

Behind the wire

It is one of the most divisive issues in Australia today: the mandatory detention of asylum seekers. The Australian government has painted its policy as a matter of national security in this post-September 11 world, as a bulwark against international terrorism. Increasingly, ordinary Australians are questioning the government's version, from refugee advocacy groups decrying the detention of children, to groups willing to take refugees into their homes. As this story was being prepared, a visiting United Nations team had just branded Australia's mandatory detention system a "gross abuse of human rights" and spoken of the "collective depression" affecting detainees. For thousands of Australians, the human cost of mandatory detention is too high a price to pay, says **DAVID LESER**. Here, he reveals the human faces of the people at the centre of this controversy. ►



Two children survey the remains of a building at the Woomera Detention Centre, South Australia, destroyed in a riot in 2001.

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HE CALL CAME IN THE MIDDLE OF DINNER. A SUMPTUOUS gathering in a gracious Australian home suddenly reduced to a horrified silence. A few minutes earlier, behind the razor wire of one of our six detention centres, nine-year-old Amy, the young girl we'd been talking about over our meal, had just tried to hang herself.

She'd tied a sheet to the ceiling, swallowed a bottle of shampoo, then put her head in the makeshift noose. When the guards managed to break the door down, her parents and seven-year-old brother found her lying in a sea of vomit, her face translucent with death.

Barely a week before, an application for a bridging visa had been lodged with the Department of Immigration seeking the family's release from detention on medical and compassionate grounds. No action was taken.

It was not the first time attempts had been made to free this shipwrecked family. An expert psychiatrist had previously interviewed Amy inside her desert prison and found a young girl falling apart. Her symptoms, he discovered, were typical of someone suffering post-traumatic stress disorder; he was urging her immediate release. His recommendations were rejected.

Three months later, an urgent child protection notification was issued, calling on the Minister for Immigration, Philip Ruddock, to exercise his discretion and grant the family a temporary protection visa. That recommendation, too, was rejected.

For anyone vaguely interested in Amy's welfare, her descent was easy to chart. As a member of a persecuted Christian minority, her family had been forced to flee their country after her father had been jailed and threatened with execution on trumped-up charges. Amy's father managed to bribe his way out of prison, sell the family's entire belongings and pay people smugglers to get them to Indonesia.

It was their rickety boat which broke up on Ashmore Reef after 11 hair-raising days and nights at sea.

Almost immediately upon arrival, Amy, her then six-year-old brother, Gabriel, and their parents were placed in detention in one of the remotest parts of Australia. Although living conditions have since improved, one solicitor gave a statement describing the centre as follows:

"Two working toilets for 700 people, both leaking ... four working showers, hot water only available after midnight, not allowed to take food from dining room for children or sick adults, no airconditioning, flyscreens or heating. Temperatures during the day reach 45 degrees, at night it falls below freezing; there are millions of flies, inmates have to queue for meals, for medical attention.

"Women must queue each day for their ration of tampons/disposable nappies, there is no baby food or formula available, one woman with a six-month-old baby who was struggling to maintain breastfeeding was advised to feed the baby powdered chicken stock mixed with water (no sterile equipment of course), food is beyond description, many will not eat it."

The solicitor could have also added that, at that time, children were imprisoned behind razor wire, without playgrounds, toys, grass or formal education; that some cried all day long; that despair and confusion were so deep it was routine to witness acts of self-harm; that people were identified by numbers, not names; that the rooms were tiny – two metres by two metres – and not only was there no privacy, but mice, scorpions and, on occasion, snakes were sometimes found in the rooms. In these conditions, Amy went from bad to worse.

She began wetting her bed every night and vomiting. She suffered from insomnia and nightmares. She would put her foot in her mouth and refuse to clean her teeth or take herself to the toilet, partly because the toilet was hundreds of metres away and she was too frightened to walk there on her own. She avoided meals, scratched herself till she bled and constantly talked of death.

She had seen countless people trying to end their lives, including one man – a father of a one-year-old child – who in total despair finally swallowed insecticide and then hanged himself from a leafless tree which detainees had dubbed "The Hanging Tree". Detainees believed the tree had shed its leaves because of all the human misery it had witnessed.

She pleaded with her parents to take her home to die rather than let her die in the camp. She asked her parents constantly why they were in prison, why they had failed to protect her as they'd promised. Her parents, buckled by grief and despair, had no answer for their daughter. They thought things would turn out differently in Australia.

This story is not about "boat people", "asylum seekers", "rejectees", "queue-jumpers", "illegals" or "terrorists". It's about human beings. Pregnant women, terrified men, the elderly, the sick, the tortured, destitute families, and sad, wretched children like Amy, all of whom have been locked up for the crime of seeking our protection. Unlike common criminals, they have been given no legal representation and they've been sentenced, not by a court of law, but by a government claiming to represent the will of the people. Us.

Their stories are, of course, not the stories that our government wants you to read about, but they are worth recounting here, if only because, in time, we might look back and realise what we have done.

According to prominent Melbourne QC Julian Burnside, Australians have allowed the government to "turn the full force of its powers on the weakest and most vulnerable people on earth".

"In adopting [this tough stance on refugees]," he says, "the government has exposed Australia to international censure. It has put us in breach of our obligations under international conventions, and it has betrayed a deeply unattractive element in the Australian character. (See statistics in the box overleaf.)

"It did this for electoral advantage at a time when Australia receives a minimal number of refugees, and treats appallingly those who arrive here ... The refugee problem involves a choice between minor self-sacrifice and major betrayal of humanitarian standards."

In the past few years, Australia has been holding – at its peak – as many as 700 children under the age of 18 in detention. More than 100 of them have been unaccompanied minors, ie, children held in detention without a parent or guardian. A number of them have recently been released into foster care – without bridging visas – in advance of a United Nations special envoy's visit. The children are still technically in detention.

One eight-year-old boy was found to be wandering aimlessly around the Woomera Detention Centre at all hours of the night, dirty and uncared for. His parents had raised enough money to get him out of Afghanistan so that he might not fall into the hands of the Taliban.

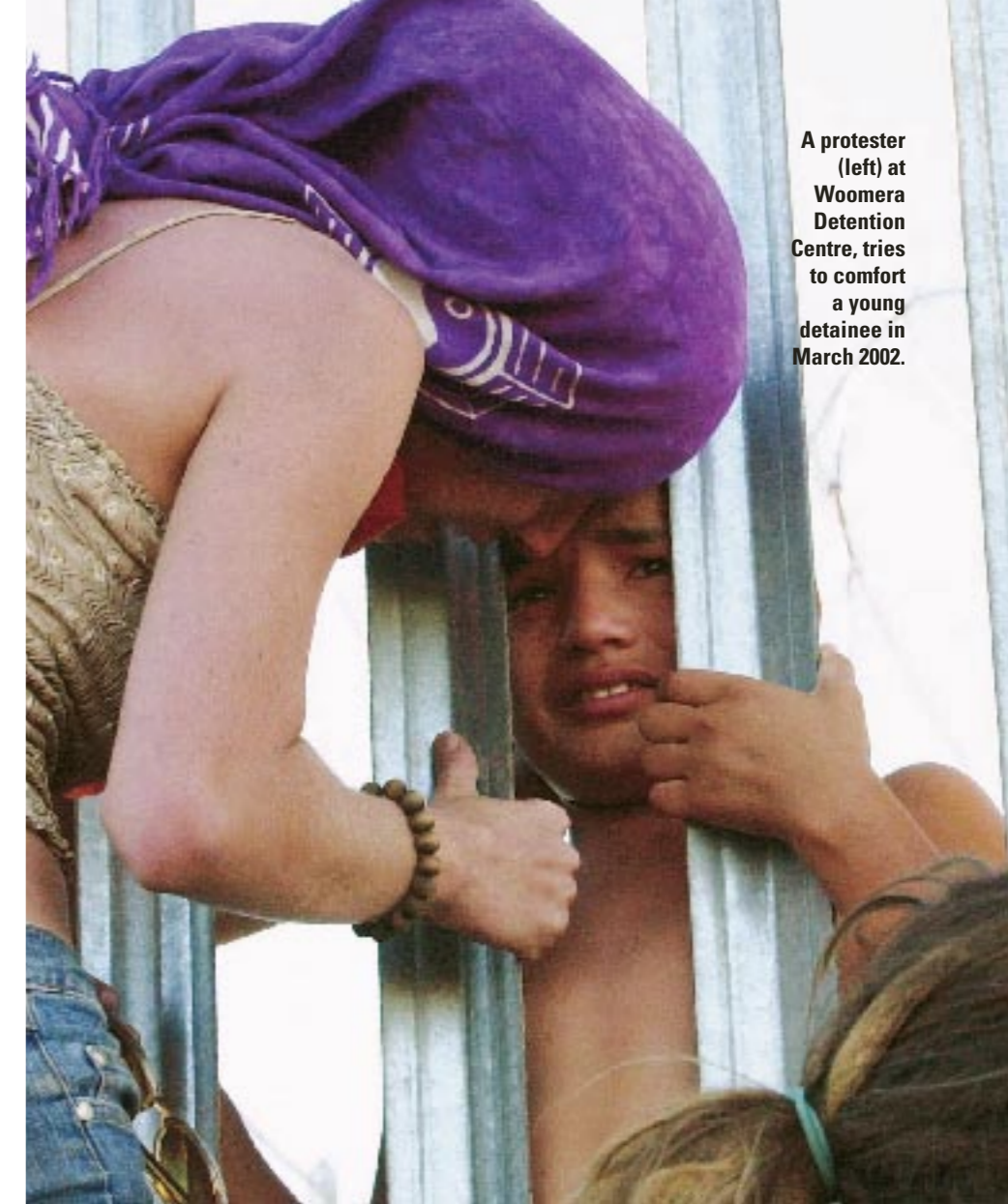
Two other children, an orphaned 15-year-old girl and her 11-year-old brother, arrived in Australia after their grandparents had paid people smugglers to secure them safe passage. They had no idea which country they were being sent to.

Months after their incarceration in Woomera, they were finally given access to a lawyer, who reported later that both of them were confused and highly distressed. The girl had been getting up every morning, dressing herself and her brother neatly, and then waiting outside their room for an official to come and interview them.

Day after day, week after week, month after month, they performed this grim ritual until they realised no one was coming. The lawyer was their first contact, and when she reached out to touch the girl, the girl reportedly dissolved in her arms, saying, "No one has held me for such a long time."

In May this year, Channel Nine's *Sunday* program ran a devastating documentary on the treatment of children in Australian detention centres. In response, the Minister for Immigration, Philip Ruddock, posted a statement on his website which included the following:

"The government's position is that it is not ideal that children be detained, however, if they arrive unlawfully, the law requires that they be detained. Every effort is made to process applications as quickly as possible or to effect



A protester (left) at Woomera Detention Centre, tries to comfort a young detainee in March 2002.

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removal as quickly as possible. While they are in detention, considerable effort is made to provide a full range of services appropriate to the needs of children and, where children are experiencing difficulties, such as psychological problems, comprehensive medical and psychological services are provided to assist them."

Despite the minister's comments, it is well-documented that children have suffered a range of physical and psychological traumas as a result of being held in detention centres.

These centres are run by a firm called Australasian Correctional Management (ACM), a subsidiary of the American-based Wackenhut Corporation, which introduced privately run prisons into the United States. There is a profit-based philosophy, not one based on welfare.

Grave concern was expressed by the Commonwealth ►

ombudsman that babies were being born in detention and, in the case of at least one infant, was still in custody four years later. One woman, whose husband was taken by the Taliban, gave birth under ACM guard last year. She and her three children are still inside.

One 14-month-old girl was said to have arrived at Woomera weighing 11 kilograms and, seven months later, at the age of 21 months, had dropped to 10 kilograms. Her 10-year-old brother was suffering night terrors and wetting his bed up to six times a night.

Reports are widespread of children sewing their lips together, going on hunger strikes and, in the case of some as young as five, repeatedly bashing their heads against walls.

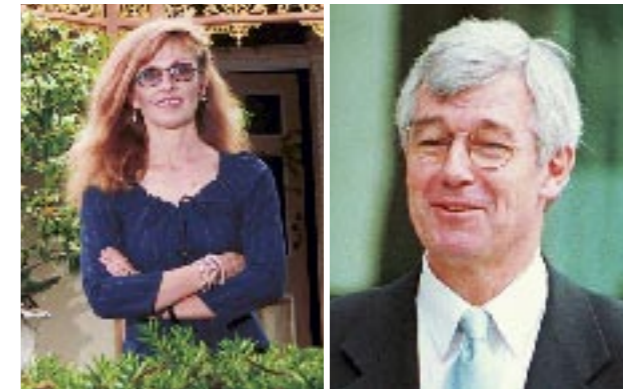
Psychologists and doctors report some children are suffering from impaired speech, while others have developed deep wrinkles and hollow features around their eyes. Teenage girls have become incontinent from stress, with at least two found wearing nappies. Self-harm is an everyday occurrence.

In April, three security guards who interrogated and bashed a 13-year-old unaccompanied boy at Woomera were reinstated with a reprimand while the matter was being further investigated. In another incident, a four-year-old girl was allegedly kicked by a guard because she wandered too close to the perimeter fence.

Other highly disturbing reports include guards trying to put a two-year-old child in legcuffs, as well as placing children, including one five-year-old boy, in solitary confinement. In the case of this five-year-old boy, his mother recounted in her statement to lawyers what allegedly happened. (Like all the names in this

story, theirs have been anglicised for their own security, as well as to remind us that these events are occurring in Australia.)

"Billy, our five-year-old son was put in a solitary confinement cell. I begged the guards to open the door so the children could use the toilet which was located outside the cell. For the first two days this request was refused/ignored. The children had to use a plastic bag which I found in the cells as a toilet. I starved myself for two



Artist Kate Durham (left) would welcome refugees into her home. Her husband, Julian Burnside QC, works free of charge for refugees.

days as a protest before the guards would allow the children to use the toilet.

"My [other] son, Andrew, later described to me his experience in detention. He said words to the effect of: 'I needed to go to the toilet and called the guards. After a few minutes four guards came rushing down the corridor. They broke into my cell wearing (riot) gear and armed with blocking cushions. They pushed me back and held me against the wall.

"One guard held my legs, the other held my hands behind my back. A third guard used his arm to encircle my neck and hold me tightly. I thought I would choke. The fourth guard swore at me. When I answered

back, the officer punched me in the face.'"

In November 2000, the family lodged a complaint with the Federal Court against Australasian Correctional Management. At the time of writing, the family was still awaiting a ruling, although their 10-year-old son, Andrew, could wait no longer. He tried to hang himself.

Imagine this scenario. You are hungry and terrified, and you know that to stay in your country any longer is impossible. You do the unthinkable. You say goodbye to your family, your friends, your neighbourhood, your culture, and you pack your bags and leave.

You cross mountains, deserts, seas, you pay smugglers, you board jerry-built boats, you do whatever you can do to get yourself and, if you have children, your children to safety.

Why? Because if you don't, you will probably die. That's what it means to be a refugee.

Between November 1989 and November 2001, 159 boats landed

in Australia without authorisation, carrying a total of 13,489 people. True, more than 70 per cent of them arrived since July 1999, but the numbers were still small compared to other nations and hardly a serious threat to a country of almost 20 million people.

In the past two years, some 16,000 people also arrived in Australia by plane with visas and then applied for refugee status after arriving. In most cases, they were allowed to live freely in the community while their applications were assessed.

"It has become routine to talk of a 'crisis' when referring to the boat arrivals," says Peter Mares, author of *Borderline*, a widely acclaimed book about ►

the facts about refugees in Australia

- In 1999, 97 per cent of applicants from Iraq and 93 per cent of applicants from Afghanistan were recognised as genuine refugees by Australia.
- Australia is a signatory to the UN Convention of the Rights of the Child, which states: "No child shall be deprived of their liberty unlawfully or arbitrarily."
- No country, other than Australia, detains unaccompanied children indefinitely.
- Australia is now the only country in the Western world to lock up asylum seekers automatically, indefinitely and with limited judicial review.
- Australia is a signatory to the International Covenant on Civil and Political Rights, which prohibits arbitrary detention.
- Australia is a signatory to the UN Convention Relating to the Status of Refugees, respecting a person's right to seek asylum.
- Australia is one of only eight countries in the world which set quotas for refugees. The other 63 countries which accept displaced people don't set limits.
- Australia came 38th of 71 countries, on a per capita basis, for its acceptance of refugees in the calendar year 2000 (figures supplied by UN High Commission for Refugees). Among the 29 developed nations in this group, Australia came 14th.
- Australia is one of just four countries in the developed world – the others being Greece, Turkey and Poland – that put asylum seekers in detention camps.

Australia's treatment of refugees and asylum seekers. "But such words should not be used lightly."

A crisis, he says, is when 25,000 people cross from East to West Timor in a single day; or when an already poor, overpopulated nation such as Pakistan is forced to resettle millions of Afghan refugees; or when 50,000 people stream across the border from Burundi into Tanzania in the space of just three months.

The Howard Government has been at pains to point out that Australia is second only to Canada in its generosity to refugees. That's true only if you count the eight countries in the world which impose refugee quotas (see below).

In the past two decades, our intake of refugees has, in fact, slipped dramatically from a high of around 20,000 a year in the early '80s to the present level of around 12,000. This 12,000 is fixed and takes no account of humanitarian disasters around the world.

Every country has its defining moments. Ours came on August 26, 2001, the day a Norwegian oil tanker, MV Tampa, answered a distress call from the Australian maritime authorities requesting it come to the aid of a wooden ferryboat in danger of sinking with 433 asylum seekers on board.

The Tampa's captain, Arne Rinnan, fulfilled his duties according to the laws of the sea and picked the mostly Afghani asylum seekers up before attempting to take them back to Indonesia.

When a small group threatened suicide unless they were taken to Christmas Island, Rinnan decided that it was safer to turn back. Christmas Island was 274



Some of the 438 asylum seekers, rescued from their sinking boat, on board Norway's MS Tampa, off the coast of Christmas Island, August 2001.

kilometres closer than the nearest Indonesian port.

Rinnan then requested medical help. His call went unheeded. Four miles short of Christmas Island, he was told by Australian authorities to stop, otherwise his ship would be impounded and subjected to huge fines. He was now being treated as a maritime outlaw.

Captain Rinnan was not to know that his arrival in Australian waters had coincided with a federal election campaign, one the incumbent government appeared – at that point – on the verge of losing.

He was also not to know the Australian Prime Minister John Howard was a master at exploiting popular sentiment, especially on questions of race.

Mr Howard ordered the port of Christmas Island closed and the SAS to board the ship. No lawyer was allowed to speak to the refugees and access by the media was barred. According to Julian Burnside QC, it was a crucial part of the government's strategy, one which became clearer two months later when Australians learned that 353 refugees had drowned en route from Indonesia.

"The survivors related the story in harrowing detail," he says. "It was front-page news for days; and the news was dominated by tragic images of individuals and their stories of grief and loss. Suddenly, the asylum seekers really were human beings who called on our human sympathy."

But not in the case of the Tampa. In the inflamed political environment of Australia 2001, the Howard Government was able to pass, with Labor's consent, eight bills effectively removing the rights of refugees arriving by boat to seek asylum. There was virtually no parliamentary debate or opportunity for public submission.

The border protection legislation excised parts of Australia from the operation of the Migration Act; narrowed the scope of the definition of "persecution", and removed, in most cases, access to a judicial review of decisions made by the Refugee Review Tribunal.

In the ensuing months, the Howard Government would also employ gunships to turn away the refugees. They would pay impoverished Pacific Island nations to incarcerate these people at a cost to the Australian taxpayer of somewhere between half a billion and \$1 billion over five years. They would impose a censorship regime not seen even in times of war, and they would put in place stiff penalties for public servants found guilty of leaking "politically sensitive" information.

Finally, they would be helped to victory in the election campaign based on a claim that asylum seekers had deliberately thrown their children overboard in order to put the government under duress. That claim, as we now know, was false. ▶

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the facts about refugees in Australia

- Australia receives 8 million visitors, about 105,000 migrants (as of next year) and 4000 asylum seekers a year.
- Offshore refugees are people who apply to enter Australia from overseas and who have usually been identified by the United Nations High Commission for Refugees (UNHCR) as people requiring permanent resettlement in a safe country.
- Onshore refugees are the ones who make it to Australia – either by plane or by boat – and then apply to stay here permanently. They are supposedly the "queue-jumpers".
- In Afghanistan and Iraq, there is no Australian diplomatic representation and, therefore, nowhere to queue.
- In defending mandatory sentencing, John Howard has said: "If people did not seek to come to Australia illegally, they would not be in detention."
- Supreme Court Judge Marcus Einfeld answered: "People seeking refugee asylum are not illegal migrants. In making their applications for refugee status, they are doing something expressly permitted by Australian and international law."
- An estimated 50,000 people are currently living in Australia who have overstayed their visas. The majority come from the United Kingdom and United States.
- At the end of the Vietnam War, Australia opened its doors to more than 200,000 boat people, many without papers. They were housed in open hostels.



What are your feelings about the mandatory sentencing of asylum seekers? Join our online discussion at www.ninemsn.com.au/aww

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