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ECUMENICAL SOCIAL JUSTICE GROUP  
WESTERN SUBURBS

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## Submission to the Senate Inquiry into Detention

Considering Australia's mandatory detention laws from an objective point of view one can only wonder how did we ever come to this? For this policy has compromised the federal government and has undermined the integrity of politicians. It caused the cherished Westminster system of checks and balances to fail by promulgating bad laws under time pressure without proper review. It has generated conflict between state and Federal authorities, seriously eroded the integrity of public servants - especially Immigration department staff - and has stressed Australian wardens and damaged Australia's collective conscience. Was this in the public interest?

How could we abrogate our international obligations and betray our principles of justice, common sense and establish a punitive system with responsibility wholesale delegated to an American Multinational Corporation specialized in running prisons? How could the federal government account for its duty of care towards those incarcerated? The various amendments to the Migration Act leave us with bad laws in our books that continue to promulgate more injustices.

The policy, though now partly dismantled by decisions to move children and (some) women out of detention centers and into community care and to put a time limit on mandatory detention, is basically still in place. And though the policy is becoming more widely adopted internationally it can simply not be justified on the basis of justice, rationality, cost, or effectiveness. It is a wholesale approach to cases of human emergency. It is discriminatory and seems designed to systematically break down people unfortunate enough to come to Australia to seek respite from fear and terror and to come by boat instead of by plane.

To change the situation we recommend the following steps:

1. That the Australian parliament review all amendments to the Migration Act which have been passed into law under duress, time pressure or without proper second and third readings and discussions.
2. That strategies be put into place to treat all arrivals in Australia without visa in the same manner.

3. That all women and children be put into community care with accredited institutions.
4. That wholesale mandatory detention be abolished and all arrivals undergo an initial screening interview within 24 hours of arrival. They should then be released under supervision into the community for a limited period unless there is evidence of suspicion of terrorism. If this exists, a court order should be shown when detaining the suspected person. He or she should also have access to the accusations made against them and to a defense lawyer in due time.
5. After a period of checking of information provided in the initial interview the applicant should be notified and put either on a permanent visa or legal proceedings should be started against him or her and the case should be decided according to
6. The detention centres emptied because of the changes should be revamped and used to provide housing to homeless people as convenient.

### **One of our member's experience with people in detention**

I began correspondence with three inmates of Woomera Refugee Centre as part of a protest about the incarceration of the so called "Boat People" who were arriving off the west coast of Australia in late '90's.

I at first had 3 names – one from Afghanistan and two from Iraq, none of whom had any English, so I had to arrange an Arabic interpreter. To my dismay, the University student who undertook the work was a Sunni and not in agreement with the politics of the refugees, and, reportedly, was so upset by their letters that he asked not to be given any more.

The first Iraqi man aged 19 was harassed to take the Government's offer of his fare back and I lost contact with him after 5 months, although he was very afraid of his future on his return and I had no way of contacting him..

The second Iraqi aged 29, was married with two children- boys of 7 and 5. He eventually found someone to write for him until he attempted in English. to tell me his sorry story from being a blacksmith in an Iraq village to Woomera. His wife had attempted suicide and then fell and broke her leg – she was moved to Baxter Prison with the children and his contact with them was a trip a three plus hours once a month leaving only two hours to see them. About a year later he was moved to Baxter. but she and the boys were moved back to Woomera the very morning that my husband and I arrived with presents and a cake for the boys' birthdays. The presents were taken from us at the gate and placed in a cupboard to be inspected later.. His distress was palpable as our visit had been applied for almost three months previously and we had persuaded our tour driver to divert from his planned itinerary to take us out to the dismal, isolated place for 2 hours only. From then he became more and more distressed and depressive and despairing in his letters, as he had lost touch with his family when they were released into the community in Adelaide. After many of my letters were returned without explanation, I discovered that he was in a psychiatric hospital in Adelaide ( I had found a contact in a support group in Adelaide who traced him there although the authorities simply returned my letters). From there I lost touch with him as the refugees were released after 5 years of such cruel and unnecessary suffering..

The third refugee was a single Pakistani man of 22 who was a Hazara farmer in Afghanistan and whose family had opposed the Taliban and the Islamic rule, so he was sent out to escape death drafting into the Army or kidnapping. He seemed confused by his experiences and it took an hour to persuade him to come to the visiting hall when we visited. His basic English improved quickly and he was released after 3 years and came to visit me in Brisbane- but he could not get a job here and

returned to friends in Adelaide. We still keep spasmodic contact by phone but he finds it difficult to keep in a job.

There are so many scars even in these 3 lives as a result of the inhumane treatment they received that I feel it was a “dark night” for Australia and must never be repeated.

Signed Karin Chai,  
Secretary, Ecumenical Social Justice Group/Western Suburbs Inc (Brisbane)