their lives.”

The department said resettlement assistance was calculated individually for each person who elected to return home.

The spokesman also said: “No one is detained on Manus – the RPC has been an open centre since April 2016.”

The men on Manus Island remain held in the same compounds they have been for more than three years, behind three-metre metal fencing, patrolled by armed guards, and they are not free to leave of their own volition. They are security screened and have their communications monitored.

Their only permitted movements are on scheduled buses to Lorengau township.

“They lie,” one detainee told Guardian Australia. “Of course we are not free. Our lives are much worse now.”

<https://www.theguardian.com/australia-news/2016/sep/29/its-simply-coercion-manus-island-immigration-policy-and-the-men-with-no-future>

## 8. Behrouz Boochani: For refugees kidnapped and exiled to the Manus prison, hope is our secret weapon

During the past three years, the only 'laws' applied to us have been force and dictatorship. We are like people smitten with plague, left on isolated islands

The Guardian

Behrouz Boochani

Monday 3 October 2016 13.51 AEDT

Why is hope dangerous?

Central to the policy of exiling refugees to remote islands is the shattering of hope for a future, it is the breaking of people.

Hope is like a secret code enabling refugees to be resilient and to resist the ever-mounting pressure to return to their country of origin, even as life there is impossible.

To achieve this goal, the minister for immigration and border protection, Peter Dutton, appears on TV screens every now and then reiterating that refugees on Manus Island will never come to Australia and will be settled in Papua New Guinea.

The governing system of the prison on Manus and the companies working to implement this are focused on impacting the mind and spirit of refugees in a systematic manner to destroy our hopes for a future.

During the past three years, they have endeavoured to shatter our hopes by any means and to carve into our minds that there is no way ahead, there is no safe future for us.

The immigration officers arrive in the prison every week and repeat: "You have to live in PNG." This is reinforced by security officers, case managers and through notices attached to the bulletin boards inside the prison.

In recent days the immigration officers have frightened us again as after the supreme court hearing that says that the prison is illegal, they have officially declared that we have to live in PNG or return back to where we came from.

They have declared that we will not have any future. However, what is different is that this time they have said to us that we can obtain a visa for another country and leave here.

We understand that this choice is simply more propaganda.

This is one of those choices that, in practice, is not a choice because none of the refugees have the ability to apply for a visa for another country when they are kept in the Manus prison.

We ask the Australian government: "If a country like New Zealand accepts us and we are granted a visa, will the Australian government permit us to go there?" When New Zealand offered previously, Australia refused.

During the past three years, despite all the pressure imposed by immigration on me, I have not submitted my protection case to the PNG government. But it was suddenly announced to me that I had been conferred refugee status and that I have no choice but to live in PNG.

When I asked for reasons as to why and how they concluded I was a refugee they responded by saying that they had collected my personal information from media and PNG had agreed with Australia that I would receive a positive refugee finding.

What becomes glaringly obvious in this is that any claim to this being a real refugee assessment process is false. My rights to offer my case for refugee status have been taken from me, my human rights to make decisions about my life have been stolen.

It's clear that the the Australian Department of Immigration and Border Protection monitors the Facebook pages of refugee advocates, as revealed by the department's head, Michael Pelluzzo, to Senate estimates. Such monitoring is followed up by investigations and the information collated is recorded. Those records were provided to the Senate in an attempt to back up the department's routine accusations that advocates are giving "false hope" to refugees on Manus and Nauru.

I came across my name among the names of other advocates in these records provided to the Senate, along with a copy of one of my Facebook posts that detailed the time I climbed a tree in Foxtrot compound in the Manus prison in protest.

I do not want to respond to the monitoring of my Facebook page, rather what shocks me is the fact that the social media accounts of refugee advocates are monitored – they are spied upon.

One of the fundamental and basic rights of a free and democratic society is respect for freedom of speech; that every citizen has the right to express their political thoughts and views, whether it be on Facebook or in any form of media.

When DIBP accuses advocates of providing hope to 2,000 refugees incarcerated in Manus and Nauru prisons they are indicating that giving hope to prisoners is wrong and is against a law.

If we ask why the DIBP spends money and time on investigating those who provide hope, we can understand that the concept of hope itself is seen as dangerous.

The Australian government, accompanied by the PNG government, has kidnapped us and kept us in limbo, acting against international laws, and denying us access to any court that may bring us justice. The high court of Australia legalised our exile, and the PNG court has not been able to bring justice to us.

We are people effectively deemed outside of any law.

During the past three years, the only "laws" applied to us have been force and dictatorship. We are like people smitten with plague, exiled from a civilised society and left on isolated islands.

For us there is no way ahead towards the future and no way behind to the past.

From the Australian government's point of view, we do merely and solely have two choices, but we are human and our rights as human beings tell us there is a third choice as well, the choice of resistance against torture.

<https://www.theguardian.com/australia-news/2016/oct/03/for-refugees-kidnapped-and-exiled-to-the-manus-prison-hope-is-our-secret-weapon>

## **9. MEDIA RELEASE: Advocates warn against handing refugee settlement contract to Nauru govt**

Thursday September 29, 2016  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

Refugee advocates have warned the Australian government against handing any refugee settlement services contracts to the Nauru government or Nauru-run businesses.

The concerns have risen since the Australian-run Connect Settlement Services indicated that it was pulling out of Nauru on December 7. Connect was contracted by the Australian government to provide services for refugees living in the Nauruan community.

The government is yet to announce a service provider to take over the Connect contract. But concerns are growing that the government could be considering funding the Nauru government and to shift away from refugee specific services to a more general Nauruan community welfare.

A Connect representative told Connect workers on Nauru that the Connect board did not believe it was 'appropriate for an Australia-based company to be in Nauru forever', and that its job a settlement services job 'had been completed.' The representative told the meeting that the services need now were about 'on-going welfare needs,' and that settlement services were not what was needed when people were living in the [Nauru] community 'independently'.

However the representative later told the meeting was that Connect understood that refugees were in a 'desperate situation' and were 'desperately unhappy'.

The comments are in line with Connect's moves made over recent months to increase the number of locals working for the company and for it to be seen as concerned with welfare in the Nauruan community rather than provide services for refugees.

There have also been growing concerns that Connect was complicit with the Nauruan government and had resorted to calling the Nauruan police in accommodation disputes -- resulting in some refugees being jailed.

"That Connect is quitting Nauru is unequivocally a step forward," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"But replacing Connect with a Nauruan company would be a serious blunder. Refugees already regard the withdrawal of Connect as something that will leave them even more vulnerable to human rights abuses on the island.

"It's time the desperate situation described by Connect is ended. The government should use Connect's 7 December end-of-contract deadline to close Nauru and bring all the asylum seekers and refugees to the mainland."

Judith Reen, ex Nauru Save the Children worker also voiced her concerns, "It is well documented that Nauru is a hostile place where refugees can be verbally abused, assaulted, raped and robbed with impunity, with no hope of crimes being properly investigated. To date, not one crime committed by a Nauruan national against a refugee has resulted in arrest or prosecution.

"It is frightening to think that the responsibility for refugees would be with a government that enforces a media block-out, in a country that where there is clearly system-wide failure in law enforcement and which lacks adequate protections for the most vulnerable."

For media comment contact Ian Rintoul 0417 275 713

## **10. 'No future for you here': Australia and PNG push to clear out Manus detainees**

Refugees told they must settle elsewhere in Papua New Guinea as processing at the detention centre 'will end soon'

The Guardian

Ben Doherty

Tuesday 27 September 2016 18.38 AEST

Australia and Papua New Guinea are escalating efforts to clear the Manus Island detention centre, telling refugees they must settle elsewhere in PNG, while warning they are preparing to deport asylum seekers whose protection claims fail.

"There is no future for you here," detainees have been told by PNG immigration officials. Processing at the detention centre "will end soon" and all those held within forced out. The police will be sent in to forcibly move those who refuse to cooperate.

Five hundred and forty-one out of 551 – 98% – of the men on Manus Island who have had their claims processed have been found to be refugees, and are legally owed protection, according to Australian immigration department figures.

Only 10 have been found not to have a valid claim to protection on the basis of a "well-founded fear of persecution" in their homeland.

Australia has not found a third country in which to resettle the refugees.

A four-page "communication guide" given to Manus Island detainees on Tuesday tells them "there is no future for you here":

--- The purpose of this centre is for refugee status processing. All processing will end soon

--- If you are a refugee, you can either settle in PNG or depart from PNG to any country where you have a right to live

--- If you are not a refugee, you can either voluntarily depart from PNG to any country where you can have a right to live

--- The police may direct the movement of those who refuse to cooperate

Those found to be refugees will be moved to Foxtrot compound. Those with a 'negative' assessment will be moved to Mike.

The document hints at "changes to the services and conditions" for the different groups.

Those inside the detention believe those found not to be refugees will have their conditions significantly worsened in an effort to encourage them to leave. Their rights to limited movement, and their ability to access cigarettes, phone credit at the internal store, are expected to be cut.

"We will give you further information about these changes soon," the document says.

The inducements for people to leave PNG – in the form of cash payments – have been raised, reportedly up to \$20,000, though this is denied by the immigration department.

"Recently, the amount of reintegration assistance has increased," the document says. All of this money is paid by Australia.

The document repeats, at several points:

"No one will be transferred to Australia when the centre closes."

The PNG supreme court ruled in April that the ongoing detention of asylum seekers – including those found not to be refugees – was "illegal and unconstitutional". Four months later, the detention centre remains in operation, but both the PNG and Australian governments have vowed it will close.

Despite Australia's declared intention of finding a third-country for refugees it currently holds on Manus Island and Nauru, none has been found for those on Manus.

The \$40m Cambodia solution, which has only resettled one person, is not available to those held on Manus.

"No other countries have settlement agreements for refugees from this centre," the document says. "You are free to apply for a visa to any country and to travel to a country where you have the right to enter and reside. You will not be permitted to settle in Australia."

Efforts to resettle refugees in PNG have foundered. PNG told the UN last week more than 70 people had been resettled but the Guardian understands this figure includes refugees with severe medical conditions who have been moved to a Port Moresby hotel so they can access the capital's hospital. They remain dependent on Australian government-funded support.

Fewer than 20 have successfully found houses and ongoing employment.

Many of those who were moved, mostly to Lae, have been assaulted, robbed and, in one case, left sleeping on the streets. Several have travelled back to Manus and tried to break back into detention.

Moving to other countries would also seem to be almost impossible: the travel documents issued by PNG to refugees have proven inadequate to gain any visa to any other country. Many of the documents issued have been valid only for a month, after which refugees are left without a legal right to reside even in PNG.

<https://www.theguardian.com/australia-news/2016/sep/27/no-future-for-you-here-australia-and-png-push-to-clear-out-manus-detainees>

## **11. MEDIA RELEASE: Govt maintains Manus farce as asylum seeker attempts to set himself alight**

Saturday October 1, 2016  
Refugee Action Coalition  
Ian Rintoul  
mobile 0417 275 713

A 28 year-old Iranian asylum seeker in Mike Compound in the Manus Island detention centre attempted to set himself alight on Friday night (30 September).

The man, who was one of those seriously wounded in the 2014 attack by locals and police on Mike Compound, sprayed himself with flammable liquid before using a lighter to try and set himself alight. Fortunately, other asylum seekers at the scene quickly intervened, preventing the fluid catching fire, and he was uninjured.

After Wilson's Emergency Response Team arrived, the asylum seeker was placed on high watch. The incident is one of the growing numbers of self-harm incidents on Manus Island, as the six month political crisis surrounding the centre drags on. The PNG Supreme Court order in April to close the centre have been ignored.

Bizarrely, a so-called "Communication Guide" issued to Manus prisoners by PNG Immigration on 27 September says that the closure of the centre "will not be rushed."

The asylum seeker is one of the group of around 30 who have consistently refused to co-operate with the refugee determination process. Despite the fact that this group of asylum seekers have never been interviewed, some of this group have recently been given a negative refugee assessment.

Australian Border Force has also cut the weekly allowance of 25 points that can be used in the detention canteen to buy phone credit, in an attempt to force this group of asylum seekers to attend an interview.

Tensions have been rising in the Manus detention centre since the PNG and Australian immigration moved to tighten rules over the Manus detention centre despite a PNG Supreme Court ruling in April that the detention centre must be closed.

Refugees and asylum seekers from the detention centre are no longer allowed to visit or stay in the East Lorengau Transit Accommodation.

Immigration and Broadspectrum are again causing social upheaval in the detention centre, this time to force all double negative asylum seekers into Mike Compound. They have set a deadline of 4 October for the move. People with a positive assessment are expected to move from Mike to Foxtrot (a photo of a movement slip is attached).

PNG immigration has warned that PNG police may be used to force the movement between compound. PNG police were involved in the 2014 attack on Mike Compound that resulted in the death of Reza Barati.

The restrictions are further steps to try and coerce asylum seekers to return to their home countries. But the restrictions also make a mockery of Australian and PNG Immigration claims that the centre is "open".

Both Australia and PNG governments are panicking to try and pre-empt the PNG Supreme Court hearing on 27 October where an application for "Summary Judgment" will seek orders for the immediate closure of Manus and the return to Australia of all those refugees and asylum seekers who wish to do so.

"Rather than face its legal responsibilities, the Australian government is determined to try to keep the Manus detention open and maintain the fiction that resettlement is possible in PNG," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

The PNG immigration letter to asylum seekers warns that non-refugees will face deportation but further legal action is possible in all of those cases and PNG Supreme Court injunctions prevent the removal of any asylum seeker who is attached to the Ben Lomai case.

"The Australian government is trying to save face, and is doing everything it can to maintain offshore detention policies and bully the PNG government to prevent families being united, and prevent refugees finding a secure future," said Rintoul, "The Turnbull government should stop the delaying tactics, stop obstructing the courts and bring all the refugees and asylum seekers to Australia."

For more information contact Ian Rintoul 0417 275 713

## **12. Peter Dutton spends \$8 million on spin doctor army**

Canberra Times  
October 1 2016 - 7:00PM  
Adam Gartrell

Immigration Minister Peter Dutton's army of spin doctors and communications staff is costing taxpayers more than \$8 million a year, and his department is also spending up on external media consultants.

New figures show the Department of Immigration and Border Protection is spending \$1 million on media staff and another \$7 million on public relations, media monitoring and internal communications staff.

The department says it has 82 communications staff, 22 of whom are dedicated to its "24/7 media operations", including social media.

A response to a question on notice from Labor – submitted in February but only answered in recent weeks – says the department also had eight non-permanent communications staff earlier this year.

The communications staff salaries, ranging from \$60,000 to \$115,000, are believed to cost \$8.4 million. This doesn't include superannuation, leave, allowances or any other associated costs.

The figures also don't include Mr Dutton's three ministerial media officers.

"Communication, both internally and externally, is an essential component of any large organisation," a department spokesperson said.

"In an organisation of about 14,000 staff, the percentage of communication staff – less than 0.6 per cent – is smaller than average."

The spokesperson said the number of media and communications staff had largely remained the same since the department merged with customs as part of the Abbott government's Operation Sovereign Borders in 2014.

The Coalition has been notoriously secretive about its border protection activities, saying it will not comment on "on-water matters". It is also secretive about what is going on inside the detention centres on Nauru and Manus Island.

### ***Media training***

But the department is also spending big on external media training for its top executives.

Government contracts reveal the department has paid company Talkforce Media more than \$225,000 for "media training for SES staff" – its top tier of employees – and a series of workshops since the end of 2015.

"Such training is essential given the department's expectation that SES are able to speak to media on issues pertaining to their duties," the spokesperson said. Talkforce also engages with the department's media and communication staff as part of their professional development.

The department started using Talkforce after the embarrassing Operation Fortitude debacle in Melbourne last August.

The department's frontline agency, Australian Border Force, spoiled a police operation in Melbourne by suggesting it would be stopping people for random visa checks, sparking a public backlash.

ABF commissioner Roman Quaedvlieg blamed a "clumsily worded" press release that mischaracterised the agency's role. But critics lampooned the agency on social media and labelled it Border Farce.

Talkforce trains clients to deal with "difficult media situations" and manage "controversial issues and close media scrutiny".

Its full-day workshops include mock television interviews that teach clients "how to take control of an interview, even when under pressure".

This all comes on top of another \$1 million the department has spent on external "media monitoring services" over the last 12 months.

<http://www.canberratimes.com.au/federal-politics/political-news/peter-dutton-spends-8-million-on-spin-doctor-army-20160901-gr6oas.html>

### **13. Wilson Security hired investigator to find sources of stories about detention centres**

Security company paid for private investigator to 'aggressively' pursue confidential sources of journalists and activists, documents show

The Guardian  
Paul Farrell  
Thursday 29 September 2016 16.42 AEST

The security company paid millions by the Australian government to protect asylum seekers on Manus Island and Nauru hired a private investigator that attempted to "aggressively" pursue potential confidential sources of journalists and activists writing about Australia's offshore detention centres.

Guardian Australia can reveal that Wilson Security, which is subcontracted by Broadspectrum (formerly Transfield Services) to provide security at the Manus Island and Nauru detention centres, hired a private investigator at least twice in 2015 to determine the sources of confidential disclosures to news organisations and activists.

Two investigation reports titled "media leaks investigation", written by a Queensland-based private investigator, partially released under freedom of information laws, reveal that Wilson Security's regional operations manager requested the investigation, but indicate Wilson Security was in turn directed to undertake it.

The immigration department has refused to confirm whether it directed Wilson Security to undertake the investigation.

The reports have sparked strong rebukes from Australia's journalists' union, Labor and the Greens. The opposition immigration spokesman, Shayne Neumann, questioned whether the investigation was undertaken with the consent or approval of the immigration minister, Peter Dutton.

The first investigation report of the private investigator, whose identity has been redacted by the immigration department, said: "We have been asked to investigate ... the unauthorised release of a screen shot of Wilson Security BAE System and media releases of confidential information.

"The list of people with access to the information was established and aggressively pursued."

The second report continued: "On the 1st July 2015 Wilson Security were asked to arrange an independent investigation of specific instances in relation to information that had leaked to the media."

The report outlines that the investigation targeted the source of reports written by activist Shane Bazzi about sexual assault and self-harm on Manus Island, as well as a Guardian Australia report into a guard on Manus Island being sacked for allegedly assaulting a handcuffed asylum seeker.

The endeavours of the investigator appear to have been fruitless. The report said: "We found no evidence of any Wilson Security employee distributing, copying, printing or otherwise disclosing the content of that file in full or in part to any person, organisation or entity."

Many of the specific steps undertaken by the private investigator have been redacted by the immigration department, and it is unclear whether they directly monitored journalists as well.



Neumann said it was “an extraordinary step for a company to be investigating journalists’ sources”.

“Was this investigation undertaken with the consent or approval of minister Dutton?” he said. “Was the private investigation limited to Wilson employees, or did it extend to journalists?”

“Once again we’ve seen the operation of Australian-funded offshore detention centres shrouded in secrecy with a lack of transparency.”

Greens senator Nick McKim said the revelations showed Wilson Security “is a company that is under siege”.

“This is a continuation of very poor behaviour by Wilson Security,” he said. “We know they were spying on Greens senator Sarah Hanson-Young when she was on Nauru. A private company basically spying on journalists is quite outrageous really.”

The revelation also drew condemnation from the head of the Media, Entertainment and Arts Alliance, Paul Murphy.

“The use of private investigators to ‘aggressively pursue’ the source of published stories is next level persecution of whistleblowers. It is disgraceful and should be unacceptable in a democracy,” Murphy said.

“Unfortunately it is another sign that persecuting whistleblowers has become a national pastime, encouraged by the government and its agencies.”

“The raft of legislation for mass data retention, snooping on journalists and their sources, criminalising the reporting of public interest stories, has created an atmosphere where this type of outrageous and aggressive conduct is condoned when it should be condemned.”

A spokesman for Wilson Security said: “To ensure the privacy of asylum seekers and our staff is maintained, it is Wilson Security’s policy to investigate any suspected breaches of privacy or confidentiality.”

“The primary purpose of any investigation into a breach of confidentiality or privacy is to ensure the ongoing improvement of our policies and procedures.”

A spokesman for the immigration department said: “The FOI documents speak for themselves. They contain no reference or inference of activity asserted in your questions.”

“Allegations of unauthorised disclosure are referred and investigated consistent with relevant law.”

“The FOI decision documents explain why some information could not be released.”

The hiring of a private investigator appears to be a new tactic by the company. Previously Wilson Security came under heavy scrutiny after it was revealed a group of staff were tasked to spy on Hanson-Young while she was on Nauru.

The Australian government’s secrecy surrounding its immigration detention policies has been a source of controversy and criticism. Previously the secretary of the immigration department, Michael Pezzullo, has referred a number of stories by journalists relating to immigration matters to the Australian federal police in a bid to uncover their sources.

When asked whether Pezzullo had directed the investigation to occur, a spokesman said: “The secretary of the department had no role in the manner Wilson chose to undertake its investigation.”

Wilson Security is likely to face significant scrutiny in an upcoming Australian parliamentary inquiry sparked by the Nauru files, a cache of leaked documents that revealed the devastating harm and trauma caused to children and adults held by Australia on the remote Pacific island of Nauru.

Guardian Australia revealed as part of the investigation that the company did not disclose at least 16 cases of sexual violence and child abuse to the Australian parliament. The company is likely to face questions over the previous evidence it provided to the Senate in the upcoming hearings.

Both Wilson Security and Broadspectrum have announced they will not seek further tenders to work on Australia’s offshore detention centres.

Guardian Australia’s request for documents also included a separate report commissioned by Wilson Security into staff misconduct allegations on Nauru.

This report was referred to in an August 2015 submission to the Senate that said the company had “recently engaged an independent company to review all investigations involving staff misconduct at the regional processing centre”.

But the department refused to release the report, saying that it was provided by an unnamed company to Wilson Security on the basis that it was legal advice and was privileged information.

McKim said the Greens would use the upcoming Senate inquiry to seek to gain access to a full unredacted version of the report.

"That's the first time that level of knowledge about that report has come to my attention," he said.

"I'll be very keen for the committee to get a completely unredacted version of that report, and I will be pursuing that through the committee process."

A Wilson Security spokesman said: "The dominant purpose of the document was to provide legal advice to Wilson Security."

The Senate inquiry is accepting submissions relating to both Manus Island and Nauru until November.

<https://www.theguardian.com/australia-news/2016/sep/29/wilson-security-hired-investigator-to-find-sources-of-stories-about-detention-centres>

<https://www.theguardian.com/australia-news/2016/sep/29/wilson-security-hired-investigator-to-find-sources-of-stories-about-detention-centres>

## **14. Former workplace lawyer calls for prosecution of Immigration Department over alleged breaches**

ABC News Online

By Mia Armitage

Posted Tue 27 Sep 2016, 4:37pm

A retired lawyer has asked Australia's peak workplace, health and safety authority to "please prosecute" the Immigration Department for allegedly breaching its duty of care in detention centres.

Former WorkSafe Victoria prosecutor Max Costello said last week that although Comcare has regularly inspected immigration detention centres in Australia and regional processing centres on Nauru and Manus islands, the agency has yet to act on reports of "death, abuse, and illness" impacting workers, detainees, and transferees.

Mr Costello wrote twice to Comcare last year calling for action but "thought 12 months was more than reasonable" to wait before going public.

He said the recent release of incident reports from Nauru and two senate inquiries into offshore processing showed risks of sexual, physical and psychological harm had been identified but neither eliminated nor minimised.

Mr Costello has asked Comcare to include onshore detention centres in its case because "prolonged detention itself eventually gets to people and damages their mental health ... those people need to be removed as soon as possible".

"Mr Dutton and other spokespersons of the Government including the Prime Minister keep asserting that the health and safety of asylum seekers at Nauru and Manus is the responsibility of the Nauruan and [Papua New Guinean] governments respectively and that's just legally not true," he said.

He said the Australian Work Health and Safety Act 2011 "is quite clear" that a "health and safety duty cannot be transferred to another" person, contractor or government and that any such transfer would be legally void.

A spokesman for Comcare said investigations were continuing.

Immigration Minister Peter Dutton has been contacted for comment.

<http://www.abc.net.au/news/2016-09-27/former-worksafe-lawyer-calls-prosecution-immigration-department/7882706>

## **15. Immigration staff send wrong detainee to Christmas Island**

ABC News Online

By political reporter Stephanie Anderson

Posted Fri 30 Sep 2016, 9:56am

Immigration staff mistakenly transferred the wrong detainee across the country earlier this month after confusing him with another Indian man.

The man was placed on a charter flight to Christmas Island after being removed from the Maribyrnong Immigration Detention Centre in Melbourne.

He remains on Christmas Island, and the Department of Immigration and Border Protection could not confirm whether the man who had been originally scheduled for transfer had since been moved.

In a statement, the department said that a review was underway into how staff made the mistake.

It further stated that the man mistakenly transferred had been due to move to Christmas Island later.

"The individual continues to reside on Christmas Island, consistent with the initial assessment that his placement there was appropriate," it read.

"Detainees are routinely transferred between facilities for a range of operational reasons, but primarily to maintain the safety and good order of the immigration detention network."

<http://www.abc.net.au/news/2016-09-30/immigration-staff-transfer-wrong-detainee-to-christmas-island/7892408>

## **16. Communications 'chaos' alleged before asylum seeker boat sank off Christmas Island**

Survivors and relatives who lost family members are suing the Australian government for negligence

The Guardian

Ben Doherty

Monday 26 September 2016 18.03 AEST

"Complete chaos" in communications between customs, the navy and government officials in Canberra meant "at least 20 minutes were allowed to pass by" before naval vessels were sent to rescue a stricken asylum seeker boat off Christmas Island in 2010, resulting in the deaths of 50 people, the New South Wales supreme court has heard.

On the morning of 15 December 2010, an asylum seeker boat – Siev 221 – unpowered and drifting off the coast of Christmas Island, was dashed on to the island's cliffs by massive swells, breaking the vessel up and throwing dozens of the 89 asylum seekers on board into the sea. Fifty people, including 15 children, died in Australia's worst civil maritime disaster in more than a century.

Several of the survivors from the boat that day and others who lost relatives in the disaster have launched a class action to sue the Australian government, alleging that government agents were negligent in failing to respond to the unfolding disaster quickly enough.

In the supreme court before Justice Geoffrey Bellew on Monday, counsel for both sides paid tribute to naval and customs staff for their "extraordinary bravery" in rescuing more than 40 asylum seekers from the boat and the ocean, but disputed the speed with which naval crews were dispatched to save the stricken vessel.

Siev ("suspected irregular entry vessel") 221 was first spotted in rough seas off Christmas Island at 5.10am by witnesses onshore. It was reported as being within 100 metres of the shore at 5.20am. Its engine failed at 6.40am and it was forced by waves on to the rocks at 7.10am.

For the plaintiffs, Michael Cranitch SC played to the court a series of videos that showed the 30-metre wooden fishing vessel being tossed by waves closer and closer to the island's rocks.

The videos showed the boat dangerously overcrowded, with passengers clinging to a mast in the middle of the deck. Those on board can be heard screaming as the boat is pushed closer to the rocks, and then overwhelmed by the spray sent back from the cliffs.

Watching the boat in severe distress, one person can be heard on the video asking: "Where the fuck's the navy?"

"This is really bad on their part," another witness says.

In a later video, the first voice says: "I can't believe it, it's going to end in disaster. Where's the navy ship to take them under tow?"

In the final video, the boat is thrown violently into the cliff face, the screams of those onboard overwhelmed by the sound of the wooden boat smashing into the rocks.

For the defence, Dr Andrew Bell SC objected to the "amateur commentary" on the videos, but not the footage itself.

A series of phone calls was also played for the court that revealed confusion among government officials about where the boat was, and whether it might be another asylum seeker boat already intercepted the day before.

Calls between officials on Christmas Island, Canberra, and naval ships in the area revealed confusion over where “Rocky Point” was on the north-eastern tip of Christmas Island, as well as whether the boat sighted by residents was Siev 220, already under control of the navy.

As phone calls were made between Christmas Island, the ships offshore, and officials in Canberra, initially relaxed communications became more frantic as the seriousness of the disaster became apparent.

Initially, those on board the boat were said to “look like they could be in a bit of trouble”. A later phone call reports “we’ve got a major catastrophe here”, with a witness reporting the boat was “smashing against the cliffs”.

The plaintiffs’ statement of claim to the court argues that Siev 221 entered Australia’s contiguous zone at 9pm on 14 December. It sailed into Australian territorial waters at 2am and the country’s coastal waters at 5am.

Siev 221 entered Flying Fish Cove – Australian internal waters – at 6.40am, and broke apart half an hour later.

The plaintiffs argue that the Australian government knew, or should have known, that the boat was unseaworthy, and that it had a duty of care to assist those on board, particularly when it became apparent the boat’s distress presented a Solas – safety of life at sea – situation.

Two ships, the ACV Triton and HMAS Pirie, were in a position to assist and were not dispatched in time to save the stricken vessel, the court was told.

After the alarm was raised about Siev 221’s distress, Cranitch said: “At least 20 minutes were allowed to pass by, before Pirie responded, for reasons which are ... obscure.”

He said there had been “complete chaos” in the communications systems the government had put in place.

Cranitch told the court that it was important to note that asylum seekers who came to Australia by boat seeking protection committed no crime by entering Australia.

It was illegal to “people smuggle”, he said, to organise an asylum seeker voyage, but that “doesn’t mean that persons who are being transported for the purpose of seeking protection are engaged in any criminal activities. In fact, quite the contrary.”

Government policy aimed to save lives at sea by imposing significant sanctions on those who arranged voyages, Cranitch said. “There are a range of offences for people smuggling, but there are no criminal offences for those smuggled,” he said.

For the defence, Bell told the court that the events of 15 December 2010 were a “great human tragedy” but that nothing could reasonably have been done to avert the disaster. “Hindsight is a marvellous thing,” he said. “Difficult operational judgments had to be made.”

Bell disputed that government had been negligent in breaching any duty of care. He said naval vessels had been dispatched as soon as practicable.

“There is nothing that could have been done in sufficient time to avert any of the loss. There were great acts of bravery and professionalism on the part of naval officers.”

In 2012, an eight-month inquest by the West Australian coroner into the shipwreck criticised the federal government for failing to provide rescue vessels on Christmas Island, despite the likelihood a maritime tragedy would occur.

Coroner Alastair Hope said the Siev 221 disaster was “generally foreseeable” and that a similar disaster remained an “ongoing risk while these boats continue to travel to Christmas Island”.

“I cannot accept that it would be beyond the capability of border protection command to put in place a surveillance capability that would be more effective than island residents coincidentally looking out to sea.”

Operation Sovereign Borders, instituted by the Coalition government upon its election to power in 2013, has dramatically slowed the rate of asylum seeker boats arriving in Australia waters.

The last asylum seeker boat to reach Australian territory was in May this year, when a group of Sri Lankan asylum seekers reached the Cocos Islands.

A people smuggling kingpin, Abraham Louhenapessy, known as Captain Bram, was arrested in Jakarta on Friday after a joint operation by Australian federal police and the Indonesian authorities.

It is the third time in a decade Bram has been arrested for people smuggling. He has been operating across the archipelago since 1999 and is believed to have arranged passage for more than 1,500 asylum seekers to Australia.

Bram is allegedly responsible for organising an asylum seeker boat that was intercepted by Australian border officials in May last year and turned back to Indonesia, reportedly after Australian government agents paid the crew between \$5,000 and \$6,000 each in US currency.

<https://www.theguardian.com/australia-news/2016/sep/26/communications-chaos-alleged-before-asylum-seeker-boat-sank-off-christmas-island>

## 17. 'Too dangerous' to attempt rescue in Christmas Island boat tragedy, court told

Border force boat commander says trying to rescue 89 asylum seekers aboard Siev 221 before it crashed into rocks would have risked the lives of his crew

The Guardian  
Ben Doherty  
Tuesday 27 September 2016 17.07 AEST

There was no way to safely rescue Siev 221 as it was pushed by massive waves towards the rocky shoreline of Christmas Island on the morning of 15 December 2010, the commander in charge of a customs vessels offshore of the island that day has told a hearing.

The enforcement commander with the Australian Border Force Mathew Saunders told the New South Wales supreme court that any rescue attempt would have risked the lives of his crew, and would, in his opinion, have ultimately failed.

Having been played video of the stricken Siev listing close to the rocky shoreline, during Tuesday's hearing Saunders told the court: "I think that clearly shows it would be extremely dangerous to put a RHIB (rubber-hulled inflatable boat) within 15 metres of that [Siev vessel] without it being thrown onto the rocks itself."

He said if he believed his crew could have rescued the boat, and its passengers, he would have sent them to do it.

"I'm there to save lives, that's what my job is, so of course I would have liked to do that. I just didn't see a time where it was safe to get a tender that close."

Ultimately, Siev 221, with 89 mainly Iranian and Iraqi asylum seekers aboard, was dashed against the rocks of Christmas Island.

Fifty, including 15 children, were killed in the worst civilian maritime disaster in more than a century in Australia.

Several of the survivors from the Siev 221 disaster and others who lost relatives in the disaster, have launched a class action against the Australian government, alleging government agents were negligent in failing to respond to the unfolding disaster quickly enough.

It was nearly two hours from when the vessel was first sighted off the Christmas Island coast to when it was dashed against the rocks of the island.

The Siev – suspected illegal entry vessel – was first sighted off the coastline of Christmas Island just after 5am on the morning of 15 December. It had sailed into Australia's contiguous zone the previous evening, and into Australian territorial waters in the early hours of the morning.

At 5.20am it was seen as close as 100 metres from shore in bad weather and contending with large northerly swells pushing it towards the island.

Witnesses onshore observed the boat off Rocky Point off the north-east coast of Christmas Island, moving under its own power and heading south-east before turning westwards, a shift that exposed it to the full effects of the dangerous seas.

Saunders, the enforcement commander on board ACV Triton which was around the eastern side of the island, where the sea was calmer, was alerted at 5.55am that a Siev had been detected, and said he briefed his crew and started the engines on his vessel.

He told the court by the time naval vessel HMAS Pirie reached the north of Christmas Island from the more-sheltered eastern side, Siev 221 was dangerously close to the rocks.

Saunders said the usual procedure for boarding Sievs was to send a rigid-bull inflatable tender boat with a boarding party onto the Siev, from where people were unloaded. SIEVs were usually only towed once they were unloaded of passengers.

He said it was not possible, given the rough sea conditions, and the proximity of SIEV 221 to the rocks of the island, to send a tender to it.

He rejected a suggestion the boat could have been towed with a rope thrown to it with a grappling hook.

“That would require going within 10 or 15 metres of the vessel. The sea-state and the swell would be extremely dangerous for a tender and the debris in the water could have jammed the propellers.”

He said it was theoretically possible to tow an asylum seeker boat without first boarding it.

“As long as there’s enough distance from the rocks that a tender could go there with no debris, I would agree that it’s possible to throw a grappling hook with a light line.”

But he said that would rely upon someone on board the asylum seeker boat knowing how to tie the rope sufficiently well, and, he said, a light rope could not tow a laden boat in the rough seas of 15 December.

“No I don’t believe there would be a line light enough that you could throw, that you could then tow with, it would break under the strain.”

On day one of the class action hearing the court was played amateur video footage of the stricken vessel being overwhelmed by waves as it was pushed towards the rocks of the Christmas Island cliffs.

The sound of passengers screaming can be heard above the waves, before they are overwhelmed by the sound of the boat crashing into the rocks.

The court heard “communication chaos” between the navy, customs and witnesses onshore at Christmas Island had fatally delayed a rescue response.

There was initial confusion among authorities about whether Siev 221 was a different asylum seeker boat (intercepted the day before) and about the exact location of the boat.

The plaintiffs argue the government had a duty of care to assist those on board the boat once it came into Australian waters, and that it was immediately apparent the unseaworthy boat, in rough conditions, posed a “safety of life at sea” situation.

<https://www.theguardian.com/australia-news/2016/sep/27/too-dangerous-to-attempt-rescue-in-christmas-island-boat-tragedy-court-told>

## **18. Siev 221 tragedy: class action adjourned as asylum seeker boat survivors seek documents**

Survivors of maritime disaster off Christmas Island and their relatives are suing the Australian government

The Guardian  
Ben Doherty  
Wednesday 28 September 2016 13.36 AEST

The class action over the Siev 221 disaster off Christmas Island has been adjourned until next week, so documents from a coronial inquiry can be provided to those bringing the case.

On the morning of 15 December 2010, an asylum seeker boat, labelled Siev (suspected illegal entry vessel) 221, unpowered and drifting off the coast of Christmas Island, was dashed into the cliffs of the island by massive swell, breaking the boat up and throwing dozens of the 89 asylum seekers on board into the sea and onto the rocks.

Fifty people, including 15 children, died in Australia’s worst peacetime maritime disaster in more than a century.

Several of the survivors from the boat that day and others who lost relatives in the disaster have launched a class action suing the Australian government, alleging government agents were negligent in failing to respond to the unfolding disaster quickly enough.

The 2012 coronial inquest into the Siev 221 shipwreck criticised the federal government for failing to provide rescue vessels on Christmas Island despite the known likelihood of a maritime disaster occurring as unseaworthy asylum seeker boats approached the island.

Coroner Alastair Hope said the disaster was “generally foreseeable” and he condemned the lack of systemic surveillance focused on the protection of life at sea.

“I cannot accept that it would be beyond the capability of border protection command to put in place a surveillance capability that would be more effective than island residents coincidentally looking out to sea.”

Lawyers for the plaintiffs have sought access to documents from the coronial inquiry.

Justice Geoffrey Bellew granted an adjournment so that documents could be analysed for operational sensitivities and provided to the plaintiffs. The case will return to the NSW supreme court next week.

<https://www.theguardian.com/australia-news/2016/sep/28/siev-221-tragedy-class-action-by-asylum-seeker-boat-survivors-adjourned>

## 19. Girl held in detention for more than two years may have been falsely imprisoned, say lawyers

Girl held on Christmas Island suffered from serious medical and dental issues, which her lawyers say were 'poorly treated'

The Guardian  
Helen Davidson  
Tuesday 27 September 2016 12.16 AEST

A young girl who spent nearly two-and-a-half years in detention on Christmas Island may have been falsely imprisoned for part of that time, lawyers have alleged after obtaining documents under freedom of information.

The former Labor immigration minister Tony Burke moved the girl with her family to Darwin for medical reasons shortly before the 2013 federal election and determined that they should be released into the community. But that decision was apparently reversed after the Coalition won government.

The girl, referred to as AS, who is now eight, suffered from serious medical and dental issues, which her lawyers allege were "poorly treated".

The documents form part of an updated legal file by lawyers running a class action against the federal government for the treatment of people held on Christmas Island between August 2011 and August 2014. They will now also ask the Victorian supreme court to consider whether the girl and her family were falsely imprisoned.

On 2 August 2013, Burke tabled a statement that said he had determined three families would be moved from immigration detention into the community, because of their "individual circumstances" and because it was in the public interest. At the time the three families, including AS's, had been temporarily transferred to Darwin. AS's mother was about to give birth.

The immigration department advised Burke there were no security concerns with the families.

A 2016 departmental email noted the approved release was "part of the change of government push for the 2013 election".

"This was when the department was advised by the minister of the day that all UAMs [unaccompanied minors] and families with children were to be moved into community detention in a short time frame [10 days]."

The email said a referral was received on 23 August for the family's transfer and no ministerial intervention was received that might have prevented it. But the government changed after the election on 7 September.

The family was not released for another 15 months.

"We draw the conclusion minister Burke had authorised the family to go into community detention and we've seen nothing that revokes that," the principal lawyer for Maurice Blackburn, Jacob Varghese, told Guardian Australia.

"We're concerned as well that there was no lawful authority to hold them in detention ... There would have to be some sort of similar document from the next minister revoking it.

"We've been asking for it and it never turned up."

The lawyers had been examining alleged failures by the federal government and the immigration minister to provide adequate healthcare for children seeking protection in Australia, before the addition of the false imprisonment question.

"We're challenging the conditions in which people have been held in detention," Varghese said. "The prolonged detention obviously raises the standard of care you're going to have to provide."

Varghese said the government was "fighting hard" in the case.

"The Department of Immigration has sought to stonewall this case every step of the way, forcing Maurice Blackburn to seek court orders for access to the facilities on Christmas Island and to endure a prolonged fight to gain access to whistleblowers who feared prosecution under the Border Force Act," he said.

"In our view there are a number of very important questions that need to be answered by the commonwealth government and the minister for immigration with respect to these events."

In December the court granted witnesses in the case exemption from the secrecy provisions of the Border Force Act, which carry penalties of up to two years' jail for the disclosure of "protected information" by "entrusted persons".

The family in question was later released following another court case on behalf of more than 100 babies born in detention, including AS's brother.

The immigration minister has been contacted for comment.

<https://www.theguardian.com/australia-news/2016/sep/27/girl-held-in-detention-for-more-than-two-years-may-have-been-falsely-imprisoned-say-lawyers>

## **20. 'I do not deserve this,' pleads asylum seeker detained with violent criminals on Christmas Island**

Canberra Times  
September 27 2016 - 12:21 PM  
Michael Gordon

An asylum seeker who says he still suffers nightmares from the violence at Manus Island more than two years ago has been transferred from a Melbourne detention centre to Christmas Island to share a compound with some of Australia's most violent offenders.

The 26-year-old Iranian insists he has not been told why he was taken from his room at the Maribyrnong Immigration Detention Centre last week, handcuffed and sent to the remote Australian territory in the Indian Ocean.

"I'm under a lot of mental stress and physical pain as well," Spik (not his real name) told Fairfax Media by phone from Christmas Island. "I see no hope for the future and I do not deserve this."

The man was injured when Manus detainees were attacked by guards and locals in February 2014 and eventually transferred to Australia for surgery on his neck. He says he fears for his safety and requires further treatment after the surgery.

In the same compound on Christmas Island is another asylum seeker who was on Manus Island. "He is really in a bad condition mentally," Spik said. "It looks like he is also afraid. He doesn't come out of his room. He is not a normal human being any more."

Around 30 asylum seekers are being held at the Christmas Island facility with around 200 Australian residents who face deportation after being suspected or found guilty of serious offences. Immigration Minister Peter Dutton has said they include some of Australia's "most hardened criminals". Advertisement

Spik says he is in fear of the other detainees, who abused him when he tried to access the internet at the centre. "I don't associate with them because I'm very scared of them," he said. "When I go for the queue for food I have to wait until they go first and I go last."

The Immigration Department refuses to comment on "transfer arrangements" for detainees, but has told Fairfax Media: "Careful and appropriate consideration is given to the placement of all people in immigration detention. Detainees are placed in facilities that will best meet their needs and ensure the safe and secure management of detention facilities."

Supporters who visited Spik in detention in Melbourne are appalled by the decision to transfer him to Christmas Island. "I have visited him every week for over a year now," says Uniting Church minister Lisa Stewart. "He is one of the gentlest, kindest and most compassionate souls you can imagine."

"He is already very vulnerable, and susceptible to depression. It simply beggars belief that we would send him to a place that is designed to inflict further stress and harm on people like him."

Ms Stewart described Spik as a talented artist whose work was featured at an exhibition of art by detainees at Richmond's Gallery 314 in June.

"He was also pivotal in encouraging the others to rise above the deadening apathy and despair detention breeds to produce some wonderfully creative work. He was not granted permission to attend — none of them were — but his spirit permeated the whole exhibition," she said.

"Every cent of funds raised in his name from the art exhibition he sent to help support his mother in Iran."

"I think its absolutely absurd. He has no family no friends there. The only support he has is here," says Brianna Magdalani, another who has also been visiting Spik for a year.



Ms Magdalani says Spik's passion and positive attitude made him a role model for other asylum seekers in detention in Melbourne, but that his mental state has deteriorated dramatically since the transfer.

"Inherently cruel policies are being made even crueller by the way the government is choosing to implement them," says Daniel Webb, director of legal advocacy at the Human Rights Law Centre.

"Sudden and secretive deportations – ripping people away from the limited support networks they have, by force and under the cover of darkness – are incredibly traumatic for people.

"He just wants to be close to the friends he has made, to enjoy his art and to have a good night's sleep. Instead he's alone, indefinitely detained on a remote island, and afraid."

Spik says he had two interviews on his claim for refugee protection while in Papua New Guinea, but has not heard anything since he was transferred to Australia for medical treatment. He was in the Manus Centre when Reza Barati was killed and scores of asylum seekers were injured in February 2014.

"When the people attacked our camp I was hiding and I had a friend there and they were beating him up very badly so I went to his rescue," he said. "While I was trying to help, one of them hit me very hard and I fell over and hit my head and neck. That's why I still have pain."

Spik said he still had nightmares about the attack with "somebody is chasing me or trying to kill me", but had not sought counselling.

He aggravated the neck injury in the detention centre gymnasium and was flown to Port Moresby before eventually being transferred to Melbourne for surgery. A surgeon said two vertebrae were fractured but decided to remove one and assess his prospects. He was waiting to see the specialist when he was transferred.

He said he was not given time to collect her personal affects, or take the therapeutic pillow that made it easier to sleep.

Spik said it was possible he was being disciplined after a mobile phone and two pain killing tablets were found in his room.

He had been given the tablets by medical staff to relieve the pain in his neck, but had chosen not to take them because they upset his stomach and made him drowsy. "I decided to keep them for if I needed them," he said.

<http://www.canberratimes.com.au/federal-politics/political-news/i-do-not-deserve-this-pleads-asylum-seeker-detained-with-violent-criminals-on-christmas-island-20160927-grp92x.html>

## **21. Mojgan Shamsalipoor free from detention after two-year battle following Peter Dutton's surprise decision**

ABC Australian Story

By Kent Gordon

First posted Wed 21 Sep 2016, 11:37am

Updated Wed 21 Sep 2016, 11:38am

An Iranian refugee who was whisked away into detention in both Brisbane and Darwin as a teenager has been released today after fighting the case for almost two years.

Mojgan Shamsalipoor was released from the Brisbane Immigration Transit Accommodation (BITA) and into the arms of her husband, Iranian refugee Milad Jafari, and waiting family.

Australian Story understands Ms Shamsalipoor, 22, was released on a bridging visa and will live and work in Brisbane.

In a statement, a spokesman for Immigration Minister Peter Dutton said a number of "illegal maritime arrivals" had been released today.

"This is in line with the Government's decision to reduce the number of people in detention," the statement said.

"These people have been granted temporary bridging visas. All have been found not to be owed protection by Australia.

"They are not refugees and are expected to return to their countries of origin. They will not have access to permanent stay visas."

Lawyer Kevin Kadirgamar said the decision "finally brought a sense of fairness and justice" for Ms Shamsalipoor.

"This is recognition that she has never been a threat to the community and she has every capacity to be a productive member of society," he said.

"However, the bridging visa continues to place a shadow of uncertainty over her future in that the minister has not gone as far as allowing her the opportunity to reside in Australia permanently with her husband."

Mr Jafari said the family would take time to recover from the ordeal before hosting a party to celebrate Ms Shamsalipoor's freedom.

Ms Shamsalipoor's case galvanised the community at Brisbane's Yeronga State High School, where she was a student, which mounted a year-long campaign to get her out of immigration detention.

Supporters ranged from a legion of schoolgirls to politicians who raised the case in state and federal parliaments.

### ***Mojgan fled domestic violence, rape***

Ms Shamsalipoor fled Iran after enduring rape and domestic violence at the hands of family members.

She had also been forced to become the child bride of a 60-year-old man.

Her mother scraped together funds to send her to Australia, under the protection of her older brother.

Ms Shamsalipoor was 18 when she arrived on Christmas Island in 2012.

She applied for refugee status and while it was processed she was allowed out into community detention in Brisbane.

It was in Brisbane that she met her future husband, Mr Jafari, at a youth camp.

Mr Jafari and his family had been granted refugee status and he was attending Yeronga State High School.

Soon afterwards Ms Shamsalipoor and Mr Jafari moved in together and after two years they married.

When the Department of Immigration found Ms Shamsalipoor did not qualify as a refugee, she was taken back into detention at BITA.

<http://www.abc.net.au/news/2016-09-21/mojgan-shamsalipoor-released-from-detention-after-two-years/7864270>

## **22. Former guard at Melbourne immigration centre faces court over sexual assault allegations**

ABC News Online

By the National Reporting Team's Sam Clark

Posted Fri 23 Sep 2016, 2:15pm

A former Serco guard at a Melbourne immigration centre has faced court over multiple charges of sexual assault against an Iranian detainee and fellow guards. Theivigan 'Dave' Panchalingham is accused of three counts of intentionally touching a detainee in a sexual manner without her consent, and three of indecently assaulting two female co-workers.

Mr Panchalingham was employed by Serco as a guard at the Melbourne Immigration Transit Accommodation (MITA). He was sacked by Serco in December after the allegations of sexual assault were made against him.

He is accused of kissing the female detainee on the cheek and stroking her thigh and face in a sexual manner and without her consent.

Mr Panchalingham is also accused of asking a co-worker if he could massage her breasts and of pulling another colleague down onto him so that her breasts were in his face. In February, the ABC revealed that one of the alleged victims had disclosed the sexual assaults to a mental health nurse at the immigration centre and two days later Victoria Police took a statement from her.

The alleged offences took place between 2014 and 2015.

When the allegations against Mr Panchalingham were first revealed, a spokesperson for the Department of Immigration and Border Protection said that a security officer had been immediately stood down from duty and the alleged victim had been provided with medical support.

The case will be heard over five days at the Broadmeadows Magistrates' Court in February.

<http://www.abc.net.au/news/2016-09-23/former-serco-guard-accused-of-alleged-sexual-assault/7872780>

## 23. Indonesia arrests South-East Asia's notorious people smuggler 'Captain Bram'

ABC News Online

By political reporter Matthew Doran

First posted Sat 24 Sep 2016, 1:34pm

Updated Sat 24 Sep 2016, 9:41pm

Indonesian authorities have arrested one of South-East Asia's most notorious people smugglers, according to the Australian Government.

Abraham Louhenapessy, otherwise known as Captain Bram, was captured by Indonesian National Police in West Jakarta on Friday.

Immigration Minister Peter Dutton issued a statement about the arrest, and said Captain Bram had been involved in trying to smuggle people to Australia since 1999.

The Federal Government said it understood Captain Bram would be taken to the Indonesian island of Rote to face court on people smuggling charges, which could result in a 10-year jail term.

"He allegedly helped to smuggle people into Indonesia and out of Indonesia by providing a ship and he was also the captain of that ship," Indonesia's national police spokesman Boy Rafli Amar said.

The Indonesian police confiscated Louhenapessy's documentation, including his passport, along with flight tickets to Thailand, Kenya, Mali, Nigeria, France and the United Arab Emirates during the arrest, the spokesman said.

"We know that Captain Bram is a key player in the people smuggling networks across Indonesia, and we congratulate the Indonesian National Police on their determination to stop this criminal from risking the lives of anymore vulnerable people," Mr Dutton said.

"Cooperation with Indonesia is essential in shutting down the people smuggling trade, together we remain committed to stamping out people smuggling, and preventing people risking their lives."

Justice Minister Michael Keenan said he was "extremely pleased" the notorious people smuggler had been caught.

"I'd like to acknowledge the sustained efforts of the Indonesian Police in tracking down Captain Bram, but we know there are more criminal people smugglers out there, and we will continue to work with our regional partners to bring them to justice," Mr Keenan said.

The Federal Government maintained people who attempt to travel to Australia illegally by boat would not be settled in the country.

In 2010, Captain Bram walked free from jail, despite being convicted of trying to bring 250 Sri Lankans to Australia.

At the time Indonesia had no people smuggling laws, and he could only be convicted of minor maritime law offences akin to a licence infringement.

Captain Bram was handed a one-year suspended sentence, with 18 months probation and fined just under \$3,000.

<http://www.abc.net.au/news/2016-09-24/indonesia-arrests-south-east-asia-s-notorious-people-smuggler/7874608>

## 24. AFP, Indonesia mount case against South-East Asia's notorious people smuggler 'Captain Bram'

ABC News Online

By Indonesia correspondent Samantha Hawley

Posted Tue 27 Sep 2016, 5:24pm

Members of the Australian Federal Police have met with Indonesian authorities as they move to mount a case against one of South-East Asia's most notorious people smugglers.

Abraham Louhenapessy, or Captain Bram as he is otherwise known, was arrested in West Jakarta last Friday after a search spanning ten months.

It is alleged Captain Bram has been involved in smuggling more than 1,000 people to Australia since 1999.

He is being detained on Rote Island east of Bali for his alleged involvement in organising a failed asylum seeker journey to New Zealand in May last year.

The same journey later became the centre of the scandal involving cash payments allegedly made by Australian customs to the crew.

"The AFP personnel came to check the case," Police Chief Inspector Benediktus Min from the Rote Police told the ABC.

"And I told him that we've got a solid case and we must process him, we can't just sit on the case.

"The number one person on our wanted list was Captain Bram."

Captain Bram has been convicted for people smuggling offences before.

In 2010, he was released from jail after being convicted for trying to bring more than 200 Sri Lankans to Australia.

"He's done this repeatedly, he was arrested and processed by the Navy before," Inspector Min said.

"You can look him up online and see everything but we have got him now and we're going to prove that he committed this crime."

<http://www.abc.net.au/news/2016-09-27/afp-move-to-mount-case-against-captain-bram-people-smuggler/7882880>