

Project SafeCom News and Updates

Monday, 20 February 2017

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1. Alex McKinnon: Morrison and co are kneecapping my generation's future. And laughing about it
2. Australia becoming 'a more racist country', survey finds
3. Push to charge operators of private companies for alleged abuses on Nauru and Manus
4. International Criminal Court told Australia's detention regime could be a crime against humanity
5. Richard Ackland: 'Non-people', the bounds of humanity, and one person's story of survival
6. Media Release: Injunction Sought To Stop Immigration Seizing Phones from Onshore Detainees
7. Detainee wins court injunction to keep his phone
8. MEDIA RELEASE: Federal Court Injunction Granted To Stop Immigration Seizing Mobile Phones
9. Asylum seekers get to keep their phones
10. Immigration healthcare provider failed to run police checks on staff on Manus
11. Use of force and restraints against immigration detainees doubles in nine months
12. Department of Immigration wants to spend \$250 million on unprecedented office upgrade
13. Glimmer of hope for 10,000 refugees left stranded by Australia's inaction
14. Manus refugee who collapsed and died sought medical help 13 times in two months
15. Port Moresby hospital staff failed to attend to dying Hamid Kehazaei, inquest told
16. Australia to allow UN inspection of prisons and detention centres to stamp out torture
17. Peter Dutton seeking 'Trump-like' powers to target visa-holders from certain nations
18. Labor warns against giving Peter Dutton 'Trump-like powers' to scrap visa rights
19. Manus police want more officers on island as tension over refugee deal mounts
20. Manus Island authorities trying to deport Nepalese asylum seekers from detention centre, lawyer says
21. MEDIA RELEASE: \$20K bribes offered as Border Force threatens more Manus deportation
22. Papua New Guinea moves to deport up to 60 asylum seekers from Manus Island
23. Manus Island detention centre on high alert after escape during deportation attempt
24. UN alarmed at reports of forced deportations of Manus asylum seekers
25. Contractors arrive on Manus Island to interview refugees about US resettlement
26. Manus Island detention centre to close by year's end, inquest told
27. MEDIA RELEASE: Australian figures reveal US resettlement deal in tatters: over 400 places short
28. Turnbull rejects New Zealand's refugee offer to focus on US deal
29. Michael Gordon: Slow death on Manus, the sad story of Eaten Fish
30. Iranian refugee who sought asylum in Fiji expected to face Papua New Guinea court
31. Iranian refugee in PNG told he cannot receive hospital treatment until bail application is heard
32. Refugee Loghman Sawari granted bail in Papua New Guinea after charges
33. Nauru blocks Australia's immigration department releasing data requested under FOI
34. Women of Nauru: seeing my sons in a school uniform is my only dream
35. 'All is forgiven': Sri Lankan PM says returning asylum seekers won't be charged

1. Alex McKinnon: Morrison and co are kneecapping my generation's future. And laughing about it

A small opportunity to avoid a frightening world has been tossed away by this government and the lobbyists and financiers that they answer to

The Guardian
Friday 10 February 2017 15.14 AEDT
Alex McKinnon

Speaking in parliament on Thursday, treasurer Scott Morrison held aloft a large lump of coal and made the funniest joke he'll ever think of in his life.

"Mr Speaker, this is coal. Don't be afraid! Don't be scared! It won't hurt you." Morrison yelled at the opposition as his colleagues jeered and hooted behind him. It was a comedic performance on-par with the guy at an open-mic night who opens with a joke about women shopping, but the people in charge of running the world's twelfth-largest economy couldn't get enough.

Before launching into a tirade about how coal is the future of Australia's energy security, Morrison handed the dirty black lump to deputy prime minister Barnaby Joyce, who waved it around excitedly like a kid with a glowstick. It was an embarrassing and deeply depressing spectacle, but only surprising if you're new to the glorified sandpit that is question time or Australian politics in general.

Leaving aside the frightening implications of the fact that some of the country's most powerful people can find endless entertainment from waving a rock around, there are reasons why young Australians can't share in the mirth, besides Morrison's weak comedy chops.

We need no introduction to the breezy contempt in which the current government holds us. It's not like there's any shortage of evidence for it. We can see it in the breathtakingly patronising calls for young people to "get a job" while the government presides over some of the highest youth unemployment rates in 15 years. Or in the suck-it-up responses to the country's chronic and worsening housing affordability crisis.

Or in the constant, slow-burn war against the welfare state: the reaping of fake debt from poor people, the ongoing cuts to university funding, the imposition of humiliating, draining conditions and waiting periods to access basic services like Newstart even as Liberal politicians fight tooth and nail to preserve their lifetime travel bonuses.

As if they're not satisfied with making our present lives a misery, Morrison and co are doing their best to kneecap my generation's future as well. Malcolm Turnbull's government is almost as proudly negligent on the growing existential question of climate change as Tony Abbott's was. Morrison's little Punch and Judy show came as Australia's eastern states braced for a heatwave of unusual length and severity, at the end of a summer that is already – stop me if you've heard this one before – the hottest on record.

Today is my 26th birthday. According to current life-expectancy projections, I have about 55 years left – more than enough time to see what a world heated three degrees centigrade past 1950 levels looks like.

On the plus side, being forced to live in holes burrowed into the earth like they do in Coober Pedy will solve the housing crisis nicely. Still, I can't say I'm overly thrilled at the prospect of living in a world where tens of millions of displaced Bangladeshis fleeing their flooded country are turned back to drown in the Indian Ocean by Australian frigates. Or where deaths from heat stress – which already kills more Australians than all other types of natural hazards put together – reaches epidemic levels each summer. I genuinely wonder if having kids in a world like that is a good idea.

Morrison's performance in question time on Thursday will sit up there with the iconic photo of Liberal ministers gleefully embracing after voting to abolish the carbon tax in 2014 – another scene of blind, naked obscenity for people my age. Not because such scenes are degrading to our politics, or because they're funded by taxpayer's money, or because they're just plain stupid.

They're signs that the small opportunity we had to avoid a more brutal, cruel, frightening world is passing by, if it hasn't already – tossed away by this government and the nihilistic cabal of lobbyists, financiers and industry heavyweights it answers to, all so their laughter can mask the deafening buzz of their own inadequacy.

FULL STORY AT <https://www.theguardian.com/commentisfree/2017/feb/10/morrison-and-co-are-kneecapping-my-generations-future-and-laughing-about-it>

2. Australia becoming 'a more racist country', survey finds

ABC News Breakfast

Patrick Wood

Thu Feb 09 14:33:12 EST 2017

An increasing number of people think Australia is a racist country, according to a new survey.

The biannual Australian Reconciliation Barometer measures attitudes towards race and perceptions of reconciliation with Aboriginal and Torres Strait Islander communities.

It found both Indigenous people and the general community thought Australia had become a more racist place to live than just two years ago.

"Some serious issues ... underpin some of the areas of why we can't move forward fast enough as we battle through as a nation," Reconciliation Australia chief executive officer Justin Mohamed told ABC News Breakfast.

The survey, compiled last August, found 57 per cent of Indigenous people and 39 per cent of the general community thought Australia was a racist country.

This is up from 48 per cent and 35 per cent, respectively, in 2014.

Survey key findings

- Many Australians (57% Indigenous, 39% general community) agree Australia is a racist country
- In last six months, 46% Indigenous people reported experiencing at least one form of racial prejudice, compared to 18% for non-Indigenous
- Almost all Australians (97% Indigenous, 89% general community) believe the relationship is important
- Most Australians (93% Indigenous, 77% general community) agree Indigenous cultures are important to national identity

"What we're seeing since the first survey in 2008 just after the National Apology to Stolen Generations is that whilst we've maintained a lot of goodwill since then, we aren't moving fast enough on issues of racism and trust," Mr Mohamed said.

"This is holding all Australians back from having positive relationships with each other."

The survey also found that in the six months leading up the survey, almost half (46 per cent) of Indigenous Australians experiences at least one form of racial prejudice — up from 39 per cent in 2014.

Mr Mohamed said this was worrying on one level, but could also represent an increased awareness of what racism was.

"There's been a fair bit of education about what is racism and we've seen the ads on television [and] within public transport," he said.

"So I think people can call out racism or, when it happens, they say, 'Well, that's exactly what it is, that's racism'.

"But the other side of it too, I think if you look at especially the last two years, there's been a number of incidents happen on sporting fields [and] on social media, which really highlights that there is a problem within the nation that needs to be addressed."

Most Australians think reconciliation is important

Despite the increased perception of racism, most Australians believe the relationship between Indigenous and non-Indigenous people is important and reconciliation can be achieved.

It found 93 per cent of Indigenous people and 77 per cent of the general community thought Aboriginal and Torres Strait Islander cultures were important to Australia's national identity.

And a majority of people viewed the relationship between the two as important; however, the figures were slightly lower than the first 2008 survey.

"So the goodwill is there and people are saying that we do want to make sure we can be united as a nation," Mr Mohamed said.

However, he said there were still institutional barriers to reconciliation that needed to be addressed.

"Attempts to weaken legal protections under the Racial Discrimination Act are ongoing; Australia is yet to implement its international obligations under the United Nations Declaration of the Rights of Indigenous Peoples; and the Australian constitution still allows for racial discrimination in our nation's founding document," he said.

"The reality is that unless goodwill is followed through with significant reform at an institutional level, Australia will continue to fall short of its full potential as a reconciled nation."

<http://mobile.abc.net.au/news/2017-02-09/australia-is-becoming-a-more-racist-country-survey/8254592>

3. Push to charge operators of private companies for alleged abuses on Nauru and Manus

Canberra Times
February 13 2017 - 9:59PM
Daniel Flitton

Those running Australia's network of detention camps in the Pacific could be charged with crimes against humanity under a fresh push for international prosecutions.

A group of international lawyers lodged a 110-page submission at the International Criminal Court on Monday, urging prosecutors to urgently investigate conditions on Nauru and Manus Island.

The submission – co-ordinated by lawyers from Stanford University in the US and the Global Legal Action Network – is the latest and most detailed of a string of legal complaints about Australia's conduct.

A separate petition in November called for every Australian prime minister from John Howard onwards to be investigated for crimes against humanity in the treatment of asylum seekers.

Independent MP Andrew Wilkie also earlier asked prosecutors to investigate then prime minister Tony Abbott and then immigration minister Scott Morrison for the conduct of Operation Sovereign Borders, denying the referral amounted to a media stunt.

Mr Wilkie said in a statement to Fairfax Media on Monday he had continued to send material to the prosecutors at the ICC since he first referred Australian officials to the court in 2014.

Amy Maguire, a senior lecturer in international law and human rights at the University of Newcastle, said the different submissions all aimed to persuade prosecutors to take up the case.

But Dr Maguire said it really amounted to a pressure exercise, with no chance Australia would surrender officials for prosecution.

"We won't see Malcolm Turnbull in the international court. The aim is to force Australia to adopt a different policy," she said.

The latest submission draws heavily on reports over recent years of abuse and mistreatment in detention camps, but also includes fresh allegations from interviews by the lawyers with former detainees.

It adds up to what the lawyers claim is a crime against humanity – a "widespread or systematic attack against a civilian population in furtherance of a state policy designed to deter immigration to Australia".

The submission alleges physical and sexual abuse, including rape, is rife at the camps, with "inadequate, overcrowded, unsanitary and dangerous" conditions – allegations consistently denied by the Australian officials and the governments of Nauru and Papua New Guinea.

Lawyers have also taken aim at private contractors that run the camps on behalf of the Australian government, stating: "Companies contracted to operate these centres, namely Ferrovial, Wilson Security, and [International Health and Medical Services], are aware that their conditions are punitive and harsh – they are this way by design."

The submission also alleges a failing by Australia's courts in upholding legislation, "justifying the harsh and unlawful detention of refugees and asylum seekers". Determining a lack of local legal remedy is crucial for the international court to have jurisdiction.

The submission was being promoted in Australia by the activist group GetUp.

Fairfax Media asked the government if there had been any communication with the international court relating to the submissions, only for the office of Immigration Minister Peter Dutton to respond: "We are not going to comment on a publicity stunt, but let this be a warning to people donating to GetUp that you are being ripped off by these wacky causes."

The international court has been under strain in recent months, facing threats of withdrawal by Russia, South Africa and the Philippines, and criticism over slow proceedings.

<http://www.canberratimes.com.au/federal-politics/political-news/push-to-charge-operators-of-private-companies-for-alleged-abuses-on-瑙鲁-and-manus-20170213-gublsk.html>

4. International Criminal Court told Australia's detention regime could be a crime against humanity

Submission argues ICC should investigate possible crimes 'committed by individuals and corporate actors'

The Guardian
Ben Doherty
Monday 13 February 2017 19.00 AEDT

On Monday morning, GMT, a 108-page legal submission from the Global Legal Action Network (Glan) was submitted to the court, detailing what the network describes as the "harrowing practices of the Australian state and corporations towards asylum seekers". The petition submits the office of the prosecutor of the ICC should open an investigation into possible "crimes against humanity committed by individuals and corporate actors".

"As recent leaks reveal, these privatised facilities entail long-term detention in inhumane conditions, often including physical and sexual abuse of adults and children," Glan said in a statement.

"The conditions and resulting hopelessness have caused what experts describe as 'epidemic levels' of self-harm among those held on these islands. Based on original research, the communication is the most comprehensive submission on crimes against humanity perpetrated outside of context of war."

Heads of government and other state officials are not immune from prosecution by the ICC, but the prosecution of an Australian government official – either sitting or retired – would be unprecedented.

The prosecutor would need to be convinced Australia's crimes constituted "a widespread or systematic attack directed against any civilian population, with knowledge of the attack".

The operation of the International Criminal Court is governed by the Rome Statute, to which Australia, which controls the offshore detention regimes on Nauru and Manus, is a party.

Article 7 of the Rome Statute defines a crime against humanity as, among nine other offences, "deportation or forcible transfer of populations; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law".

Glan is a non-profit legal organisation, based in London and Dublin, pursuing legal actions to address human rights violations in the global south.

Since 2001, in two iterations, Australia has run offshore immigration centres on the remote islands of Nauru, in the Pacific, and Manus, part of Papua New Guinea. All asylum seekers who arrive in Australia by boat are sent to these islands. Plane-borne asylum seekers are not sent offshore.

Both island detention camps have been the subject of sustained criticism by the UN, human rights groups and other nations over sexual and physical abuse of those detained, including rapes, beatings and the murder of one asylum seeker by guards; child sexual abuse; chronic rates of self-harm and suicide; dangerous levels of sustained mental illness; harsh conditions; and inadequate medical treatment leading to several deaths.

In 2014, the independent member for Denison, Andrew Wilkie, wrote to the office of the prosecutor of the ICC, requesting it commence an investigation into Australia's offshore detention regime, alleging crimes against humanity in offshore detention.

About 2,000 men, women and children are now held on Nauru and Manus Island, about 1,500 of whom have been formally recognised as refugees – that is, they have a well-founded fear of persecution and cannot be sent back to their homelands.

Most have been held on the islands for more than three years, with no prospect of an imminent release.

The detention centre on Manus was found to be "illegal and unconstitutional" by the PNG supreme court more than 10 months ago, because it unlawfully deprived detainees of their constitutional right to liberty. The centre remains operational.

The detention centres are privately run under contract from the Australian government by the Spanish infrastructure giant Ferrovial, which took control of the Australian company Broadpectrum (previously known as Transfield) in May 2016. Ferrovial has indicated it will not run the camps after its contract expires in October.

Recent leaks from within the camps, such as the Guardian's Nauru files, have detailed chronic levels of physical and sexual abuse, especially of children, and widespread self-harm and suicide attempts. Two refugees set fire to themselves on Nauru last year, one of whom died.

Dozens of senior staff members employed in the two island camps have publicly detailed abuses on the island, including the former head of mental health services in Australian immigration detention centres Dr Peter Young, who said the detention environment was deliberately and "inherently toxic" and met the definition of torture. Traumatologist Paul Stevenson described the conditions in the camps as the worst "atrocities" he had seen in 40 years of trauma counselling.

In July, Guardian Australia revealed that the directors of Ferrovial had been warned by professors from Stanford law school that its directors and employees risked prosecution for crimes against humanity for supplying services to the camps on Nauru and Manus.

Diala Shamas, a law lecturer at Stanford's international human rights and conflict resolution clinic, said the submission to the ICC demonstrated that Australia's government officials, as well as some of their corporate contractors, might be liable for crimes against humanity.

"At a time when global powers including the United States are shutting their doors to refugees, it is crucial for international legal institutions to protect them," Shamas said.

Dr Ioannis Kalpouzos, a lecturer at the University of London's City Law School and chairman of Glan, said Australia's hardline policies on irregular migration were setting a dangerous precedent, with European countries seeking to follow its example.

"We are witnessing the normalisation of crimes committed against the world's most vulnerable population – refugees," Kalpouzos said. "The prosecutor must recognise the gravity of the situation and prevent this."

FULL STORY AT <https://www.theguardian.com/australia-news/2017/feb/13/international-criminal-court-told-australias-detention-regime-could-be-a-against-humanity>

5. Richard Ackland: 'Non-people', the bounds of humanity, and one person's story of survival

In another era this refugee – with his work ethic, his skills, his excellent English and his bravery – would have made Australia proud

The Guardian
Richard Ackland
Friday 10 February 2017 06.00 AEDT

Lunch with an Iraqi refugee at a Balmain pub provides much food for thought. His story is all the more telling at a time when the world has closed in on tens of millions of refugees and Australia's treatment of them has become a subject of international disgrace.

One person's story of survival at the hands of our wretched refugee policy might prove instructive. Let's call him "H" because our chat was on a no-names basis and the anonymity seems fitting in circumstances where the state prefers refugees to be non-people. Immigration officials had given our Iraqi the distinct impression that he might lose his temporary protection visa if he was blabbing to the media.

H ordered spaghetti and mushrooms because he wasn't sure that the hamburger meat was slaughtered according to halal conditions. Pauline Hanson's advice was sorely needed at this point.

H's temporary protection visa lasts for three years and expires in 2019. He doesn't know what happens after that. He can't get permanent residency because he arrived here in 2012 when the Gillard government was in the process of tightening refugee policy. He does, however, have Australian work rights, although jobs are elusive. He also tried unsuccessfully to get a safe haven enterprise visa that requires finding work in a regional area. He tried Nowra and Orange but couldn't land a job.

Needless to say, these arrangements create an immense amount of uncertainty and anxiety, with government support minimal or completely wanting – such is the bureaucratic sterility with which Australia engages – in denial of its obligations of refugee protection.

He's in his early 40s, speaks English clearly, having had his basic high school grounding improved while he was a member of the Iraqi army working for the ministry of defence in the Green Zone's joint operations centre in Baghdad. His last job in Iraq was as a colonel in the international joint operations centre handling personnel administration, records and payroll.

He has also worked in IT and, before the military, had a computer repair business in Baghdad.

It was his army service that caused his life to unravel because, like many Shia soldiers and officers, particularly those working in the Green Zone, he was targeted by what was then al-Qaida.

They wanted him as an informant and, when he resisted this invitation, he says his car was ambushed by gunmen one evening on the way home. He says it was only the will of God that he escaped the shower of bullets. He fled to stay with a relative in northern Iraq yet still wasn't safe. "If you work for the government, al-Qaida or Isis will target you."

With this threat hanging over his life he fled the army and technically has been awol ever since.

It sounds odd, but he visited a travel agent in the city of Erbil and was advised that Australia was the place to go – it was a big, empty country looking for cheap labour.

That was 2012, when our refugee policy was tightening up with the introduction of the no advantage rule recommended by the expert panel on asylum seekers. Certainly, the Australian government at that stage was not informing refugee organisations or travel agents in war-troubled countries that we were not looking for cheap labour.

It had never occurred to H to consider Australia as a place of safety. In fact, were it not for the likelihood that he could be killed, he did not want to leave his family in Iraq at all. He's now in the position that should he return home he faces jail for fleeing the army, or worse – he may find himself at the hands of militants.

European countries are now saying it is safe for refugees to return to Iraq and that could well play into minister Dutton's hands when reviewing TPVs when they expire. This strikes a bitter chord with H – any suggestion that Iraq is safe for him is a delusion. It is not uncommon for Shia officers from the Green Zone to be shot in the street.

The travel agent procured for him an Indonesian visa for the princely sum of US\$2,000, whereupon he flew to Jakarta and he quickly learned of a place in the city that served as a sort of transit home for people from Lebanon, Iran and Iraq.

"You can do anything in Indonesia, if you have money. Money is the law," he told me while he fiddled with his rapidly cooling spaghetti. People smugglers were everywhere and the comforting message they spread was that Australia is a place of safety and the government would look after refugees.

H says he knows dozens of people smugglers in Jakarta and would be quite willing to help the Australian federal police identify them, if this were a practical possibility.

For US\$7,000 he was put on a ridiculously overcrowded and unsafe boat, helpfully driven to the departure dock by people in police uniforms. The sea travel time was estimated to be 36 hours, or one and a half days, to get to an outlying Australian territory.

Instead, the GPS didn't work and four days later they were picked up in a shocking condition by an Australian navy vessel and told that they were actually heading towards Africa.

All the time H had fixed in his mind – "I'll be safe in Australia, they are good people, it is a big country, I will be welcome". He didn't reckon on the poor quality of our politicians, devoid of moral fortitude and initiative.

He was three weeks on Christmas Island and then spent four months in Curtin immigration reception centre in the Kimberley. "It was like a jail, with electric fences." Actually, he was fortunate to be there, because while on Christmas Island in 2012 quite suddenly a group of detainees was divided into two groups – some were given black bags, the others red bags.

He believed his destination might be Nauru or Manus Island, but a female officer told him not to worry since he had been given a black bag, which meant his destination was Curtin. At the time this seemed an arbitrary determination.

Conceivably, those who were sent to the island gulags are still there with their red bags, regardless of their refugee status.

Ultimately, H's refugee status was established and he waited for a visa in the western suburbs of Sydney, where a church group helped him resettle and where there was "no racism, no discrimination". A happy outpost of Christian-Shia enlightenment.

H has worked at various organisations that assist refugees such as the House of Welcome and Parliament on King.

He has undertaken voluntary training in Australia as an electrician and an aluminium window installer. He had a job driving trucks, for which he is vastly overqualified, until he was admitted to hospital with a soft tissue sarcoma behind his liver. He was operated on at Nepean hospital, which he regards as a wonderful, caring facility. "No discrimination, everyone is treated equally."

At the moment he's living in a room in a shared house about 25km from the centre of Sydney.

FULL STORY AT <https://www.theguardian.com/commentisfree/2017/feb/10/non-people-the-bounds-of-humanity-and-one-persons-story-of-survival>

6. Media Release: Injunction Sought To Stop Immigration Seizing Phones from Onshore Detainees

Sunday 19 Feb 2017

Refugee Action Coalition, Ian Rintoul
& Pamela Curr

Detainees in immigration detention face blanket removal of their mobile phones at midnight tonight, 19/2/17.

Lawyers at the National Justice Project, representing over 140 detainees are seeking an injunction in the Federal Court to prevent phone being seized.

What is at stake?

Border Force announced in November that phones and SIM cards of all detainees would be confiscated from midnight tonight. Detainees are concerned that mass searches will commence tonight. Advocates like Pamela Curr assert that the confiscations of personal property are illegal.

Who is Affected?

Asylum seekers in detention centres in Melbourne, Sydney, Yongah Hill and Christmas Island are threatened with confiscation of their mobile phones at midnight tonight, Sunday 19/2/17.

Until now people who arrived by air have had the right to mobile phones as long as they have no camera or recording facility. (People who came by boat have no right to a mobile for reasons never explained).

Border Force changes to existing policy would see all phones confiscated and anyone found in onshore detention with a phone potentially punished.

Why does this matter? Don't they have landlines?

Long term refugee advocate Pamela Curr says:

"Mobile phones are a legal lifeline. They are a preventative factor against dangerous health crises, depression and suicides.

"People in locked detention need mobiles to be able to contact a lawyer or migration agent for timely legal advice. It is essential that people make contact with legal advice as beyond these times the applications are out of time.

"Landline phones can be accessed if the person has a phone card which is purchased from the canteen with points but these phones are not private and can be closed down at any time. People need mobiles to talk to friends and family when they are feeling lonely depressed and hopeless.

"The MITA population has increased significantly but the number of interview rooms for legal representatives remains at two making it harder for lawyers to access their clients in time and leaving lawyers and migration agents to haggle for an interview space to see a client and prepare an application.

"Some report being given only one hour because of space restriction" , Ms Curr added..

Can this be stopped?

The National Justice Project's George Newhouse is seeking an injunction to the Federal Court to prevent phone removal today on behalf of all affected detainees. After more than 3 hours of legal argument, there is still no decision.

The action in the Federal Court follows the Federal Circuit Court granting of an interim injunction to one Villawood detainees on Friday.

Contact:

Ian Rintoul 0417 275 713 or Pamela Curr 0417 517 075

7. Detainee wins court injunction to keep his phone

LINDA SILMALIS
The Sunday Telegraph
February 19, 2017 8:03am

A FEDERAL government ban on mobile phones in onshore immigration detention centres has been dealt a major blow after a detainee won a court injunction to keep his phone.

The ban was instigated after a series of security breaches, including one detainee using his smartphone to import \$14,000 worth of the drug ice.

A federal-court decision on Friday to award a detainee the injunction has infuriated officials, who argue the bulk of detainees in onshore centres are criminals whose visas have been cancelled.

Sources said the detainee argued the department's decision to categorise mobile phones as contraband was in breach of the fundamental human right to freedom of speech, information and political communication.

It is understood up to 70 other detainees are seeking to launch similar legal action to stop the department from taking their phones.

The government had announced last year its plans to ban more than 1450 detainees living in 11 onshore detention centres, including Christmas Island, from using mobile phones as part of upgraded security measures.

The phones and SIM cards were to have been kept by authorities until their release.

In return for handing in their phone, detainees were to be given a \$50 credit card to make calls from centre landlines. That amnesty was due to expire today.

To date, there are 251 phones in the department's possession since the amnesty.

The ban followed a series of security incidents in detentions centres where detainees had used phones to plan riots, escapes or take part in criminal activity. These included the 2015 Christmas Island riots where mobiles were used to co-ordinate detainees in different compounds in real time, including the initial altercation.

This month, a detainee was caught using a mobile phone to co-ordinate an escape with external parties.

CCTV footage showed the detainee speaking on the phone before a car pulled up with its occupant throwing a rope over the fence. After scaling the fence, the detainee escaped in the waiting car.

Last December, a detainee was caught using his smartphone to make more than \$14,000 in drug deals, including importing the drug ice into the centre.

The source said many of the onshore detainees were "hardened" criminals and bikies who required a mobile phone to participate in illegal activities.

"We can't comment on matters before the courts, but the ... policy is important for the safety of detainees and ... the community," the source said.

<http://www.dailytelegraph.com.au/news/nsw/detainee-wins-court-injunction-to-keep-his-phone/news-story/5a98f865d524cb9ab27638cb8e501ea4>

8. MEDIA RELEASE: Federal Court Injunction Granted To Stop Immigration Seizing Mobile Phones

Refugee Action Coalition
Sunday, 19 February 2017
Ian Rintoul 0417 275 713
Pamela Curr 0417 517 075
George Newhouse 0422 551 109

An out-of-hours special Federal Court hearing today has granted an injunction to prevent Serco and Border Force from seizing mobile phones from detainees in onshore immigration detention, just hours before the order was to come into effect.

For more information contact:
Ian Rintoul 0417 275 713; Pamela Curr 0417 517 075; George Newhouse 0422 551 109

9. Asylum seekers get to keep their phones

AAP / news.com.au

February 19, 2017

Andi Yu, Australian Associated Press

Refugee advocates say about 80 asylum seekers won't lose their mobile phones following an injunction stopping Australian Border Force staff confiscating them.

Lawyers representing the asylum seekers detained in Melbourne, Sydney and regional Western Australia had launched a Federal Court challenge to the ABF's new policy of seizing all detainees' phones.

It was set to come into effect at midnight on Monday but the injunction granted on Sunday afternoon will allow asylum seekers to keep their phones until the case can be heard properly.

The Refugee Action Coalition called the decision a "great relief".

Refugee advocate Pamela Curr said male asylum seekers in Melbourne had been "very anxious and distressed" at the thought of being forced to give up their phones.

"Border Force are making it harder and harder for people in detention to have contact with the outside," she told AAP.

Not having a personal phone prevented an asylum seeker's ability to make contact with their family or a lawyer, Ms Curr said.

Detention centre land lines are difficult to access because of the language barrier and the need for a phone card.

"Who's going to show them how to find a phone card, how to make the calls and who to ring?" Ms Curr said.

"The mobile phone is a lifeline when you're in detention."

<http://www.news.com.au/national/breaking-news/asylum-seekers-get-to-keep-their-phones/news-story/d14f61a975d83a789fe776a7a9d1991e>

10. Immigration healthcare provider failed to run police checks on staff on Manus

Damning audit finds IHMS deployed four staff with outstanding checks and lost a working-with-children check

The Guardian

Paul Farrell

Thursday 16 February 2017 10.23 AEDT

The healthcare provider at Australia's offshore detention centres failed to undertake police checks for all medical staff on Manus Island and lost a working-with-children check, a damning audit has found.

Guardian Australia published a series of investigations in July 2015 about how IHMS provided healthcare services for asylum seekers.

Leaked documents showed IHMS failed to meet medical targets, included incorrect data in reports and admitted it was "inevitable" fraud would occur as it tried to meet government standards. The documents also raised concerns about failures to undertake working-with-children checks and police checks on Manus Island.

IHMS, a subsidiary of the global healthcare giant International SOS, has received more than \$1.6bn in government funding to provide asylum seeker healthcare in Australia and on Manus Island and Nauru.

The department commissioned three separate audits and reviews into the allegations, obtained under freedom of information laws by Guardian Australia, but resisted releasing the most serious findings against IHMS in the reports.

Following a review of the decision by the Australian information commissioner, the department has now released further details of the audits.

The audits conducted in August and September 2016 – two were internal and one was conducted by KPMG – contain adverse findings by the immigration department against IHMS including:

The quality of IHMS's reporting was often poor and relied on the department querying or discovering errors, and there was poor analysis and communication of data to the department.

- IHMS failed to provide evidence that data errors were reported to the department through its own initiative.

- IHMS filed incorrect monthly reports. The audits confirm that four staff were deployed in January 2013 to Manus without police checks. It then gave incorrect evidence to the review team in suggesting that the clearances were obtained six weeks after their deployment, when in fact they were outstanding to April 2013 and October 2013. IHMS also suggested it was not required to undertake police checks for foreign clinicians.
- IHMS lost a working-with-children check of one employee in Perth and failed to keep a copy on file.
- IHMS failed to provide evidence it provided appropriate vaccination coverage for children, child health milestones or specialist referrals.
- IHMS acted in a very aggressive commercial manner in executing its healthcare contract, and there were clear conflicts between clinical care and commercial objectives outlined.
- There was unclear coverage of code of conduct training by IHMS and limited fraud management.
- One of the internal reviews of the allegations by the detention health services branch found that: “The quality of IHMS’s reporting, at the time of the allegations, was sometimes poor and often relied on the department querying or discovering errors through its own quality assurance processes.”

“In relation to working-with-children checks, IHMS has been unable to provide evidence that the required check had taken place for one staff member in Perth. This is of major concern due to the potential impact this could have upon child detainees.”

It said that a “review of IHMS assurance processes and record keeping around working-with-children checks is warranted”.

The second review, an external audit by KPMG, also found that complaints by asylum seekers were “often buried in a health record”. It also reiterated concerns about vaccinations and healthcare milestones, and said that some recommendations from earlier internal audits had still not been implemented.

The review also found: “IHMS acted very commercially. If asked a question they would only answer the specific question, but not consider answering any potential follow-on question, unless asked.”

Despite the findings, the immigration department is still resisting releasing some of the most serious allegations of IHMS contained in the reports.

In a revised freedom of information decision letter, the department’s freedom of information officer wrote: “In this instance release of the information would reveal commercially sensitive information including the content of departmental discussion about a service provider’s (IHMS’s) performance.”

He wrote that the information could “adversely impact the working relationship between the department and the contracted service provider (IHMS) and jeopardise the ability of the department to obtain detailed information from any service provider when reviewing allegations of inappropriate conduct”.

Following Guardian Australia’s Healthcare in detention series, the National Audit Office initiated an audit of healthcare in Australia’s onshore detention centres.

The audit disclosed the department had fined IHMS \$300,000 for healthcare failings between July and December 2015 alone, and made a series of recommendations to improve healthcare service management by the immigration department.

The immigration department has faced other allegations of poor management in the past 12 months.

A further audit of the offshore detention centre management found the department spent \$2.2bn on its offshore detention regime without proper authorisation, and criticised the department’s management of the contracts.

IHMS said in statement: “Following the allegations published in the Guardian in 2015, IHMS fully cooperated with the department and provided a wealth of information to address those allegations. IHMS disputes several findings of the review and has raised its concerns with the department.”

The immigration department said that while the reviews found that there were instances of reporting errors and delays in addressing contractual compliance, there was “no evidence to support allegations of fraud”.

“The issues identified in the review have been addressed through a significantly strengthened performance management framework and through the implementation of a higher level of rigour around compliance monitoring of the immigration detention health services contract,” a statement said.

<https://www.theguardian.com/australia-news/2017/feb/16/immigration-healthcare-provider-failed-to-run-police-checks-on-staff-on-manus>

11. Use of force and restraints against immigration detainees doubles in nine months

Sydney Morning Herald
February 15 2017 - 12:15AM
Michael Koziol

The use of force and physical restraints in Australia's onshore immigration detention network has soared - more than doubling in just nine months - despite the prison population declining over the same period, internal documents reveal.

Prison officers used "force" an average of 230 times a week between February and April 2016, up from an average of 100 between August and October 2015, according to data obtained under freedom of information laws.

The Department of Immigration and Border Protection defines the "use of force" to include the deployment of mechanical constraints such as handcuffs and flexi-cuffs, as well as any instance where a guard "escorts a detainee by placing a hand on their arm".

In July 2014, force was used just 45 to 50 times a week on average, according to data previously obtained by Fairfax Media. Since, the population of Australia's mainland immigration detention facilities has fallen from about 2400 to 1700 in April, despite the use of force increasing five-fold.

At the same time, the documents show the department has successfully reduced the level of self-harm and violent assaults in mainland detention centres. Instances of self-harm dropped from 146 between August and October 2015 to 88 between February and April 2016.

The department said the increased use of restraints reflected a higher number of "movements" in the detention network, and a growing number of "high-risk detainees" with criminal histories and links to gangs.

"The increase in reporting of 'use of force' incidents does not equate to an increase of aggressive or violent behaviour within the detention network - rather it is the change in the way statistics regarding restraints are recorded," the department said.

"All instances where force is used are reportable - no matter how minor."

According to the DIBP's own analysis, the rates of minor assaults, serious assaults, sexual assault, threatened and actual self-harm have all fallen between 2014-15 and 2015-16.

Natasha Blucher, detention advocacy manager at the Asylum Seeker Resource Centre, accepted the department's advice that most uses of force against detainees are "routine" rather than violent. But she remained concerned that the immigration detention network had become more like the jail system since it was taken over by Australian Border Force in 2015.

Under a policy known as the "enhanced escort procedure", physically and mentally ill detainees are taken to off-site appointments in handcuffs or with a guard's hand on their person at all times.

"The notion of routine use of force is quite concerning," Ms Blucher said. "It results in people being too humiliated or too afraid to go to external medical appointments they need to attend, or people not attending their counselling appointments.

"It can be absurd at times - I've heard of elderly women and people in wheelchairs being escorted with a hand on them."

The "high-risk" population in immigration detention tends to be people who have had their visas cancelled under section 501 of the Migration Act following a criminal offence.

Ms Blucher said there needed to be more flexibility in the risk assessment of detainees rather than treating everyone as a criminal or potential escape. "It's being administered more and more like a punitive detention facility," she said.

The incident logs - covering nine months between August 2015 and April 2016 - were obtained from the immigration department seven months after Fairfax Media first lodged its FOI request.

Unlike the previous occasion on which Fairfax Media requested the same data, detailed summaries of the incidents were redacted from the files supplied by the department. It said the details could be used to identify individuals and were redacted for privacy reasons.

<http://www.smh.com.au/federal-politics/political-news/use-of-force-and-restraints-against-immigration-detainees-doubles-in-nine-months-20170207-gu7m5i.html>

12. Department of Immigration wants to spend \$250 million on unprecedented office upgrade

Canberra Times
February 15 2017 - 5:59PM
Adam Gartrell

Immigration bosses want to spend more than a quarter of a billion dollars revamping their Canberra headquarters in what is thought to be the most expensive office fit-out in Australian government history.

While the supercharged Department of Immigration and Border Protection - the result of a 2015 merger between immigration and customs - insists much of the \$255 million cost of its "Headquarters Project" will be rolled into the lease costs, the politicians asked to approve the plan have raised major concerns.

Under the proposal, the number of buildings the department inhabits in the national capital would shrink from 12 to five, with the main office located inside a new state-of-the-art structure next to Canberra Airport.

The fit-out would include "a unified watch floor, situation rooms, briefing rooms, incident rooms, operation planning rooms, associated intelligence support rooms, and surge rooms". The new building would include an armoury, conference and training facilities, evidence rooms and map rooms. The department envisions an "innovative" and "modern" new office with "large efficient floor plates to support future flexibility" and an open environment that will "promote collaboration and positive cultural renewal".

But it won't come cheap. The price tag for the 85,700 square metre multi-building fit-out suggests the renovations will cost nearly \$3000 per square metre - well above the \$1200 to \$1800 government average.

The government has budgeted \$22.6m for the fit-out, and another \$20.5m will come from the department's operating budget. The remaining \$212m will come from landlord "incentives", effectively meaning that cost will be incorporated into the lease arrangement with the government.

But Labor senator Alex Gallacher believes taxpayers will end up paying much more through hidden costs in the lease deal.

"Only half of the \$212 million is actually a lease incentive," Senator Gallacher revealed in the Senate on Wednesday.

"The other half is a loan - capital advanced up front by the landlord and amortised over the period of the lease."

A member of the Joint Parliamentary Standing Committee on Public Works - which has to approve the proposal before it can proceed - Senator Gallacher said the department has failed to answer simple questions about the proposal and points to its "unenviable record" of poor contract management and cost blowouts.

Taking the rare step of circumventing the committee to raise his concerns, Senator Gallacher said he wanted "full transparency" from the department.

"It is the biggest single fitout the public works committee has looked at in six years. We're probably going to find out it's the biggest single fitout of all time," he told the chamber. "And we're asked as a committee to just tick off \$250-odd million of expenditure because there's a lease incentive from a landlord?"

"Well I don't think we're going to do that."

Senator Gallacher was left furious last year when the Department of Finance told the committee a lease on its new state-of-the-art offices would cost \$194 million but the true cost was later revealed to be of \$376 million.

Turnbull government MP David Coleman also raised concerns about the lease incentives at a committee hearing last week.

"It is a lot of money. It suggests that the rent must be a very large number," he said to departmental officials. "It is only really truly a lease incentive if you are paying a low rate for the lease in the first place."

Officials were unable to tell Mr Coleman what percentage of the department's rent they would get back in the form of lease incentives, saying only "the rent rates per square metre are very competitive".

The department refused to reveal other details, citing commercial-in-confidence concerns.

The fit-out is due to begin in August this year and be completed by February 2021. The upgraded buildings would accommodate 6000 staff.

There will also be \$12 million worth of new security upgrades.

At the hearing last Friday, departmental officials said the cost per square metre of the fit-out would be approximately \$2250 - still well above average - but did not explain how they arrived at that figure.

The department had originally wanted to bring all its Canberra-based public servants under one roof but a successful lobbying effort from commercial interests at the department's present location in north Canberra forced a backdown.

<http://www.canberratimes.com.au/federal-politics/political-news/department-of-immigration-wants-to-spend-250-million-on-unprecedented-office-upgrade-20170215-gudfma.html>

13. Glimmer of hope for 10,000 refugees left stranded by Australia's inaction

A federal court verdict exposed how valid citizenship applications from people who arrived by boat were shunted into a drawer and ignored. Now the immigration department has to say what it is going to do about them

The Guardian
Ben Doherty
Thursday 16 February 2017 07.46 AEDT

Kyar was overjoyed to receive the letter, embossed with the coat of arms of Australia and the letterhead of the minister for immigration and border protection.

"On behalf of the Government and the people of Australia, I am pleased to inform you that your application for Australian citizenship has been approved," the missive read.

"The final step in becoming an Australian citizen is to make a Pledge of Commitment at an Australian citizenship ceremony. You will not be an Australian citizen until you make the Pledge.

"Generally, your citizenship ceremony will be scheduled within six months from the time your application is approved."

A Rohingya man from Myanmar, Kyar (not his real name, which is being withheld to protect him and his family) had spent his entire life stateless – belonging to no place and welcome nowhere. But now he felt, finally, at the age of 44, and 25 years after fleeing his homeland, that he would finally have a country to call his own.

"I have never been a citizen of anywhere in my life," Kyar tells the Guardian over sweet tea at a cafe near his home in western Sydney. "I have always been an illegal. I cannot describe the feeling of this letter. It felt like a new life to me, finally I could start my life, I could have a family, I could be safe and feel secure."

Kyar carries the letter to this day, carefully folded up in his wallet.

It is dated 11 November 2014.

Still Kyar is not a citizen of this, nor any other country.

Still Kyar waits.

Kyar is one of 10,231 people living in Australia who have qualified for citizenship but who have been denied it because they came to the country as "undocumented arrivals", the vast majority as refugees arriving by boat.

In December 2016 the federal court ruled the immigration department's policy of putting citizenship applications from boat-borne arrivals "in a drawer" where they were ignored, was not lawful, and ordered that the applications be properly assessed.

The challenge brought by two applicants for citizenship, known as F and G, is being viewed as a test case for Kyar and thousands of others similarly denied the right to become citizens of their adopted country.

FULL STORY AT <https://www.theguardian.com/australia-news/2017/feb/16/glimmer-of-hope-for-10000-refugees-left-stranded-by-australias-inaction>

14. Manus refugee who collapsed and died sought medical help 13 times in two months

Senate inquiry into offshore detention hears cases of asylum seekers and refugees waiting weeks or months for treatment

The Guardian
Ben Doherty
Friday 10 February 2017 07.41 AEDT

A refugee on Manus Island sought medical help 13 times in two months before he collapsed and died, the Senate heard this week.

In other cases detailed to a Senate committee inquiry into abuse, self-harm and neglect in offshore detention – established after the publication of the Nauru files by Guardian Australia – a 70-year-old refugee with a heart condition waited 20 days for a doctor's appointment, and a child refugee on Nauru possibly suffering from sexually transmitted disease was refused a medical transfer recommended by a specialist.

The committee heard evidence this week from senior immigration department officials about the standard of healthcare on the Australian-run offshore detention islands of Manus and Nauru, including details of the treatment and death of the Sudanese refugee Faysal Ishak Ahmed last December.

International Health and Medical Services, the department's healthcare provider, is contracted to provide, in offshore centres, "primary and mental healthcare services broadly comparable to Australian community standards".

Under questioning from the Greens senator Nick McKim, officials including the department's chief medical officer, Dr John Brayley, told the Senate that IHMS was meeting that obligation.

But the committee has heard evidence in submissions that for offshore patients the clinical opinion of doctors is regularly overruled, and that refugees and asylum seekers sometimes wait weeks or even months to see specialists.

Doctors for Refugees detailed the case of a child held on Nauru suffering suspected extra-pulmonary tuberculosis – or possibly yaws or syphilis, a sexually transmitted disease – who was recommended by a clinical professor in paediatric infectious diseases for transfer to Australia for further specialist investigation. The child was not transferred.

Another child was assessed by an IHMS psychiatrist on Nauru as having significantly impaired speech, fine motor skills and "global developmental delay". Doctors for Refugees strongly recommended an immediate transfer to Australia for specialist services but the child remains on the island and has not received specialist paediatric care.

The Australian Medical Association submission detailed the case of a 70-year-old Rohingya refugee who was sent to Port Moresby hospital for seven months, with "very little treatment available to him". He was then removed from the hospital without warning and taken back to the Manus detention centre, where he waited 20 days for a doctor's appointment.

He was diagnosed with a heart condition and high blood pressure. "His symptoms included extremely swollen feet and legs, and being unable to walk or stand for longer than a few minutes."

McKim cited a submission from the president of the Australasian College for Emergency Medicine, Prof Anthony Lawler: "ACEM considers there is no evidence that the healthcare provided in regional processing centres is at a standard which would be acceptable or expected for any patient in Australia."

On 22 December 2016, 27-year-old Faysal Ishak Ahmed suffered a seizure inside the Manus Island detention centre and fell, hitting his head. He was flown to Brisbane the next day but died on 24 December.

Ahmed saw a doctor the day before he collapsed but it is alleged he was told he was not unwell. He had sought medical attention in the detention centre 13 times in the two months before he died, the Senate heard.

The Labor senator Patrick Dodson told department bureaucrats it was deeply concerning that Ahmed could have presented to the Manus detention centre medical clinic so many times – "up to 20 times" in the six months before he died – "and no one's come to a view that there's something seriously wrong".

Brayley said: "This case raises questions about diagnosis and decisions."

A witness to Ahmed's collapse said he had been removed to the voluntary supported rest area – usually used to protect people experiencing mental health episodes – complaining of chest pains.

"Another patient heard him saying, 'I cannot breathe, my heart has stopped,' and shortly afterwards he fell down on his forehead with thick liquid and water came out through his nose and mouth," the witness said.

The Queensland coroner is conducting an inquiry into Ahmed's death.

Before he died, fellow Sudanese refugees inside the detention centre were so concerned by his repeated seizures and collapses that they wrote a letter outlining months of escalating health complaints which, they said, had been ignored by medical staff.

FULL STORY AT <https://www.theguardian.com/australia-news/2017/feb/10/manus-refugee-who-collapsed-and-died-sought-medical-help-13-times-in-two-months>

15. Port Moresby hospital staff failed to attend to dying Hamid Kehazaei, inquest told

Doctors and nurses seemed not to comprehend that asylum seeker was critically ill, even as alarms sounded on his medical equipment

The Guardian

Ben Doherty

Monday 13 February 2017 18.40 AEDT

Staff at Port Moresby's Pacific International hospital appeared not to comprehend that Hamid Kehazaei was critically ill and dying, leaving him unattended even as the life-saving machines he was attached to were "alarming", an inquest into his death has heard.

Kehazaei died in Brisbane in 2014 after a treatable infection in his leg deteriorated to a sepsis that caused him to go into cardiac arrest.

The inquest, now in its third week of evidence, has heard of a chaotic scene at Port Moresby's premier hospital.

Two days after falling ill on Manus Island, and having declined precipitously, Kehazaei was flown by air ambulance to Port Moresby on the evening of 26 August, in defiance of doctors' recommendations he be taken straight to Brisbane.

Kehazaei was critically ill, unconscious and with dangerously low oxygen saturation in his blood, but it was more than two hours before he was intubated at the hospital, the inquest heard.

"The doctors at PIH appeared unaware that a critically ill patient was arriving – it took about two hours to rally the senior staff and intubate the patient. This should have occurred virtually on arrival," a reviewing doctor told the coroner.

The Pacific International Hospital has declined to cooperate with the coronial inquest, being held in Brisbane.

The coroner heard on Monday that Kehazaei's condition worsened dramatically at PIH. In an extraordinary intervention, an International SOS specialist emergency medical team – in Port Moresby to treat Australian federal police officers, not asylum seekers – was called to the hospital to care for Kehazaei.

A member of that team, nurse Robert Miazek, recalled walking into the room to see Kehazaei "in serious distress".

"When I went into the room, I saw the patient in a bed on left-hand side. I immediately noticed alarms going off, both the ventilator was alarming and the monitor with patient's vital signs was alarming. There was a nurse stood on the other side of the bed, not attending the patient, and there was a female – either a nurse or doctor – local national, standing at the foot of the bed."

Miazek told the court neither of the two staff members was attending the patient. He said he went into "life-preservation mode".

The ventilator was found to be broken and was not giving Kehazaei sufficient oxygen – as a result Kehazaei was turning blue. Miazek said when he reached for the "ambu-bag" – a bag-valve mask used to manually ventilate a patient – it had a hole in it.

"There was a tear in the ambu-bag, basically it was useless to me. The bag was broken."

Kehazaei went into cardiac arrest and required more than an hour's resuscitation to keep him alive.

One of the health professionals who helped resuscitate Kehazaei was nurse Cher McIntyre, who was employed by International Health and Medical Services, not in a clinical role, but in a coordinating logistical role for the detention health services provider.

She told the coroner she was so concerned by the lack of care being provided to Kehazaei that she and a colleague went to a nearby hotel looking for the AFP emergency medical team so that they could take over his care.

She told the coroner the staff at Pacific International Hospital left Kehazaei unattended for significant periods of time. "They did not seem to understand the seriousness of the condition."

Counsel for Doctors for Refugees, Gerard Mullins, put to McIntyre that Kehazaei's care was "woefully inadequate and endangering his life".

"That is correct," McIntyre said.

Late last year, two weeks of evidence before Queensland state coroner Terry Ryan heard Kehazaei suffered from inadequate treatment on Manus Island because crucial clinical machines were broken, there were insufficient medicines to treat him and orders from doctors to nurses were ignored.

Much of the coronial inquest has focused on the systemic bureaucratic delays in moving asylum seekers from offshore detention to hospital. Kehazaei was not moved off Manus Island for more than 60 hours after he first presented as unwell at the detention centre clinic, and more than 36 hours after his urgent transfer was first requested by doctors.

Kehazaei's medical transfer was delayed because bureaucrats in Canberra resisted doctors' recommendations to transfer him, and because emails seeking approval for his flight were not read for more than five hours.

Several doctors have told the coroner they faced political pressure not to remove patients from PNG to higher-level care.

The Australian government maintains that asylum seekers and refugees in offshore immigration detention receive healthcare "broadly comparable to the Australian community". The immigration minister at the time of his death, Scott Morrison, said Kehazaei received "outstanding" healthcare.

Kehazaei's name is more accurately translated to the spelling Khazaei, but he is referred to in government and court documents by the former spelling.

Kehazaei fled Iran in April 2013, after facing increasing repression from that country's theocratic regime. He arrived on Christmas Island by boat in August 2013, and was forcibly removed to Manus Island in September.

<https://www.theguardian.com/australia-news/2017/feb/13/port-moresby-hospital-staff-failed-to-attend-to-dying-hamid-kehazaei-inquest-told>

16. Australia to allow UN inspection of prisons and detention centres to stamp out torture

Canberra Times
February 9 2017
Daniel Flitton

Independent inspections at youth prisons or immigration detention centres will be permitted after the Turnbull government pledged to ratify a United Nations treaty in a bid to stamp out torture.

The decision comes just two years after then prime minister Tony Abbott complained "Australians are sick of being lectured to by the United Nations" when the government was found in breach of an anti-torture convention.

The treaty - which Attorney-General George Brandis said should be ratified by December - will allow "unrestricted access" for international UN inspectors to enter any prison or place in Australia "where people are deprived of their liberty".

The move quickly kicked off legal debate over whether this will extend to Australia's offshore detention camps in the Pacific.

The treaty also calls for local inspectors in Australia to be granted powers for sweeping independent assessments of prisons, police cells and immigration facilities.

The treaty was actually signed in 2009 - "that was three prime ministers ago," Senator Brandis told a human rights forum in Canberra on Thursday - but has languished in the years since without being implemented.

The decision to ratify comes at a sensitive time after revelations of abuse last year at the Don Dale youth detention centre in Darwin led to the establishment of a royal commission.

It also follows recent strife in Victoria's juvenile prisons and persistent reports of cruel treatment of people held in offshore immigration detention camps.

Australia is also bidding for a three-year seat on the UN Human Rights Council in an election to be held later this year.

Human rights lawyers hailed the move as a "critical step" and declared that if properly implemented, the treaty should lead to greater oversight of conditions at the Australian-run detention centres on Nauru and Manus Island.

"Under international human rights law, governments are responsible for what they do, regardless of where they do it," said Hugh de Kretser from the Human Rights Law Centre.

Senator Brandis said the Nauru and Manus Island facilities are operated by the respective governments.

"On the face of it, it will only apply to Australian detention centres - including Christmas Island, of course," barrister Julian Burnside told Fairfax Media.

"But if an international body wanted to assert that Australia runs the detention centres in Nauru and Manus, then the obligations would run to those places."

"But we know how Abbott responded the last time a [UN] special rapporteur said we were in breach of our obligations under the Convention against Torture."

Elaine Pearson from Human Rights Watch Australia said obligations should apply to both onshore and offshore facilities.

"Though the cynic in me says they will hide behind the argument that people are no longer 'detained' on Manus and Nauru due to slightly freer conditions of movement and also continue to hide behind sovereignty of Papua New Guinea and Nauru," Ms Pearson said.

The treaty - known as the "Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", or OPCAT - is aimed at creating greater oversight for detention facilities across the globe.

Ben Saul, a professor of international law at the University of Sydney, said the new measures would make oversight of Australian detention more systematic and regular.

But he said it would be meaningless if the government did not act on the recommendations of inspections.

"This government has flatly rejected hundreds of previous UN findings about mistreatment in detention. It would be a miracle if the leopard changed its spots," Professor Saul said.

The UN human rights chief last year declared he was shocked by the abuse at Don Dale and called for compensation.

Senator Brandis said ratifying the treaty would not mean taking away authority or responsibilities from states or territories.

"This will be an important reaffirmation of Australia's deep commitment to preventing torture and other mistreatment in our places of detention," he said.

<http://www.canberratimes.com.au/federal-politics/political-news/unrestricted-access-australia-to-allow-un-inspection-of-prisons-and-detention-centres-to-stamp-out-torture-20170209-gu996s.html>

17. Peter Dutton seeking 'Trump-like' powers to target visa-holders from certain nations

Canberra Times
February 8 2017 - 6:57PM
Michael Koziol

Immigration Minister Peter Dutton is seeking what the Labor opposition calls "Trump-like" powers to target foreign nationals and require them to revalidate their visas.

The proposed Migration Act amendments would allow Mr Dutton to compel entire groups of visa-holders to pass a revalidation check, based on their nationality, place of residence or travel history.

Elements of the bill have been criticised by numerous legal experts for being "too broad" and handing "excessive discretion" to Mr Dutton without parliamentary checks.

Labor had originally signalled its intent to support the bill - to be debated on Wednesday - but has now decided to oppose it unless the offending elements are removed.

It sets up another potential showdown over national security and immigration, with the government likely to paint the opposition as weak on potential border security risks.

The controversy stems from Schedule 1 of the bill, which gives the minister discretion to require "a class of persons" to revalidate their visa if it is "in the public interest".

The minister could refuse to revalidate the person's visa if the minister were in possession of "adverse information" relating to the person - a broad and undefined term.

The bill's explanatory memorandum stipulates the minister may consider public health and safety, national security, Australia's economic wellbeing or the circumstances in a person's home country when making their decision.

Mr Dutton says the bill is necessary to facilitate the introduction of longer-term visas, such as a 10-year multiple-entry visitor visa for Chinese nationals.

But legal experts and now Labor have questioned why the minister's powers to compel revalidation have been extended to all visa types.

The bill allows Mr Dutton to "identify any group of people based on a shared common characteristic or circumstance", such as whether the group:

- Holds a particular passport.
- Lives in a particular country.
- Lives in a particular state or province within a country.
- May have travelled through a particular area during a particular time.
- Applied for the visa during particular dates.

Labor's immigration spokesman, Shayne Neumann, said Mr Dutton was making a Donald Trump-esque bid to target people from particular regions of the globe, referring to the US President's recent executive order on immigration.

"Labor cannot give Trump-like powers to a man that has such a high desire to see a divided Australia," he said.

"Labor won't support a bill that could see whole groups of people targeting based on their place of birth, passport or religion.

"This minister cannot be trusted with wide-ranging, unfettered powers over the visas of whole groups of people."

But the Turnbull government says the changes would actually encourage more people to come to Australia and make it easier for them to travel back and forth frequently over a 10-year period.

"This will result in a significant reduction in red tape for low-risk, high-volume travellers to Australia," Mr Dutton told Parliament in October. "It is an example of how we are making the visa process for travellers easier, and seamless."

In a submission to a Senate inquiry, the Law Council of Australia warned the bill granted the minister powers that were "too broad" and undermined the normal checks and balances built into the Migration Act.

At the moment, the minister has the power to cancel a visa on character or emergency security grounds. But the test of "adverse information" prescribed by the new bill appears to go much further.

LCA president Fiona McLeod SC told Fairfax Media the bill was "the widest expansion of the minister's powers to cancel visas" since the introduction of the character test, and had "obvious potential for abuse, arbitrary decision-making and injustice".

The powers granted to the minister by the bill would not be subject to disallowance in the Senate. Instead, he or she would be required to table a statement of their reasons in both houses of Parliament within six months.

Mr Dutton told Parliament last year: "A serious incident overseas, for example, may create a situation where it is in the public interest to reassess a number of longer-validity visa holders' individual circumstances."

In response to the Law Council, the Department of Immigration and Border Protection said the minister's powers were "intended to be broad" to ensure flexibility with other visa classes that may be introduced in the future.

The department said the scope of the term "adverse information" was broad in order to "allow for flexibility in addressing future changes in both domestic and global circumstances".

The Parliament would be able to disallow a certain class of visa being subject to the law, the department said.

<http://www.canberratimes.com.au/federal-politics/political-news/peter-dutton-seeking-trumplike-powers-to-target-visaholders-from-certain-nations-20170208-gu89p7.html>

18. Labor warns against giving Peter Dutton 'Trump-like powers' to scrap visa rights

Opposition criticises amendments to Migration Act that would give immigration minister power to require 'specified class of persons' to have visas rechecked

The Guardian
Paul Karp and Australian Associated Press
Thursday 9 February 2017 06.19 AEDT

Labor fears proposed new laws could exclude entire groups of people from living in or travelling to Australia based on their religion or nationality.

The opposition has likened amendments to the Migration Act, being debated in parliament, to US president Donald Trump's temporary immigration ban.

A section of the bill would give the immigration minister, Peter Dutton, the power to require a "specified class of persons" to undergo visa revalidation checks if it was in the public interest.

That group could be identified based on whether they hold a particular passport, live in a particular state, province or country, may have travelled through a particular area or applied for a visa during certain dates. Dutton could then refuse to revalidate the visa if there was "adverse information" relating to the person

The minister could invoke the power if it was "in the public interest" – a broad term that could take into account public health and safety, national security or Australia's economic wellbeing.

Labor's immigration spokesman, Shayne Neumann, said the opposition could not support a bill that could see people targeted on the basis of their place of birth, passport or religion.

"The measures ... will give the minister unfettered power to target whole groups of people for extra scrutiny and visa suspension through the revalidation process," he told the lower house on Wednesday night.

"Labor cannot give Trump-like powers to a minister who has such a high desire to see a divided Australia."

Neumann said it was "extraordinary" that the measure had no genuine parliamentary oversight and could be abused to pursue a political agenda. He said the minister already had the power to cancel visas on a number of grounds, including national security.

"These measures and the targeting of people should be of concern to everyone in Australia."

Dutton told ABC's AM that Labor had no objection to the bill, including at a Senate inquiry, until the last 24 hours and labelled it a "mendacious" distraction. He said it applied to those from China on 10-year visitor visas, which had only recently been extended from three years or six months.

"What we've said is during that period of 10 years if somebody, for example, commits a criminal offence or they are put on a terrorist watchlist then we reserve the right to go back and have look at their details and stop them from coming to our country."

Dutton said it was "rubbish" that there was no parliamentary oversight because the Senate could disallow the regulation.

He explained the second element of the bill allowed the government to put a suspension on migration when it was in the public interest, such as if there were an Ebola or bird flu outbreak in China or "another Tiananmen Square" that caused people to travel to Australia en masse. "Eg Ebola or Bird Flu in China, if we saw people come in mass numbers ... could put in place suspicion until conduct orderly migration process."

Labor MP and counter-terrorism expert Anne Aly told the House of Representatives it was not smart, prudent, nor effective to grant the minister "disproportionate" powers to execute what is effectively "travel bans" to a group of visa holders without necessary parliamentary oversight.

She said in times of growing discontent around the world, populist politics and immigration bans, Australia needed to be vigilant about the country's bipartisan commitment to a non-discriminatory immigration program. "[The bill] could potentially ... exclude entire groups of people and visa holders on the basis of ethnicity or on the basis of country of origin or on the basis of some other tenuous characteristic without scrutiny and without accountability," she said.

Dutton, when introducing the bill last October, said the measure was being introduced to help manage the risks of a proposed new 10-year visitor visa.

Two other changes to the act are also being debated, including one that will enable the use of contactless technology to clear travellers through Australia's SmartGate immigration clearance system.

Labor supports the other two amendments, but – unless they are split up – will vote against the bill as a whole.

<https://www.theguardian.com/australia-news/2017/feb/09/labor-warns-against-giving-peter-dutton-trump-like-powers-to-scrap-visa-rights>

19. Manus police want more officers on island as tension over refugee deal mounts

ABC News Online

By PNG correspondent Eric Tlozek

Monday 6 February 2017, 3:01 am

Police in Papua New Guinea are requesting extra officers be sent to Manus Island to deal with asylum seekers at Australia's offshore detention centre.

Manus Province police commander David Yapu has asked for 15 extra officers to be stationed at the naval base next to the detention centre.

Police are arresting an increasing number of asylum seekers on the island, and many people on Manus are worried about what will happen if the proposed resettlement deal with the United States falls through.

Tension has been rising on Manus Island for months, with local people upset at the actions of some asylum seekers, and asylum seekers frustrated by the continuing uncertainty about their resettlement in the US.

Senior Inspector Yapu said he did not have enough officers to deal with any potential problems at the detention centre.

"We currently have only 55 police and when you look at the asylum seekers it's about 800-plus," he said.

Seven asylum seekers have been arrested and charged in the past month for various offences, ranging from rape to drunk and disorderly conduct.

Senior Inspector Yapu said 39 asylum seekers faced court on Manus in 2016.

"My prediction is that by end of 2017 we should reach about 50 or 60 that have gone through the court," he said.

Refugee says police 'pressuring' them to return home

Some of the asylum seekers who have been charged accused police of using excessive force, or arresting them without cause.

One said he and friends had been arrested for drunk and disorderly conduct when they had simply asked police for a lift.

A refugee — who asked to remain anonymous — said he suspected police were trying to intimidate asylum seekers to return to their countries of origin.

"They give mental pressure to us willing [us] to go back to our own country," the refugee said.

"Because they already show how they treat people here, so people pass the message, 'this police station and prison is very horrible, so no-one go there because they treat [people] very harshly'.

"They're threatening our mind. If you did something, you are put in prison."

Senior Inspector Yapu said the refugee's claims were not true.

"We do not intimidate, we do not issue threats, that is not our business," he said.

PNG told refugee resettlement deal still going ahead

US President Donald Trump's comments on the potential resettlement of asylum seekers from Australia's offshore detention centres have increased the feeling of frustration on Manus Island.

While they wait for the President's decision, refugees are still being offered resettlement in PNG, and more than 20 men are now working in major centres like Port Moresby, Goroka or Kokopo.

Most refugees however, remain reluctant to leave Manus. "Here not proper job. Living cost of Manus and other parts of PNG, it's not possible for Western country people and other Asian peoples [to] live here, because their culture is different and their living style is different," a refugee said. "So we don't accept to settle here, so we looking for a third country."

Those who remain on the island are waiting for a pre-screening team to visit later this month. PNG immigration officials said they had been told the US resettlement was, at this stage, still proceeding.

<http://www.abc.net.au/news/2017-02-06/manus-police-want-more-officers-to-deal-with-asylum-seekers/8241720>

20. Manus Island authorities trying to deport Nepalese asylum seekers from detention centre, lawyer says

ABC News Online

By PNG correspondent Eric Tlozek & Stephanie Anderson

Thursday 9 February 2017

The lawyer for asylum seekers in Australia's offshore detention centre in Papua New Guinea says PNG immigration authorities have begun removing men from the island so they can be deported.

Immigration authorities have previously said they were preparing to deport 163 men whose refugee claims had been rejected.

The men's lawyer said at least one Nepalese asylum seeker was removed from the centre in the early hours of the morning so he could be flown to Port Moresby then back to Nepal.

Other detainees said a second Nepalese man was also taken from the centre but escaped and is now being pursued by police on the island.

The men's lawyer, Ben Lomai, said there were major problems with the assessment process, and the Government should not be deporting people until they are resolved.

"It's a concern that some of them, not all of them, but some of them or even a few of them may not have been assessed properly," he said.

The asylum seekers, lawyers and human rights advocates have raised concerns about the refugee determination process on Manus Island, which was not overseen by the United Nations.

Catherine Stubberfield, from the UN's Refugee Agency, said a review of all cases should be done before any deportations begin.

"UNHCR has long expressed concern that some asylum seekers currently in Papua New Guinea may have erroneously been denied refugee status, including those who have not engaged in the process given grave protection and mental health concerns," she said.

"Deportations must not take place, including for rejected asylum seekers, until an appropriate review of each individual's circumstances has been concluded."

About 30 asylum seekers refused to give their claims to PNG authorities for processing.

Most were given an arbitrary "negative" status, including the vulnerable witness to the murder of Reza Barati, Benham Satah.

"Some of these people are genuine people. They've marks of physical injuries on their body to these assessors, but they failed to cross check [that] information and then give them a favourable response," Mr Lomai said.

'Tensions are running hot', Greens say

Behrouz Boochani, an Iranian journalist detained on the island, described the attempted deportations as an attack.

Posting on Twitter, Mr Boochani added that one man escaped while another had been "taken".

Comment has been sought from Immigration Minister Peter Dutton.

Greens senator Nick McKim called on the Australian Government to intervene, saying the people on Manus Island were Australia's "moral and legal" responsibility.

Senator McKim told the Senate action was needed to avoid increasing tensions within the centres.

"This is a situation that has already inflamed tensions, which were already at very high levels," he said.

"We do not want to see violence in these centres, but I do have to say that tensions are running very hot".

Attorney-General George Brandis dismissed his comments, saying the people subject to deportation were not refugees.

"I am advised that every single individual subject to these removal proceedings is a person whose claim to refugee status has been processed and rejected," he said.

<http://www.abc.net.au/news/2017-02-09/manus-island-deportation-detention-centre-asylum-seeker-lawyer/8254630>

21. MEDIA RELEASE: \$20K bribes offered as Border Force threatens more Manus deportation

Friday February 10, 2017
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

Australian Border Force officials have threatened to deport more Nepalese asylum seekers from Manus Island unless the asylum seekers agree to "voluntarily" return home.

The asylum seekers were told if they are forcibly deported they will get nothing, but if they agree to go voluntarily they will be paid up to \$15,000.

The ABF offered between \$20,000 and \$25,000 for each asylum seeker if they will go in a group.

In a grotesque Dutch auction with the lives of the asylum seekers, ABF officers told the group that another asylum seeker will be singled out for deportation in the next day or two and then another one. After that, they will call another meeting to see who is willing to go home, but the amount offered to return will be less.

Meanwhile there is no sign of the Nepalese asylum seeker who escaped the PNG police in the early hours of 9 February when they raided the Manus camp in the early hours to remove two Nepalese men.

"Contrary to Peter Dutton's comments on Lateline, the Australian government is directly involved in the drive to deport asylum seekers from Manus Island," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"Almost a year ago, the PNG Supreme Court ruled that asylum seekers had been unlawfully sent to Manus Island and ordered that the detention centre be closed. Rather than abide by the PNG Supreme Court order, the Australian government continues to violate the asylum seekers' human rights.

"The government is holding people illegally and they are now compounding their crimes by trying to illegally deport people.

"With the US resettlement deal collapsing around their ears, the government needs to act quickly to evacuate Manus and Nauru and bring all the asylum seekers and refugees to the mainland."

For more information contact Ian Rintoul 0417 275 713

22. Papua New Guinea moves to deport up to 60 asylum seekers from Manus Island

Canberra Times
February 7 2017 - 11:56AM
Michael Koziol

Lawyers for rejected asylum seekers at Australia's offshore detention centre on Manus Island will this week move to stop their imminent removal from Papua New Guinea, following reports up to 60 were slated for deportation.

PNG newspaper The Post Courier on Monday reported the government had sought travel documents for 60 people whose asylum claims had been denied, with a view to deport them to their home countries within a few weeks.

Separately, Ian Rintoul of the Refugee Action Coalition told Fairfax Media he had a list of about 40 asylum seekers who were targeted for removal, though he expressed doubt the PNG government would actually deport them.

"At the moment I think it's largely an attempt to get people to go voluntarily," he said. "I doubt they're going to try to remove such a large number in a week. They've been ratcheting up the tension [to] coerce them into signing to go."

Last week, five asylum seekers who were found not to be owed protection accepted a \$20,000 offer to voluntarily return to Nepal, Mr Rintoul said. But about 170 rejected asylum seekers remain on Manus Island, refusing to leave.

The PNG lawyer representing the asylum seekers, Ben Lomai, said he would file an urgent application this week to injunct any deportations until a separate bid to have the asylum seekers brought to Australia is heard in court.

Mr Lomai said his clients were worried they may face persecution back in their home countries, despite having their asylum claims knocked back. Many of those decisions had not yet been subject to judicial review, he said.

While the Turnbull government is confident of its resettlement deal with the US for those found to be owed asylum, PNG has been left to deal with the smaller contingent of asylum seekers whose claims have been rejected.

Of particular concern are the Iranians, the largest group, because Iran has long refused to accept any person who is repatriated involuntarily. It confirmed that position as recently as March, despite attempts by Australia to strike a deal.

One such person is the Iranian asylum seeker and cartoonist known by pen name Eaten Fish. The 25-year-old, whose real name is Ali, suffers severe mental illness and has been on a hunger strike for one week, according to advocates.

The PNG Supreme Court ruled in April that the indefinite detention of asylum seekers on Manus Island was unconstitutional and therefore that the processing centre must close, increasing pressure on Australia to find a solution.

The position of the Australian government is that those found not to be refugees should return home, and those found to be genuine should resettle in Nauru or PNG, or a third country such as the US where a deal is struck.

PNG's acting chief migration officer Solomon Kantha said on Monday: "Non-refugees who do not elect to depart voluntarily will have their departure enforced, consistent with PNG domestic legislation and our international obligations."

"[PNG] is actively seeking travel documents for these non-refugees, and is in the advanced stages of planning the removal of this group, which currently numbers 168 persons," Mr Kantha reportedly told PNG's The Post Courier.

"Travel document applications have been lodged with respect of 60 persons, and as a result it is expected the first removals will commence in a few weeks, with these continuing on a regular basis as travel documents are issued."

<http://www.canberratimes.com.au/federal-politics/political-news/papua-new-guinea-moves-to-deport-up-to-60-asylum-seekers-from-manus-island-20170206-gu6mju.html>

23. Manus Island detention centre on high alert after escape during deportation attempt

Attempt to deport two Nepalese asylum seekers results in one escaping as Papua New Guinea finalises travel documents for those found not to be refugees

The Guardian
Ben Doherty and Helen Davidson
Thursday 9 February 2017 12.39 AEDT

The Manus Island detention centre is on high alert after a botched attempt to deport two asylum seekers on Thursday morning.

Between 4am and 5am, up to 10 Papua New Guinea police, accompanied by Wilson Security guards, attempted to take two Nepalese asylum seekers for forced deportation. One was taken for deportation, the other escaped and is in hiding.

Both the men have been given "negative" assessments by PNG's immigration authority, meaning they did not meet the threshold of a "well-founded fear of persecution" required for refugee status.

Nepalese asylum seekers held on Manus Island have reportedly come under significant pressure to return to their homeland voluntarily. Some have reportedly been offered up to \$20,000 to go back.

Five voluntarily returned last week. It is understood about 12 Nepalis remain in the detention centre. Most have been there more than three years.

The PNG government announced this week it was finalising travel documents for deportation of the first 60 of 168 people in the centre found not to be refugees.

PNG acting chief migration officer, Solomon Kantha, said it was a step in the process of closing the centre, as ordered by the PNG supreme court last year, the Post Courier reported on Monday.

"They will not be resettled in PNG. Voluntary departure is encouraged and supported with an assisted voluntary return program administered by the International Organisation for Migration," said Kantha.

"Non-refugees who do not elect to depart voluntarily will have their departure enforced, consistent with PNG domestic legislation and our international obligations," he said.

Kantha said the forced removal of the 60 people would begin in the next few weeks, "continuing on a regular basis" for the others as documents were organised.

About half of the 168 male detainees who have been denied refugee status are from Iran, a country that refuses to accept the forced return of its citizens.

Behrouz Boochani, an Iranian refugee and journalist on Manus Island, said: "This morning at 4am, PNG police and immigration attacked Mike compound and woke up two Nepali guys to deport. They took one of them while he was crying and the other one escaped and now is lost.

"We don't know where they are now. The Nepalese asylum seekers were under a lot of pressure for a long time."

Boochani said the entire detention centre – currently holding more than 800 men across four compounds – was nervous about future forced deportations.

Immigration officials returned to the compounds on Thursday morning to hand down further negative assessments.

"People with negative status are in shock and they are trying to know what exactly will happen. The prison is in shock. It is too much scary for them."

The men's lawyer, Ben Lomai, said the deportations should be halted until major issues with the assessment process had been addressed.

"It's a concern that some of them, not all of them but some of them or even a few of them may not have been assessed properly," he told the ABC.

Greens senator Nick McKim accused the PNG authorities of having "trashed the human rights of detainees who remain Australia's moral and legal responsibility in the context of international law".

McKim told the Senate on Thursday morning the deportations and alleged threats by private guards "that they would be back to take them out later" was further inflaming tensions at the centre.

"We do not want to see violence in these centres but I do have to say tensions are running very hot in the Lobrum centre," he said.

The attorney general, George Brandis, said the men identified for deportation were not refugees and their rights were not being violated.

"I am advised that every single individual subject to these removal proceedings is a person whose claim to refugee status has been processed and rejected," said Brandis.

"The country to which they make that claim has every right under international law to return them to their country of origin."

The Australian Department of Immigration and Border Protection has been contacted for comment.

<https://www.theguardian.com/australia-news/2017/feb/09/manus-island-detention-centre-on-high-alert-after-escape-during-deportation-attempt>

24. UN alarmed at reports of forced deportations of Manus asylum seekers

Canberra Times
Thursday February 9 2017
Michael Koziol, Michael Gordon

The United Nations refugee agency has expressed alarm at reports that Papua New Guinea has begun forced deportations from Australia's offshore detention centre on Manus Island.

An attempt to remove two Nepalese asylum seekers from the island was made early on Thursday morning. It is understood one of the men was awaiting deportation, while the other managed to escape and has now disappeared.

While the claims for refugee status by both men had been rejected, the UNHCR has repeatedly advised immigration authorities in PNG and Australia that a number of decisions to refuse protection may have been erroneous.

"UNHCR has particularly voiced its concerns that asylum-seekers may not have been able to engage in this process for a range of valid reasons, and particularly given serious mental health concerns," Catherine Stubberfield, the agency's regional external relations officer said.

"Any deportations prior to a thorough, appropriate review would run a very real risk of returning people to danger."

Refugees at the centre say the move is part of a deliberate strategy to intimidate those with negative assessments to voluntarily return to their countries of origin.

Behrouz Boochani, an Iranian refugee and journalist on Manus Island, said the detention centre was in a "big shock" and after local police and immigration officials came for the two men at about 4am on Thursday.

"Immigration have started to hand out negative status papers to asylum seekers. Too many officers were with them, they were knocking on doors to wake people and tell them: 'Go back to your country'," Mr Boochani said.

According to the latest monthly update by Operation Sovereign Borders, 689 refugees have been given a positive final determination on Manus island, while 225 asylum seekers have been given a negative final determination. The vast majority have been on Manus for more than three years.

Attorney-General George Brandis told Parliament those being deported were asylum seekers whose claims had been processed and rejected, and therefore PNG had every right under international law to return them to their country of origin.

"That is what the New Guinean authorities are doing," he said.

It came after Greens immigration spokesman Nick McKim said the forced deportations had "trashed the human rights of detainees who remain Australia's moral and legal responsibility".

Police and private security guards had "frog-marched" the asylum seekers from the facility "under the cover of darkness", Senator McKim said.

PNG authorities have offered \$20,000 to rejected asylum seekers who return to their home country voluntarily, and it is understood five Nepalese men took up the offer last week.

The Australian and PNG governments must also deal with those asylum seekers from Iran - the largest contingent - who will not be accepted by Iran unless they return voluntarily.

<http://www.canberratimes.com.au/federal-politics/political-news/un-alarmed-at-reports-of-forced-deportations-of-manus-asylum-seekers-20170209-gu97vp.html>

25. Contractors arrive on Manus Island to interview refugees about US resettlement

ABC News Online

By PNG correspondent Eric Tlozek

Posted Tues Febr 14, 2017, 3:38pm

A team of contractors has arrived on Manus Island to begin interviews with refugees about resettlement in the United States.

Refugees inside the detention centre said the team, from the Bangkok-based Resettlement Support Centre East Asia, arranged interviews with 20 refugees a day and was staying for one month.

The interviews are the first step in the resettlement process.

An information sheet given to the refugees said interviews with Homeland Security officials would follow.

"The RSC will prepare your case for the Department of Homeland Security interview by collecting and verifying information about you and your family," it said.

The information said the contractors would inform refugees about the success of their applications after their interviews with US Homeland Security.

It said they had 90 days to appeal the decision.

There are roughly 860 men still on Manus Island, of whom at least 669 have been give a "positive" refugee status determination, according to Australia's Department of Immigration and Border Protection.

The refugee deal struck between the Obama administration and Turnbull Government covers approximately 1,250 refugees.

However, late last month US President Donald Trump said he was still considering whether to honour the deal, saying if it went ahead, it would only be because of America's "longstanding relationship with Australia".

The State Department later clarified, saying refugees would be eligible to enter the US but it would have to be in accordance with Mr Trump's immigration order which has since been suspended.

<http://www.abc.net.au/news/2017-02-14/usrap-contractors-arrive-on-manus-island--begin-refugee-process/8270094>

26. Manus Island detention centre to close by year's end, inquest told

Senior Australian government bureaucrat tells Hamid Kehazaei inquest Papua New Guinean government wants centre closed before 2018

The Guardian
Ben Doherty
Wednesday 15 February 2017 18.41 AEDT

The Manus Island immigration detention centre is slated for closure by the end of 2017, a senior Australian government bureaucrat has told a court.

"The Papua New Guinean high court [sic] has indicated that they want it closed, and certainly the indications from the government are that they are looking that the facility should be closed by the end of this year," Paul Douglas, assistant secretary with the Australian Department of Immigration and Border Protection, said in evidence before the Queensland coroner.

Douglas's comments coincide with efforts inside the Australian-run detention centre to escalate forcible deportations from the island, as well as ongoing interviews with US officials about resettlement in America.

Douglas, the former chief medical officer for the department and now assistant secretary of the health policy and performance branch, was appearing at the coronial inquest into the 2014 death of Hamid Kehazaei, who died from a treatable infection contracted at the Manus centre.

In the context of Kehazaei's death and efforts to prevent more fatalities in offshore detention, Douglas was asked what the Australian and PNG governments' plans were for the Manus facility. Douglas said "nothing is firm" about the proposed closure, but that it was intended for the camp to be shuttered by the end of the year.

"That's what we are working towards."

Previously, the PNG and Australian governments, while agreeing the Manus detention centre would be shut, have consistently refused to nominate a timeframe for its closure.

"That's a matter for the government of Papua New Guinea," the Australian prime minister, Malcolm Turnbull, said when asked in November 2016 how quickly he intended for the Australian-run detention centre to be shuttered.

PNG's prime minister, Peter O'Neill, has demanded the closure of Manus, saying it was a "problem" that had damaged his country's reputation. Visiting Canberra last year, O'Neill said it was up to Australia when Manus would be closed, but that the camp could not continue indefinitely.

But both governments may have a timeline imposed upon them: the company contracted to run the Manus detention centre, Spanish conglomerate Ferrovial, has said it will not run the camps beyond the expiration of its current contract in October, and has refused to bid for an extension of its offshore work.

In April last year, the PNG supreme court ruled the detention centre was "illegal and unconstitutional" and must close.

A further supreme court challenge seeks the return of the 945 men currently held on Manus Island to Australia and compensation for their ongoing illegal and indefinite detention.

Most of the men held on Manus have been there more than three years. The vast majority of those assessed – 669 of 859, or 78% – have been found to be refugees and are legally owed protection.

A total of 168 men have been found not to meet the refugees convention threshold for protection.

The PNG and Australian governments have recently ramped up efforts to encourage asylum seekers to voluntarily abandon their protection claims, as well as forcibly deporting asylum seekers who have been denied refugee status.

The Australian government is offering asylum seekers up to \$20,000 to voluntarily depart PNG and return to their country of origin.

For those who refuse to go voluntarily, PNG acting chief migration officer, Solomon Kantha, has said his department is preparing travel documents for the forced deportation of the first 60 of 168 people in the centre found not to be refugees.

"They will not be resettled in PNG. Voluntary departure is encouraged... non-refugees who do not elect to depart voluntarily will have their departure enforced, consistent with PNG domestic legislation and our international obligations," he said.

Kantha said the forced removal of the 60 people would begin in the next few weeks, "continuing on a regular basis" for the others as documents were organised.

About half of the 168 Manus detainees who have been denied refugee status are from Iran, a country that refuses to accept the forced return of its citizens.

Also on Manus Island, interviews for refugees seeking resettlement in the United States have begun.

The resettlement support centre, contracted by the US state department, has started preliminary interviews. Subsequent security interviews will be conducted by the US Department of Homeland Security.

The beleaguered US-Australia refugee resettlement deal proposes the resettlement of up to 1,250 refugees from Australia's offshore detention centres to America.

The US president, Donald Trump, has described the agreement, brokered by his predecessor, as a "dumb deal" and the "worst deal ever", but government officials insist it will be upheld.

However, the deal does not oblige the US to accept a single refugee, only that it consider applications, and the US administration has promised that all applicants from Australia's offshore islands would be subject to an as-yet-undefined "extreme vetting" process.

<https://www.theguardian.com/australia-news/2017/feb/15/manus-island-detention-centre-to-close-by-years-end-inquest-told>

27. MEDIA RELEASE: Australian figures reveal US resettlement deal in tatters: over 400 places short

Tuesday February 7, 2017
Refugee Action Coalition
Ian Rintoul
mobile 0417 275 713

According to the latest update from Operation Sovereign Borders, the combined number of refugees on Nauru and Manus Island is 1678.

<http://newsroom.border.gov.au/channels/Operation-Sovereign-Borders/releases/operation-sovereign-borders-monthly-update-january-3>

The White House spokesperson is reported as saying the agreement between Australia and the US is for 1250 refugees.

The number of recognised refugees on Nauru grows each day as more determinations are handed down. There are also over 300 asylum seekers from Nauru and Manus presently in Australia who are yet to receive their refugee determination.

Given the current figures, there is no resettlement place for over 400 refugees.

"It is increasingly clear that the US deal is a fiction," said Ian Rintoul, spokesperson for the Refugee Action Coalition. "The Prime Minister needs to come clean on the exact details of the deal. So far we have been fed half-truths. The US deal is a mirage that is going to mean that people seeking asylum and refugees are going to be in limbo for many more months and probably a more than a year, if the deal goes ahead at all."

"Governments ministers have stated that 'extreme vetting' is continuing on Nauru. But there have only been preliminary interviews. Nobody on Nauru has had a security interview. The process has stalled."

The Refugee Action Coalition is one of the 70 organisations that signed the Open Letter...

<http://www.refugeecouncil.org.au/media/open-statement-calling-immediate-action-offshore-detention/>

...calling on Prime Minister Turnbull and Opposition leader Bill Shorten to immediately evacuate Nauru and Manus Island and bring all the people safely to Australia.

For more information call Ian Rintoul 0417 275 713

28. Turnbull rejects New Zealand's refugee offer to focus on US deal

Canberra Times / Bloomberg
February 19 2017 - 1:33AM
Jackie Edwards

Australian Prime Minister Malcolm Turnbull said he has turned down an offer by his New Zealand counterpart to take 150 refugees from Australia's offshore detention camps, opting to concentrate on its pending deal with the US.

"This offer from New Zealand has been available for some time," Turnbull said on Saturday in Queenstown, New Zealand.

"It is one we appreciate but our focus is on completing the arrangements with the United States."

Prime Minister Bill English revealed the longstanding proposal remains on the table after his first formal catch-up with his counterpart.

US President Donald Trump earlier this month criticised the plan Australia signed with the Obama administration to send more than 1,000 refugees to the US for resettlement. Trump in a late-night tweet said he would study the "dumb deal."

Prime Minister Bill English brought up New Zealand's longstanding proposal to take in refugees during a visit by Turnbull.

<http://www.canberratimes.com.au/federal-politics/political-news/turnbull-rejects-new-zealands-refugee-offer-to-focus-on-us-deal-20170218-gug4r5.html>

29. Michael Gordon: Slow death on Manus, the sad story of Eaten Fish

Canberra Times

February 17 2017 - 1:21PM

Michael Gordon

It was just another hot and humid day inside the Manus Island detention centre, more than 12 months ago, until a large group of detainees began gathering near the fences that separate the two biggest compounds.

"That always means a new worry and I went to see what was happening," explains Behrouz Boochani, a Kurdish Iranian journalist who remains in what he calls the Manus Prison.

What he saw was a skinny young man collapsed on the ground and surrounded by security guards. He looked more like a little boy, with an angelic face and long curly hair.

"Seeing him on the ground like that affected me profoundly and I kept thinking about him until I saw him next in the medical centre," says Boochani. This time, the young man was trembling in a corner, a security guard sitting either side of him.

His name was Ali, though many of the asylum seekers called him "Little" or "Kocholo", the Persian word for small. It wasn't until later that Boochani knew him by the pen name he gave himself when he was plucked from the ocean on the way to Australia, Eaten Fish.

He had just turned 22 when he arrived at Christmas Island in August 2013, two weeks after Kevin Rudd declared that no asylum seekers who arrived by boat would ever be settled in Australia as refugees. Advertisement

Even then, it was clear that Ali was different. "Eaten Fish is always wearing plastic gloves," says Boochani. "He is not only scared to touch people, but also things, even doors. Everyone knows him as a young man who is always washing his hands or cleaning his room."

He also had a talent for drawing, and aspired to be a cartoonist in Iran until a cartoonist friend was arrested and taken away. And there was another thing. Something very bad had happened to him when he was very young.

In conversation with trauma worker Janet Galbraith, he had referred to himself at times as "Little Ali", who was 11 and good, and 12 and bad. "I asked if he wanted to tell me what happened when he was 11 and he said he couldn't," says Galbraith.

It took Eaten Fish a while to tell Galbraith that something very bad had happened to him inside the Manus detention centre, too: he had been the victim of a prolonged sexual assault by several detainees and he was too scared to make a complaint because he did not trust the guards.

"I could tell that something had happened as Ali was quite altered," Galbraith wrote in a private note last April. "His anxiety was extremely high and his Obsessive Compulsive Disorder also exacerbated. His showering was extreme and he was sending me messages saying he scrubbed and scrubbed until he bled."

It was Galbraith, who started the group called Writing Through Fences to give asylum seekers in detention a voice, who put Eaten Fish in touch with the Guardian Australia cartoonist First Dog on the Moon.

And it was First Dog on the Moon, aka Andrew Marlton, who encouraged Ali in his art and helped introduce his cartoons to the world. "It was very strange to be mentoring someone who is essentially in a gulag," say Marlton, who was struck from the start by the naïve immediacy of the work.

"We have talked on and off on a regular basis over the last couple of years while he's wasted away, along with 900 other men on Manus Island. The cruelty he faces on a daily basis would have killed me two years ago, I can tell you."

Last August, Eaten Fish was awarded the courage in editorial cartooning award by the Cartoonists Rights Network International, who praised his ability to "keep up a stream of cartoons documenting the unspeakable abuses and excesses of the guards and administrators of the camp".

"I congratulated him and I remember that, for the first time, I saw great happiness in his face," says Boochani, whose work as a journalist, writer and advocate on Manus Island has also won international recognition.

But the joy was fleeting as a cup of tea. Ali's medical records chronicle his deteriorating mental health, his terror at the prospect of another sexual assault, the fear of harassment and bullying by certain guards and his difficulty living in an isolation unit, the only place his safety was assured.

It was in May last year that Ali moved to the area reserved for those with acute mental health or protection needs, where his every move is monitored. The notes of consultants report how Ali continued to find his situation "perplexing and upsetting", and how he saw "escape or death as a realistic solution".

In October came a removal order signed by Papua New Guinea's immigration minister, Rimbink Pato, followed by a notice from PNG's Immigration and Citizenship Service Authority that Ali had been determined not to be a refugee.

This came as no surprise to Galbraith or Susan Ditchfield, a GP whose first contact with him was through Doctors for Refugees.

"Ali was unable to complete the refugee status determination process because of his illnesses and the panic attacks that were triggered each time he was expected to speak of what happened to him in Iran," says Galbraith. "Rather than being an indication of his not being a refugee, this was an indication of how unwell he is."

Then, on Christmas Eve, came the news that Faysal Ishak Ahmed, a 27-year-old Sudanese refugee, had died from injuries suffered after he fell inside the isolation area not far from of Ali, who witnessed the frantic efforts of a doctor to save him.

Ali saw Ahmed taken away and was asked to sign a statement about what he saw, but he did not know of the death until he received a message from Galbraith that night. An hour later he began working on four-part cartoon that told the "true story of Faysal", completing the task at 7am on Christmas Day.

He called it "Happy Bloody Christmas", and told how helpless he felt ("I could feel the pain he had inside but I could not do anything to help him") and expressed his anger at the ambivalence of the guard who told the doctor Ahmed had been "doing fine" before he fell ("Why would he say he was doing fine? He was not fine.")

A couple of weeks later, Ali sent me a message introducing himself and offering a cartoon called 'How people die in Offshore processing centre' that attempted to sum up the utter hopelessness of the situation he and many other detainees face on a daily basis.

Then, on January 29, he was told his allegations of sexual assault and abuse had not been substantiated and that he would be returned to the main compound where he says his attackers and harassers remain, prompting his decision to begin a hunger strike.

"Eaten Fish has received a deportation order, but he wants people to know that he is not on hunger strike for that reason," the Greens' Scott Ludlam told the Senate this week.

"He is on hunger strike because he has been the victim of sexual assault, chronic sexual harassment and abuse in Australia's immigration prison camp. He cannot bear the suffering anymore."

Galbraith and First Dog are in daily contact with him, but so far have been unable to convince Eaten Fish to eat. In messages to me, Ali says he now weighs 46.7 kilos, which he says is close to the weight of Bobby Sands, the Irish nationalist, when he died in prison in 1981.

For First Dog, it is a bizarre experience, chatting on a messaging app to someone who is withering away. "I tell him you'll get so weak that you won't be able to talk to me any more, and then you'll really be alone, so I want you to understand that that's coming," he says.

FULL STORY AT <http://www.canberratimes.com.au/federal-politics/political-news/slow-death-on-manus-the-sad-story-of-eaten-fish-20170216-queqa4.html>

30. Iranian refugee who sought asylum in Fiji expected to face Papua New Guinea court

Loghman Sawari, 21, who was processed in the Australian-run Manus Island detention centre, is charged following his deportation from Fiji

The Guardian
Helen Davidson
Sunday 5 February 2017 17.48 AEDT

Loghman Sawari, the refugee who was deported back to Papua New Guinea after he attempted to seek asylum in Fiji, has been arrested and charged in Port Moresby.

The 21-year-old, who was mistakenly sent to Manus Island at the age of 17 despite being an unaccompanied minor, and who was later left homeless on the streets of Lae, has been charged with falsifying passport documents, it is understood.

Last week Sawari had fled to Fiji, claiming he could no longer survive in PNG. He intended to seek asylum, however on the way to a meeting with immigration officials he was stopped by police and bundled into a car, his lawyer told Guardian Australia.

He was put on a plane back to PNG, but managed to call at least two people before it took off.

In an audio recording obtained by Guardian Australia, he pleaded for help and said “dangerous people” were trying to hurt him and send him back.

A number of reporters and human rights observers were waiting for his plane at Port Moresby’s airport on Friday, but he was detained by authorities and questioned for several hours.

It is understood he has been charged and is being held at a Port Moresby police station before a bail hearing in court on Monday.

The ABC reported Sawari faces charges which carry up to a six-month term in prison.

Human rights groups condemned the actions of Fijian authorities, noting that the Pacific island nation was a signatory to the UN refugee convention.

“Loghman is a young man who fled persecution in Iran. He has been found to be a refugee. Australia didn’t respect his rights, and now Fiji is failing to do so,” said Kate Schuetze, Amnesty International’s Asia Pacific researcher.

The Fijian government said he was deported for failing to lodge an asylum claim on arrival, however Sawari’s lawyer said his client had arranged a meeting with immigration officials and they were on the way when he was arrested.

Aman Ravindra-Singh told a press conference he had an agreement with Fiji’s immigration director that Sawari would present his claim for asylum on Friday morning.

“We took the date as Friday, which was mutually agreed by the director ... I proposed Friday and it was accepted, in good faith, because I had to gather the documents to support his application.

“We had to bring in documents from PNG, we have to bring in documents from Australia and that was very important and we kept to our timeline, we did not ask for an extension and we were on our way this morning to Suva, to meet with the director to present our application for asylum.”

Sawari – an Ahwazi Arab who fled Iran after his two brothers were imprisoned and tortured by the Iranian regime and a cousin was publicly hanged for his opposition to the government – was found to be a refugee while detained on Manus Island.

<https://www.theguardian.com/australia-news/2017/feb/05/iranian-refugee-who-sought-asylum-in-fiji-expected-to-face-papua-new-guinea-court>

31. Iranian refugee in PNG told he cannot receive hospital treatment until bail application is heard

ABC News Online

By Joy Kisselpar

Thursday February 9, 2017

An Iranian refugee who was deported from Fiji to Papua New Guinea has been told he cannot receive treatment in hospital until his bail application is heard.

Loghman Sawari has been charged with giving false information in a passport application.

The 20-year-old was being treated at a private hospital for dehydration and mental illness, but is now locked up at a Port Moresby police station.

His application for bail was adjourned today because police prosecutors asked for more time to study the court file.

Sawari's lawyer, Loani Henao, argued the bail application was urgent because of his client's medical condition, but the magistrate ruled in favour of the police.

The bail application is now listed for Friday.

After the hearing police told Mr Henao they would arrange to have doctors treat Sawari inside the police cells.

"He certainly needs medical treatment and some psychiatric assistance," Mr Henao said outside court.

"So between now and then the magistrate thought nothing would happen and decided not to allow him to go back to the hospital for treatment."

The United Nations High Commissioner for Refugees has expressed concern about the treatment of Sawari, saying the agency was "profoundly concerned for his welfare".

"UNHCR has long called for refugees and asylum seekers currently in Papua New Guinea to be moved to humane conditions outside of the country, equally, UNHCR has urged that no refugees or asylum seekers should be returned there," the UNHCR said in a statement.

<http://www.abc.net.au/news/2017-02-09/iranian-refugee-in-png-told-he-cannot-receive-hospital-treatment/8257010>

32. Refugee Loghman Sawari granted bail in Papua New Guinea after charges

Iranian fled Manus Island after being wrongly detained, but was then returned to PNG and accused of giving false information on a passport application

The Guardian

Ben Doherty

Friday 17 February 2017 15.35 AEDT

The Iranian refugee Loghman Sawari, who was deported from Fiji after he tried to claim asylum there, has been granted bail by a magistrate in Papua New Guinea.

Sawari, now 21, was a 17-year-old child when he was erroneously sent by the Australian government to the adult men-only Manus Island detention centre. He fled to Fiji on false documents, claiming he faced persecution in PNG.

But in Suva, as he drove with a human rights lawyer to claim asylum from Fiji's immigration authorities, he was forcibly intercepted by Fiji police and put on a plane back to Port Moresby.

Returned to PNG, Sawari was held in police cells for several days incommunicado, before being charged with giving false information on a PNG passport application.

Earlier this week he was granted bail, under strict conditions, by magistrate Mark Kalandi. Sawari must live with a Catholic priest in Port Moresby and report to police each week. Police opposed his bail, arguing he was a flight risk.

Sawari fled Iran after family members were targeted and executed by the theocratic government there. He has been recognised as a refugee, that is, he has a well-founded fear of persecution in his homeland and he is legally owed protection. He cannot be returned to Iran.

An attempt to settle him in PNG's second city, Lae, failed. He was beaten, left homeless and slept on the streets. He has also reported been assaulted by guards in immigration detention, including in one alleged attack that left him in hospital.

Sawari will face court again on 20 February.

<https://www.theguardian.com/world/2017/feb/17/refugee-who-fled-papua-new-guinea-is-granted-bail>

33. Nauru blocks Australia's immigration department releasing data requested under FOI

Sydney Morning Herald
February 15 2017 - 12:15AM
Michael Koziol

A trove of official data about incidents at Australia's offshore detention centre in Nauru has been censored as a result of a request from the Nauruan government.

Fairfax Media used freedom of information laws to request incident logs for the Manus Island and Nauru facilities between August 2015 and April 2016.

However, after eight months, the Department of Immigration and Border Protection advised the records for Nauru had been blocked to protect "international relations".

"In consulting this particular FOI request with the government of Nauru, it requested that any reference to Nauru be exempted from release," the department advised.

"It is the view of the relevant business area of the department that releasing the information . . . would adversely impact the ability of the department to maintain good working relations with the government of Nauru.

"This assessment is made considering the nature of the information and the current nature and extent of the department's relationship with Nauru."

The data, if supplied, would have detailed a log of serious incidents at the facility including assaults, self-harm and major disturbances. The request took in a period of nine months from August 2015, following the period covered by the Nauru Files published by Guardian Australia last year.

The decision is a departure from the department's previous determination to release incident logs from Nauru, including detailed summaries, in response to a Fairfax Media FOI request in 2015. That data, published in January last year, revealed self-harm was at epidemic levels at Australia's offshore facilities in Nauru and Manus Island, including multiple cases of asylum seekers swallowing shampoo, slicing themselves with razor blades and dousing their bodies in boiling water.

In a letter, FOI officer Joshua Hutton of the DIBP referred to the Australian Information Commissioner's guidelines, which state that information may be redacted if there is a possibility for "intangible damage, such as loss of trust and confidence in the Australian government or one of its agencies" to arise from publication.

Information relating to three incidents at the Nauru facility was released as it was already in the public domain. The department also released selective and highly-redacted records from the Manus Island detention centre.

The standard time frame for processing FOI requests is 30 days. The department delayed its determination several times in the eight months since the request was lodged in June. In August, FOI officer Brad Collins informed Fairfax Media the department would refund the costs of the FOI application because it had failed to process the request within the statutory guidelines.

An internal memo accidentally copied to Guardian Australia in October revealed the immigration department had been "freezing" FOI requests related to Nauru. In the email to colleagues, FOI assistant director Ian Campbell expressed concern and suggested "releasing the documents sooner, with the Nauru information fully exempted under grounds of international relations".

The decision letters relating to Fairfax Media's FOI requests were signed by Mr Hutton on December 23 and emailed to Fairfax Media, along with the redacted documents, on February 3.

<http://www.smh.com.au/federal-politics/political-news/nauru-blocks-australias-immigration-department-releasing-data-requested-under-foi-20170214-guceqz.html>

34. Women of Nauru: seeing my sons in a school uniform is my only dream

As confusion spread about whether Australia's refugee deal with the US would go ahead, Saba Vasefi spoke to four Iranian refugee women who have been detained in an Australian immigration centre on Nauru for four years

The Guardian
Saba Vasefi
Friday 17 February 2017 10.21 AEDT

When refugees and asylum seekers were first told of a deal that Australia had struck to relocate them to the United States, some were sceptical but others allowed themselves to hope.

Last week, as confusion spread about whether the deal would be honoured by President Donald Trump, I interviewed 10 Iranian women about how they were feeling. They had rejected the subjugation of women's lives in Iran by escaping – but in Australian immigration detention, they found another form of oppression.

Each of these women has lived on Nauru for almost four years and I can not stop admiring their persistence, consistency and hope to achieve not only peace but also justice.

The women below have given me their permission to share their thoughts. Here is what they told me.

FULL STORY AT <https://www.theguardian.com/commentisfree/2017/feb/17/women-of-nauru-seeing-my-sons-in-a-school-uniform-is-my-only-dream>

35. 'All is forgiven': Sri Lankan PM says returning asylum seekers won't be charged

Ranil Wickremesinghe claims compatriots broke the law in trying to flee to Australia but insists it is safe for them to return

The Guardian
Australian Associated Press
Wednesday 15 February 2017 12.30 AEDT

Sri Lanka's prime minister has urged compatriots who are being held in Australian-run immigration detention centres to come home.

Ranil Wickremesinghe claimed the Sri Lankans had broken the law in trying to flee to Australia but insisted they would not face prosecution if they returned.

"Come back. All is forgiven," Wickremesinghe said as he stood beside Malcolm Turnbull in Canberra on Wednesday.

Asked about those who might prefer to remain in the camps than return in fear for their safety, he insisted they were mistaken, pointing to a newly established missing persons office in his country.

"Some of them have left from places where conflict didn't even take place," Wickremesinghe said. "All of them are not even Tamils and even we want all the Tamils to come back. We should not make a mess of ourselves like they've gone and done in Europe and the Middle East.

"They left Sri Lanka illegally. They are welcome to return to Sri Lanka and we won't prosecute them, so they can come back to Sri Lanka, and we will have them, but remember, they broke the law in coming to Australia, attempting to come to Australia."

When asked by reporters whether it was safe for asylum seekers to return, Wickremesinghe said: "We just started a missing persons office. It is quite safe for them to come back."

Australia and Sri Lanka shared a number of bonds through their history, Wickremesinghe said.

"Sri Lanka and Australia have shared a common past. There are many values we inherited from the British empire to which we added our own values, and Australia today is one of the leading members of the Asia-Pacific region."

<https://www.theguardian.com/world/2017/feb/15/all-is-forgiven-sri-lankan-pm-says-returning-asylum-seekers-wont-be-charged>