

**AMNESTY  
INTERNATIONAL**



Submission to  
Senate Legal and Constitutional Affairs References Committee  
**Inquiry into the Incident at the Manus Island Detention Centre from 16  
February to 18 February 2014**

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Submitted by

**Amnesty International Australia**

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## Executive summary

Amnesty International is appalled by the excessive violence at the Manus Island Offshore Processing Centre (OPC) from 16 to 18 February 2014 which led to the death of Reza Berati, a 23 year old man, and injuries to at least 62 other asylum seekers.

There are credible claims that the asylum seekers, after weeks of protesting, were attacked by private security guards, local police and possibly other contractors working at the centre. While some of the asylum seekers are accused of throwing rocks or using verbal taunts in their protests, the response by security guards and local police was brutal and excessive. Amnesty International has received testimony relating to the 16-18 February violence from both detainees and contracted staff. The accounts in this submission reflect the information received by the organisation from witnesses.

The Memorandum of Understanding (MoU) between the Australian and PNG Governments establishing the Regional Resettlement Agreement sets out the commitment of both governments to *treat [t]ransferees with dignity and respect and in accordance with relevant human rights standards*.<sup>1</sup> This obligation is consistent with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.<sup>2</sup> The death of Reza Berati constitutes a breach of this commitment.

The Body of Principles require that a judicial inquiry be held into such an event.<sup>3</sup> The organisation called for such an inquiry in the wake for the incident.<sup>4</sup> Amnesty International calls for accountability to flow from such an inquiry, both at the government and individual level and those responsible to be held to account.

Amnesty International visited the OPC in November 2013 as part of the organisation's rolling program of inspections of Australian immigration detention facilities both on and offshore. During this visit to the OPC, the organisation documented wide ranging human rights abuses, which were extensively documented in the report '[This is Breaking People](#)' (attached). The organisation made a range of recommendations in this report. Amnesty International presented these recommendations to the Australian and PNG Governments in December last year, calling for urgent action. To date, no formal response has been received from either Government.

Amnesty International is calling on the Australian and PNG Governments to adopt in full the recommendations of 'This is Breaking People'; to commission a full independent judicial review of the events and to immediately release the report of the investigation into the events which has been conducted to date.

## About Amnesty International

Amnesty International is a worldwide movement committed to promoting and defending all human rights enshrined in the *Universal Declaration of Human Rights* (UDHR) and other international instruments. Amnesty International undertakes research focused on preventing and ending abuses of these rights. Amnesty International is the world's largest independent human rights organisation, comprising more than 3 million supporters in more than 160 countries and has over 340,000 supporters in Australia. Amnesty International is impartial and independent of any government, political persuasion or religious belief. Amnesty International Australia does not receive funding from governments or political parties.

Protecting the rights of refugees is an essential component of Amnesty International's global work. We aim to contribute to the worldwide observance of human rights set out in the Universal Declaration of Human Rights, the United Nations (UN) Convention on the Status of Refugees and other internationally recognised standards. Amnesty International works to prevent human rights violations that cause refugees to flee their homes. At the same time, we oppose the forcible return of any individual to a country where he or she faces serious human rights violations.

## Amnesty International Manus Island OPC inspection – November 2013

Amnesty International inspected the Manus Island OPC for five days in November 2013, revealing a range of human rights issues many of which could be said to have contributed to an increase in tensions at the OPC.

During the inspection Amnesty International researchers conducted in-depth interviews with 58 asylum seekers and held many more informal conversations. Three group interview sessions with asylum seekers were also conducted. As well as touring all areas of the detention centre, Amnesty International also met with representatives of Australia's Department of Immigration and Border Protection (DIBP); Papua New Guinea's Immigration and Citizenship Service Authority; and the principal contracted security and service providers: G4S, International Health and Medical Services (IHMS), the International Organization for Migration (IOM), The Salvation Army (TSA), and Survivors of Torture and Trauma Assistance and Rehabilitation (STTARS).

The organisation released the report 'This is Breaking People' on 11 December 2013<sup>5</sup>, which examines the full system in place for the transfer of asylum seekers from Australia to PNG; the conditions within the OPC including for those with disabilities, medical conditions or other special considerations; the refugee status determination (RSD) process in place at the centre and any resettlement arrangements available for those found to be genuine refugees. The report highlighted a range of serious human rights issues at the OPC and made a number of recommendations to the governments of Australia and Papua New Guinea, many for urgent improvements at the OPC to alleviate serious human rights abuses.<sup>6</sup> Neither the Australian nor the PNG Government have to date provided Amnesty International with a formal response to this report.

Amnesty International found that asylum seekers in the Manus OPC are enduring unacceptably harsh conditions and humiliating treatment, and that Australia is responsible for the deplorable and unlawful combination of arbitrary detention and inhumane conditions.

The organisation further found that elements of detention in the centre on Manus Island violate the obligation, set out in a range of international legal instruments including the International Covenant on Civil and Political Rights (ICCPR)<sup>7</sup> and the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>8</sup> to treat all persons in detention humanely and with the highest attainable standard to mental and physical health.

In particular, the organisation found that all detainees held in P Dorm—a long, single-room, hangar-like building in which 112 men sleep in 56 bunk beds spaced no more than 20 centimetres apart, with only a few fans to provide relief from the stifling heat—are subjected to ill-treatment, prohibited under the Convention against Torture (CAT) and the ICCPR.

Amnesty International further found that the combined effect of the conditions of detention on Manus Island, the open-ended nature of that detention, and the uncertainty about their fates to which detainees are subjected amounts to cruel, inhuman, and degrading treatment or punishment breach these obligations.

The uncertainty around refugee status determination processes and resettlement options was found to be a key issue of concern, leading to mental health issues. This uncertainty is reported to have been a particular factor in the initial protests held by asylum seekers ahead of the violence in February this year.

Amnesty International also found that in November 2013, asylum seekers reported not feeling safe within the centre and that treatment by staff was at times inappropriate and discriminatory.

Amnesty International's report is attached to this submission. The organisation recommends the full adoption of the recommendations of this report, with urgent action taken on those relating to the conditions within the centre and the safety and security of asylum seekers.

### **Violence on 16-18 February at the Manus Island OPC**

Amnesty International has received first hand testimony of the events of 16 to 18 February from both detainees and contracted staff at the centre. Amnesty International, in accordance with the organisation's strict procedures for verification of evidence and research, submits this chronological account of events based on only that testimony received by the organisation by witnesses. The organisation makes clear that the evidence submitted here is not intended to be a comprehensive account of the incident. Amnesty International notes the varied and numerous accounts in the media and other reporting and highlights the need for a full judicial inquiry into the events with subpoena powers to provide a robust account of the events.

### **Sequence of events as understood by Amnesty International**

#### Prior to 16 February

Regular, peaceful protests by asylum seekers had been taking place across all compounds (Oscar, Mike, Delta and Foxtrot) in the Manus Island detention centre for at least an hour a day in the two weeks before the violent incidents on 16-17 February 2014.<sup>9</sup>

On 5 February, a meeting was held between immigration authorities and the language group representatives of the asylum seekers. In the meeting, asylum seekers were told that their questions would be answered in the following days. The peaceful protests called primarily for the PNG and Australian immigration authorities to provide the asylum seekers with information on when their asylum claims would be processed when they would be released and where they would be resettled.<sup>10</sup>

At some point before the violence, G4S – the company contracted to provide security services at the centre – distributed notices to asylum seekers in a variety of languages, stating that:

If the PNG Police are required to enter your compound, you will hear multiple fire engine sirens being switched on and off. If you hear sirens and are not a part of the riot, sit down and put your hands on your head. G4S personnel will then attempt to move you to a place of safety.<sup>11</sup>

## 16 February

On the morning of 16 February, cleaners and G4S staff cleared rocks from the ground of Mike compound, where most of the protests had taken place.<sup>12</sup>

At 4pm, the PNG immigration authorities held a meeting with representatives of the asylum seekers. The purpose of the meeting was stated by immigration authorities to be to answer the questions and concerns of the asylum seekers about processing and resettlement. Some witnesses claimed that asylum seekers were told that they would not be resettled in PNG, however this was denied by the Australian government.<sup>13</sup> One asylum seeker present reported to Amnesty International that police with dogs were present at the meeting.<sup>14</sup>

In the meeting, no new information was given to the asylum seekers and their questions were not answered. They were told that they would never be settled in Australia and that if they wished to settle in a third country, they would receive no support from Australia or PNG to do this. They were not told when they would be processed, released or resettled in PNG.<sup>15</sup>

Following the meeting, from 6pm onwards, asylum seekers gathered to protest.<sup>16</sup> Between 14 and 35 asylum seekers left through a perimeter fence from Oscar compound.<sup>17</sup> In one report, it was claimed that asylum seekers left through a gate when a delivery van entered one of the compounds.<sup>18</sup> Some media reports claimed that this was an escape attempt, while others have said that asylum seekers merely continued their protest on the other side of the fence, on the road adjoining the detention centre. In any event, asylum seekers were quickly rounded up and returned to the centre. G4S security guards in riot gear and PNG police were allegedly involved in containing this incident.<sup>19</sup>

Shortly after this, local G4S staff went into a compound (Oscar compound, according to one account) and attacked asylum seekers inside with metal poles, bats and sticks.<sup>20</sup> They also threw stones over the fence at the asylum seekers in Mike compound. One report claims that local G4S staff used the legs from dismantled tables to attack the asylum seekers. The tables had been left outside the compound stacked up awaiting removal.<sup>21</sup>

Shortly after this, around 100 people (largely consisting of G4S security and other staff from the centre who are PNG nationals) gathered outside Mike, Foxtrot (and possibly Oscar) compounds with sticks and machetes. Verbal taunts were exchanged and rocks were thrown by both PNG nationals and asylum seekers. Some witnesses claim that local G4S staff started throwing rocks at asylum seekers from outside the compounds. Asylum seekers tried to move between Mike and Foxtrot compounds by going through an internal fence, either to escape rocks being thrown into Mike or to join with other asylum seekers. There are reports of minor property damage occurring on the Sunday night, including some broken glass on marquee doors and bunk beds and tables being broken and used as weapons against asylum seekers. Some asylum seekers, being unarmed, held up plastic chairs to defend themselves. There are also claims that asylum seekers were beaten by G4S guards and police during this incident. Amnesty International also received information that up to 19 asylum seekers received medical treatment from IHMS as a result of this incident, for non-life-threatening injuries, and that some G4S staff received minor injuries.<sup>22</sup>

The Manus Provincial Police Commander confirmed that on the night of 16 February:

- Asylum seekers had been protesting the length of time it was taking to process their claims and calling for their freedom.
- There was a meeting with centre management on Sunday afternoon, but asylum seekers were not satisfied with the response and continued to protest.
- Some rocks and sticks were thrown and that there were some minor injuries to both asylum seekers and staff at the centre. There was also some minor property damage.
- Some asylum seekers were 'chased out' of the fenced area and local police helped to round them up.

- Eight asylum seekers were charged with disturbing the peace as a result of incidents on 16 February 2014.

Some expatriate G4S staff attempted to intervene in the violence but were unable to prevent it. Some sustained injuries as a result.<sup>23</sup>

Local G4S staff were unable to enter Mike compound and the violence eventually subsided. Injured asylum seekers and expatriate G4S staff were taken to IHMS clinic for medical treatment.<sup>24</sup>

### 17 February

On the morning of Monday 17 February, the atmosphere in the detention centre was described by staff as tense and quiet. Signs of fighting the night before were apparent from debris on the ground.<sup>25</sup>

Local staff, including G4S staff, catering staff and cleaning staff, were not allowed into the compounds with the asylum seekers. Asylum seekers were responsible for cleaning the toilets and showers and organising access to telephone and internet; jobs usually done by local staff.<sup>26</sup> At some point on that day around 150 local people (those employed at the centre) gathered outside the external fences with sticks and machetes and threatened the asylum seekers through the fences.<sup>27</sup>

At 6pm, the day workers ended their shift and returned to the accommodation vessel, the Bibby, leaving G4S, IHMS medical staff and some interpreters in the centre.<sup>28</sup>

After this time, the asylum seekers recommenced protesting. Some protesters shouted abuse at the local G4S staff and others who were outside the external fences.<sup>29</sup>

A special squad of G4S staff in riot gear then attempted to suppress the protest but were outnumbered by the asylum seekers and retreated.<sup>30</sup>

Local G4S staff then entered the facility and the compounds and began attacking asylum seekers. It is not clear whether they were let in or if they broke in, but media reports, including from G4S, claim that damage to a fence shows that it was pushed inwards, suggesting that people broke into the centre.<sup>31</sup>

PNG police officers also entered the compounds. They were armed with batons and guns. Multiple gunshots were heard from 8pm onwards. PNG Police and local security staff moved through Mike, Oscar and Foxtrot compounds attacking asylum seekers with machetes, sticks and bats. Asylum seeker witnesses state that an elderly man was attacked on his way back to his dormitory from the toilet block.

Some asylum seekers hid under beds in dormitories and under demountable buildings, but were dragged out by local G4S staff and police and attacked with sticks, bats and machetes.<sup>32</sup>

Expatriate G4S staff generally did not intervene to prevent the violence on the Monday night.

An email received by an Australian refugee advocate at 11:30pm from inside the internet room (presumably in Mike compound but possibly in Foxtrot) suggests that the violence was still going on at that time.<sup>33</sup>

After the second night of violence had ended, the injured asylum seekers were taken out of the detention centre to the wharf adjacent to the Bibby, where they were treated by IHMS staff, TSA staff and others. There were numerous injuries including serious lacerations to the head and neck, broken bones (including facial fractures) and severe bruising. Alarming video footage

shows frantic medical and other staff assisting injured people by torchlight on the wharf between midnight and 1am.<sup>34</sup>

One asylum seeker, 23 year old Reza Berati, was killed. Numerous witness reports state that he was attacked using fists, feet and bats by a group of G4S staff and at least one local staff member employed by The Salvation Army. Several eyewitnesses reported that one attacker picked up a large rock and hit Mr Berati on the head with it several times. IHMS medical staff worked to save his life but were unable to revive him.<sup>35</sup>

During the tour of the Manus Island immigration detention centre with the National Court on 21 March 2014, Amnesty International was shown the lower level of a two storey accommodation block in Mike compound. Asylum seekers pointed out that the first room on the right (first floor) was Reza Berati's room and that three asylum seekers continue to sleep in the room. It is not clear whether evidence was properly gathered and preserved by police before asylum seekers returned to the area where Reza's death occurred. Regarding Reza Berati's death, Amnesty International was told by an asylum seeker that "they hit him, he fell from here (pointing to the stairs outside Reza Berati's room) and they hit him in the head until he died." Asylum seekers with serious injuries were treated in Lorengau Hospital or transferred to Port Moresby or Australia for medical treatment.<sup>36</sup>

#### After the violence

After the violence, access to the internet was turned off (one report claims from 17 February to 3 March), preventing the asylum seekers from contacting the outside world.<sup>37</sup>

Amnesty International received reports that 350 of the 400 people living in Mike compound were beaten, and that 147 people received serious injuries (much higher than official statements by the Australian government).<sup>38</sup>

The two bullet holes observed by Amnesty International in Mike compound (at around knee height) and the gunshot wound to the buttock received by one male asylum seeker, contradicts claims by police that only two warning shots were fired into the air. Two witnesses claimed that more than 20 shots were fired.<sup>39</sup>

### **Current situation at the Manus Island OPC**

On 27 February 2014, the National Court of PNG launched a human rights inquiry under section 57 of the Constitution of PNG. In March 2014, Amnesty International sought and received permission to join these proceedings as a third party, as an organisation with a "genuine interest" in the protection and enforcement of human rights.

From 20 March to 29 March 2014, Amnesty International joined a representative from the Human Rights Law Centre (HRLC) to Lorengau, Manus Island and the PNG capital Port Moresby as part of this judicial inquiry into the human rights of asylum seekers. New information pertaining to the incident and the current situation in the OPC was obtained through meetings with officials in PNG, ongoing contact with asylum seekers and service providers from Australia, and observations made during a tour of the Manus Island OPC with the National Court on 21 March 2014.

Amnesty International maintains significant concerns for the safety of detainees within the centre. As outlined above, the organisation holds that there is credible evidence to suggest that the staff contracted to protect asylum seekers were in fact those responsible for the escalation to violence against detainees. It is therefore paramount that detainees are provided adequate security to ensure that they do not face direct harm.

Further to this, Amnesty International continues to receive first hand testimony to the effect that injuries sustained during the violence are not being adequately cared for and detainees are not receiving sufficient or appropriate access to medical care. It is entirely unacceptable that months after this horrific event, the victims may be forced to endure constant pain and suffering due to receiving little in the way of care.

During the tour on 21 March the following observations were made in relation to the conditions within the centre, following Amnesty International's November inspection and the February violence.

- The opening of Mike compound<sup>40</sup> which as at 21 March 2014 housed 414 detainees appears to have allowed for some alleviation in overcrowding in Foxtrot and Oscar compounds. The organisation, however, remains concerned about overcrowding, particularly in relation to sleeping areas, and the lack of space for activities, privacy and moving around.
- P Dorm (a WWII hangar-shaped dormitory containing 112 bunk beds with little or no space between them) is still being used as accommodation for asylum seekers in spite of Amnesty International finding in 2013 that use of this accommodation block amounts to ill treatment.<sup>41</sup>
- Some living areas – including an area for mental health patients – no longer have beds, but just thin mattresses on the floor. Security officers claimed this was because some detainees 'prefer to sleep on the floor.'
- Shade is a persistent problem at Oscar compound. In fact, the shaded area outside the dining area has been reduced in size since November 2013, despite serious concerns relating to the time detainees spend waiting in full sun for meals or treatment. Amnesty International was offered no explanation by officials for this change.
- PNG nationals no longer enter the compounds for catering or cleaning purposes. Asylum seekers are delivered meals in take-away packs for self-distribution and also bear sole responsibility for cleaning the ablution blocks. It is not clear if asylum seekers have been given appropriate cleaning equipment and products for this purpose. At the time of Amnesty International's site visit in March, ablution blocks were dilapidated, dirty and mouldy, and several were broken or did not have running water. DIBP staff informed Amnesty International that Australian nationals were being recruited as cleaners to clean and maintain ablution blocks.
- A new psychiatric area has opened which consists of two shipping containers facing inwards, split into four rooms. Each room has one mattress on the floor and there are four detainees there, described as 'psych (psychiatric) patients' by security staff. A security officer sits at a desk between the rooms to watch these patients. There is a small unshaded area outside, approximately 3 x 2 metres with just enough room to sit or stand, surrounded by a three metre high corrugated iron wall. There is no air flow and no space to walk around. Patients must be escorted to toilets outside of this area. It is of significant concern that a security guard is responsible for supervising vulnerable individuals with serious mental health needs. It is not clear what training, if any, the security guard has in dealing with mental health issues.
- Amnesty International's November 2013 report reported that mental health professionals employed by International Health and Medical Services (IHMS) and Survivors of Torture and Trauma Assistance and Rehabilitation Service (STTARS), expressed concerns that they were struggling to cope with existing demand for their services. It is not clear whether the number of mental health staff has increased to cope with growing demand or growing numbers of asylum seekers. In addition to this, IHMS has expressed concerns that no full time psychiatrist is engaged at the OPC as required under the agreement with DIBP. In a letter to Amnesty International in April 2014, Minister for Immigration and Border Protection, Scott Morrison, claimed that a full-time psychiatrist was employed at the facility. This contradicts testimony of the court-appointed medical expert and IHMS staff.



- Access to sufficient clothing appears to be a persistent issue for detainees. During Amnesty International's tour of the OPC some asylum seekers called out that they do not have more than one shirt. Personal possessions are generally confiscated prior to transfer to Manus Island and not returned. DIBP staff at the OPC told Amnesty International that detainees now have access to shoes. Consistent with its previous findings, detainees have confirmed that shoes continue to be a 'special request' which is not always granted.

There is visible evidence at the OPC of the violence that occurred in February. In Oscar compound, glass doors to accommodation blocks and dining areas were broken or shattered. Security officers confirmed that these were damaged in the incident. At the time of the tour on 21 March, it did not appear that any effort had been made to replace broken windows and doors, tables, chairs or beds which may have been damaged in the recent violence. In Mike compound, Amnesty International observed at least two bullet holes in a shipping container, less than one metre high. Asylum seekers also claimed that there were similar bullet holes in at least two other sites in Mike compound which the organisation did not visit.

### Conclusions and recommendations

Under the Memorandum of Understanding (MoU) between the Australian and PNG Governments dated 6 August 2013, both governments committed to *treat [t]ransferees with dignity and respect and in accordance with relevant human rights standards*.<sup>42</sup> This obligation is consistent with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.<sup>43</sup> Clearly the death in custody of Reza Berati constitutes a breach of this obligation.

Importantly, the Body of Principles specifically provide that '*[w]henver the death ... of a detained or imprisoned person occurs during his detention or imprisonment, an inquiry into the cause of death ... shall be held by a judicial or other authority...*'.<sup>44</sup> Amnesty International calls for such an inquiry to be urgently established, from which accountability should flow, both at the government and individual level. Those responsible should be brought to justice.

Amnesty International welcomed the initiation of the PNG National Court inquiry and has been disappointed by the delays. The inquiry is currently on hold, pending an appeal to the Supreme Court by the PNG government amid claims that there is a reasonable apprehension of bias on the part of the judge hearing the case. Amnesty International understands that there have been impediments to the commencement of this appeal, and looks forward to the timely recommencement of the inquiry as soon as practicable.

Amnesty International recommends the immediate closure of the Manus Island OPC and the removal of detainees at the centre to Australia.

Further, Amnesty International recommends the Australian and PNG governments adopt in full the recommendations of the report 'This is Breaking People', with a focus on improving the conditions within the centre including adequate security and access to medical attention. The Australian Government should publicly release information about any improvements which have been made at the centre.

Amnesty International also makes the following recommendations directly related to the incident:

1. Immediately remove to Australia all asylum seekers who witnessed or were injured in the violence, for their safety and protection.
2. Ensure that all asylum seekers injured in the violence receive adequate professional assistance, including medical treatment, full rehabilitation and mental health services, as well as independent legal advice.

3. Conduct an independent inquiry into the violence with the joint co-operation of the Australian and PNG governments. Perpetrators of the violence must face criminal prosecution in accordance with international laws and standards, without recourse to the death penalty.
4. Ensure that asylum seekers have the right to access lawyers, including by:
  - a. Informing asylum seekers of their right to contact Papua New Guinea's Public Solicitor's Office, by providing contact phone numbers, and access to phones at reasonable times within office hours.
  - b. Facilitating unrestricted and confidential communication with lawyers by phone, mail or in person.
  - c. Removing any barriers which would restrict the right of an asylum seeker to obtain legal advice, including onerous restrictions on visiting the centre.
  - d. Complying with court orders, including orders allowing lawyers access to the Manus Island detention centre.
5. Ensure access to the detention centre by lawyers and human rights organizations. Access to the centre should not be arbitrarily refused by the Australian and PNG governments.

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<sup>1</sup>Memorandum of Understanding between the Government of the Independent State of Papua New Guinea and the Government of Australia, relating to the transfer to, and assessment and settlement in, Papua New Guinea of certain persons, and related issues, 6 August 2013; Clause 17

<sup>2</sup>Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Adopted by General Assembly resolution 43/173 of 9 December 1988; Principle 1

<sup>3</sup>Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Adopted by General Assembly resolution 43/173 of 9 December 1988; Principle 34

<sup>4</sup>Amnesty International media release 'Urgent, independent investigation needed into Manus Island incident', 18 February 2014, See < <http://www.amnesty.org.au/news/comments/33951/>> Accessed 5 May 2014

<sup>5</sup>Amnesty International media release 'Excessively cruel and costly prison-like regime on Manus Island', 11 December 2013, See <http://www.amnesty.org.au/news/comments/33594/> Accessed 5 May 2014

<sup>6</sup>On 28 April, more than four months after the report was presented to Minister Morrison, Amnesty International Australia received a letter from the Minister stating that a response to the report's recommendations would, due to issues of sovereignty, be produced in cooperation with the government of Papua New Guinea. However, such a response has not yet been produced.

<sup>7</sup>ICCPR, Art. 10(1): "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

ICCPR, Art. 7: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation."

<sup>8</sup>5 ICESCR, Art. 12(1): "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."

ICESCR, Art. 6(1): "The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right."

ICESCR, Art. 11(1): "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent."

<sup>9</sup>Information obtained by Amnesty International from witness report GM8, witness report GM10 and witness report GM17

<sup>10</sup>Information obtained by Amnesty International from witness report GM8, witness report GM10, witness report GM13, witness report GM17; Marni Cordell, Manus Detainees Riot Over Broken Promise, New Matilda, 17 February 2014 <https://newmatilda.com/2014/02/17/manus-detainees-riot-over-broken-promise> (accessed 7 May 2014)

<sup>11</sup>Information obtained by Amnesty International from witness report GM17

<sup>12</sup>Information obtained by Amnesty International from witness report GM17

<sup>13</sup>Goya Dmytryshchak, Asylum seekers riot on Manus Island but Scott Morrison denies detainees told they would not be settled in PNG, Sydney Morning Herald, 16 February 2014, <http://www.smh.com.au/federal->

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politics/political-news/asylum-seekers-riot-on-manus-island-but-scott-morrison-denies-detainees-told-they-would-not-be-resettled-in-png-20140216-32ucz.html [accessed 6 May 2014]

<sup>14</sup> Information obtained by Amnesty International from witness report GM8

<sup>15</sup> Information obtained by Amnesty International from witness report GM8, witness report GM17; Marni Cordell, *Manus Detainees Riot Over Broken Promise*, New Matilda, 17 February 2014, <https://newmatilda.com/2014/02/17/manus-detainees-riot-over-broken-promise> (accessed 7 May 2014); Statement by Australian Minister for Immigration & Border Protection, Scott Morrison MP, <http://www.minister.immi.gov.au/scottmorrison/media/speeches-and-transcripts/2014/> (accessed 7 May 2014); ABC News, Interview by Richard Glover with Azita Bokan, 21 February 2014, <http://www.abc.net.au/local/audio/2014/02/21/3949893.htm> (accessed 7 May 2014)

<sup>16</sup> Information obtained by Amnesty International from sources witness report GM8, witness report GM10, witness report GM13, witness report GM17, witness report GM19

<sup>17</sup> Statement by Australian Minister for Immigration & Border Protection, Scott Morrison MP, <http://www.minister.immi.gov.au/scottmorrison/media/speeches-and-transcripts/2014/> (accessed 7 May 2014)

<sup>18</sup> Information obtained by Amnesty International from source witness report GM8

<sup>19</sup> Information obtained by Amnesty International from sources witness report GM8, witness report GM13, witness report GM17, witness report GM19

<sup>20</sup> Information obtained by Amnesty International from witness report KS1

<sup>21</sup> Information obtained by Amnesty International from witness report GM8, witness report GM10, witness report GM17, witness report GM19; Marni Cordell, *Manus Detainees Riot Over Broken Promise*, New Matilda, 17 February 2014 <https://newmatilda.com/2014/02/17/manus-detainees-riot-over-broken-promise> (accessed 7 May 2014); ABC News, Interview by Richard Glover with Azita Bokan, 21 February 2014, <http://www.abc.net.au/local/audio/2014/02/21/3949893.htm> (accessed 7 May 2014)

<sup>22</sup> Information obtained by Amnesty International from witness report GM8, witness report GM10, witness report GM17, witness report GM19; Marni Cordell, *Manus Detainees Riot Over Broken Promise*, New Matilda, 17 February 2014 <https://newmatilda.com/2014/02/17/manus-detainees-riot-over-broken-promise> (accessed 7 May 2014); ABC News, Interview by Richard Glover with Azita Bokan, 21 February 2014, <http://www.abc.net.au/local/audio/2014/02/21/3949893.htm> (accessed 7 May 2014)

<sup>23</sup> Information obtained by Amnesty International from witness report GM17, witness report GM18; Statement by Australian Minister for Immigration & Border Protection, Scott Morrison MP, <http://www.minister.immi.gov.au/scottmorrison/media/speeches-and-transcripts/2014/> (accessed 7 May 2014)

<sup>24</sup> Information obtained by Amnesty International from witness report GM 19; Statement by Australian Minister for Immigration & Border Protection, Scott Morrison MP, <http://www.minister.immi.gov.au/scottmorrison/media/speeches-and-transcripts/2014/> (accessed 7 May 2014)

<sup>25</sup> Information obtained by Amnesty International from witness report GM13; ABC News, Interview by Richard Glover with Azita Bokan, 21 February 2014, <http://www.abc.net.au/local/audio/2014/02/21/3949893.htm> (accessed 7 May 2014)

<sup>26</sup> Information obtained by Amnesty International from witness report GM13, witness report GM18

<sup>27</sup> Information obtained by Amnesty International from sources witness report GM17, witness report GM18

<sup>28</sup> Information obtained by Amnesty International from witness report GM13

<sup>29</sup> Information obtained by Amnesty International from sources GM7, witness report GM9, witness report GM10, witness report GM13; Statement by Australian Minister for Immigration & Border Protection, Scott Morrison MP, <http://www.minister.immi.gov.au/scottmorrison/media/speeches-and-transcripts/2014/> (accessed 7 May 2014);

<sup>30</sup> Information obtained by Amnesty International from witness report GM13; Statement by Australian Minister for Immigration & Border Protection, Scott Morrison MP, <http://www.minister.immi.gov.au/scottmorrison/media/speeches-and-transcripts/2014/> (accessed 7 May 2014)

<sup>31</sup> See: G4S, Response to Questions by the Hoopla, 14 April 2014, available at: <http://www.au.g4s.com/media-centre/Manus/manusislandStatement5.aspx> [accessed 6 May 2014]. This response does not detail what attempts were made by G4S to prevent or stop the attack, only that G4S did not 'authorise or consent' to access by police or locals.

<sup>32</sup> Information obtained by Amnesty International from witness report GM9, witness report GM10, witness report GM11, witness report GM13, witness report GM17; email received from asylum seekers on 22 February and 3 March 2014; See also Liam Cochrane, *Guards attacked asylum seekers with sticks and iron, witness says*, ABC News, available at: <http://www.abc.net.au/news/2014-02-19/guards-attacked-asylum-seekers-with-sticks-and-iron-witness-says/5270640> [accessed 6 May 2014]; ABC News, Interview by Richard Glover with Azita Bokan, 21 February 2014, <http://www.abc.net.au/local/audio/2014/02/21/3949893.htm> (accessed 7 May 2014); Bernard Keane, Crikey, *Death on Manus Island: the govt is offshoring accountability*, 18 February 2014, <http://www.crikey.com.au/2014/02/18/death-on-manus-island-the-government-is-offshoring-the-accountability/>

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(accessed 7 May 2014); Junior Ukaka & Elizabeth Miae, *Chaos on Manus*, The National, <http://www.thenational.com.pg/?q=node/64323> (accessed 7 May 2014)

<sup>33</sup> Todagia Kelolaan, *1 Killed in Manus Asylum Centre Riot*, Post Courier, 18 February 2014

<sup>34</sup> Simon Cullen, Video emerges of aftermath at Manus Island Detention, ABC 1 March 2014, available at: <http://www.abc.net.au/news/2014-03-01/video-emerges-of-aftermath-at-manus-island-detention/5292664> [accessed 4 April 2014]

<sup>35</sup> Information obtained by Amnesty International from witness report GM11, witness report GM13, witness report GM17; Statement by Australian Minister for Immigration & Border Protection, Scott Morrison MP, <http://www.minister.immi.gov.au/scottmorrison/media/speeches-and-transcripts/2014/> (accessed 7 May 2014); ABC News, *Interview by Richard Glover with Azita Bokan*, 21 February 2014, <http://www.abc.net.au/local/audio/2014/02/21/3949893.htm> (accessed 7 May 2014); Todagia Kelolaan, *1 Killed in Manus Asylum Centre Riot*, Post Courier, 18 February 2014

<sup>36</sup> Statement by Australian Minister for Immigration & Border Protection, Scott Morrison MP, <http://www.minister.immi.gov.au/scottmorrison/media/speeches-and-transcripts/2014/> (accessed 7 May 2014); ABC News, *Interview by Richard Glover with Azita Bokan*, 21 February 2014, <http://www.abc.net.au/local/audio/2014/02/21/3949893.htm> (accessed 7 May 2014); Todagia Kelolaan, *1 Killed in Manus Asylum Centre Riot*, Post Courier, 18 February 2014; Junior Ukaka & Elizabeth Miae, *Chaos on Manus*, The National, <http://www.thenational.com.pg/?q=node/64323> (accessed 7 May 2014)

<sup>37</sup> Information obtained by Amnesty International from witness report GM17

<sup>38</sup> Information obtained by Amnesty International from witness report GM17

<sup>39</sup> Information from tour of Manus Island Regional Processing Centre, Friday 21 March 2014.

<sup>40</sup> Mike was still being constructed in Amnesty International's inspection in November 2013. Amnesty International reported in 'This is Breaking People' that Mike compound was intended to be used to alleviate the severe overcrowding in other compounds.

<sup>41</sup> Amnesty International report, 'This is Breaking People', December 2013. See for eg. Pg.5.

<sup>42</sup> Memorandum of Understanding between the Government of the Independent State of Papua New Guinea and the Government of Australia, relating to the transfer to, and assessment and settlement in, Papua New Guinea of certain persons, and related issues, 6 August 2013; Clause 17

<sup>43</sup> Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Adopted by General Assembly resolution 43/173 of 9 December 1988; Principle 1

<sup>44</sup> Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Adopted by General Assembly resolution 43/173 of 9 December 1988; Principle 34