

Having read all the submissions I am struck by the submission by the AFP who seem to think that seeking asylum is a criminal offence that must be treated like a law and order issue instead of the right to seek asylum.

1. We have no legal right to "disrupt" any refugees in transit countries - under the refoulement provisions of Article 33 of the refugee convention as set out by the UNHCR it is forbidden for any state actor, including police, to stop refugees from seeking asylum. It is most certainly illegal to have them stopped and jailed in other countries as we have been aware since the Human rights watch report "by Invitation Only" in 2002 showing brutality by the AFP in Indonesian prisons.
2. It is not people smuggling, who refugees pay along the way is none of our business and the man who might have "organised" the trip in Indonesia committed no crime in any country as Australia and Indonesia have both ratified the people smuggling protocol which forbids punishing those refugees who pay for transport and those who provide the transport. AS the senate know very well from an enquiry last year where they simply refused to abide by the provisions of the protocol Article 19. See James Hathaway attached. See UN statement on protocol attached.
3. Seeking asylum is not a law and order treaty, it is a legally binding humanitarian treaty so why on earth are the AFP allowed to operate secretly to interrogate people who have committed no crime? What is their exact role? Why were traumatised people allowed to be interrogated by the AFP for hours and hours when they should have been cared for?
4. Under what law do the AFP operate in other countries and why is disruption still going on when we already know it is illegal?
5. The sickness that pervades this country regarding those who ask for our help has become to poisonous it is almost impossible to unpick it and remember that under our law anyone is allowed to seek asylum.
6. Where are the survivors we pretend we care about? Have some of them still been denied asylum, some still jailed, some still without legal help or human rights?

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