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The Committee Secretary  
Joint Standing Committee on Migration  
The House of Representatives  
Parliament House  
Canberra. ACT. 2600

RECEIVED  
20 AUG 2008  
BY: MIG

Dear Sir or Madam,

Submission to Immigration Inquiry  
Asylum Seekers in immigration detention.

These stories are about suffering, trauma, deportation and death. They are about an inflexible system, bureaucratic callousness, indifference and ineptitude. They were collected in the democratic country of the Commonwealth of Australia between 2001 and 2008. Some of the names have been changed but can be supplied on request.

The purpose of submitting these stories in this form is to put a human face to those folk who arrived in Australia seeking asylum under the Refugee Convention. They seek also to say something about the Australians who went to their aid behind the wire.

Those of us who went behind the wire are not the same as we were before. We have been to the dark side. Like asylum seekers we have the scars of detention embedded in our souls. For us it is a shameful episode in our history, not worthy of a first world industrialized nation that prides itself on a "fair go. Asylum seekers were not been given a "fair go as these stories demonstrate. Asylum seekers in Australia have been demonized, humiliated and misrepresented as alien opportunists (see statement by W enclosed).

Well may you ask why we continue? But if not for us who then to bear witness? Who else would put names and faces to those known only by number.

How many asylum seekers have been deported? How many have disappeared? How many are physically and psychologically damaged for life? Alas we may never know the fate of those removed from our shores. (see Sonia Chirgwin's and K s account of deportation enclosed). By now we know only too well that the Refugee Determination System and should be reviewed. (see Nary Thong RRT Tribunal Hearing, enclosed).

We appreciate that not everyone can come to Australia. We acknowledge that we must have an orderly immigration program. At the same time we believe we should own up to our responsibilities, adhere to the international protocols and conventions we have signed, act like a grown up country and take our fair share of the world's displaced peoples without fear or favour.

As regards the recent changes to the policy by Minister Evans I applaud them. However the "indefinite nature" of the policy remains. The bureaucrats who implemented the worst excesses that brought us Cornelia Rau and Vivian Alvarez remain within the Immigration Department. As well the Refugee Determination system itself remains open to abuse. There is nothing to stop abuses documented in these stories happening all over again. The same bureaucrats remain the decision makers.

For further information to determine the impact of detention on asylum seekers I recommend you gain access to the medical records of hospitals; Liverpool Hospital, Liverpool NSW. Banks House, Bankstown NSW. Fairfield Hospital Fairfield, NSW. And Towong Private Hospital, Brisbane Qld. As well I suggest you read reports by the Commonwealth Ombudsmen of the impact of detention on asylum seekers. Only then will you be able to comprehend the full scale of the devastation caused by the policy of indefinite detention.

I congratulate you on your courage in convening this inquiry. It will take a strong character and a mighty resolve to undo the policies of shame that have ruled our country for too long.

And I ask you please to not ever close this file. Lest we forget and do it all over again.

Yours faithfully

Ngaréta Rossell  
Asylum Seeker Network, Medical Alliance in conjunction with Balmain for Refugees.

19/8/08

Villawood September 2006. Portrait of an Asylum Seeker.

The "new look" Villawood has potted plants, refurbished rest rooms and six pages of regulations for visitors to read and fill out. These days you can sample the state-of-the-art visitor security, the x-ray machine, the numbered, plastic wrist straps, the stamp on the back of the hand. After you've done this you can also remind yourself having turned out your pockets, handed over your licence, keys and wallet to the guards at the front desk, that the asylum seekers on the other side of the wire have committed no crime.

Once inside, you are locked in, just as they are. How does it feel? Imagine the unthinkable. You have to leave your country. Not next week, not next year, now. You must leave behind all you hold dear, family, friends, language, and customs. For you there is no choice.

This is a snapshot of a Middle Eastern man who arrived in Australia, by boat seeking Asylum. He is between twenty and forty years old. He is polite, well educated and energetic. He has completed his military service in his country of origin. He is healthy and strong. His idea is to get to a democratic country, establish himself then send for his family. This man is a composite of many such men I met in Villawood between 2001 and 2007. This is his story.

In many respects he is not remarkable in any way. He has all the instincts, longings and desire for life that we all have. It is only circumstances that set him apart from you and me. His name is M

M saw it coming. His bag is packed. The soldiers were on their way. Once in jail there is no escape. M knows this. Quickly he gathers together a few small trinkets. He farewells family, wife children, Mother and Father. A tearful goodbye. He turns on his heel and walks out of their lives. He leaves at night on foot, on horseback, in the boot of a car, in the hold of a ship, in the luggage compartment of a train. In a plane. M leaves by whatever means the smuggler has arranged. No time for thinking. He just pays the money and goes.

He strikes out. His destination? A Western, democratic country that practises Human Rights that has signed the Geneva Convention. The smuggler tells M there is a vacancy in a boat to Australia. The only destination on offer at this time. No point in describing the journey to Australia. The boat, the storm, the dehydration. The drownings. A voyage of the damned. But M didn't drown. He was not arrested. He is alive. M puts his trust in God and asks Australia for a asylum.

There follows a short interview with a uniformed man at the port where he landed. The man wears shorts, long socks and broad a brimmed hat. M has never seen a man dressed like that before. The man asks M if he knows who Shane Warne

is. Next, a trip by plane or a drive in a covered van to a refugee camp. Now the worst is over. This is what M believes.

The Villawood camp was not quite what M was expecting. A curious collection of run-down buildings with padlocks, alarms, and floodlights. A place where uniformed guards patrol razor wire fences. Where the static of two-way radios punctuate the air. In the reception area M's family photographs are confiscated. He is saddened to have given up the last vestige of his identity. Next M's date of birth is noted. He is medically examined, vaccinated, given a number and allocated a room. The few possessions M managed to bring with him will follow, he is told. A shadow of doubt enters his mind for the first time. What if the worst is not over?

If M speaks English he will receive a fragmented account of what happens next. Miscellaneous anecdotes in a variety of languages are bandied about the camp. Who to believe? "They will try and get rid of you as soon as they can," M found that disturbing. But he doesn't believe it. "Your case will never be processed." Not possible, M says Australia is a democracy. "You need a lawyer but they'll take your money and won't do anything for you." Maybe M thinks I do need a lawyer. But how to find one?

If M has no English he will wallow in a sea of ignorance and will rely on scraps of evidence he picks up in the camp. M has some English and is therefore not overly concerned. Its early days and M still has hope.

This situation must only be temporary. Soon, someone will come and explain everything. M has nothing to hide. He has co-operated with authorities. Given details. Why he came, where he's from. Of course M doesn't tell them everything. In his country you never tell authorities everything. Not even your best friend knows everything. It's only your family that knows everything. That's how it is in totalitarian countries, Iran, Iraq, Afghanistan or any Middle Eastern country where government corruption is entrenched. You never trust authorities with the whole truth.

After a while M asks other asylum seekers how long he must wait for his case to be processed? They appear not to hear. Maybe next week. Next month. Or the month after that. Who knows? All anyone seems to know here is the camp routine which is roll call, four times a day. The first one, a torch in the face at 5.30.am.

What is there to do in here? M wonders. People pace. What M really means to say is that people walk up and down. Up and down. And some of them cry all the time. Others wait at the wire for something or someone who never turns up. Often at night in his room M hears arguing, raised voices and, weeping. In the morning it's the silent ones M wonders about. Blank face and, dead eyes.

One day M is asked by other asylum seekers to put his name to a petition. The petition is addressed to the manager with requests like; "Respected Manager, may detainees have access to the pool table. Can they have more videos?" There are comments like; "Why does the cook tell people to shut up?" Then this. "It is very hard;

we have been living in detention for an indefinite period. The above requests are some means to keep ourselves busy and prevent us going mad." Villawood Jan 30, 2002. The requests appear never to be addressed because nothing changes. The videos supply remains the same. And some people really are odd.

One morning in the mess an old woman tells M that once there were children here. "Children are normal" she said." It was better when children were here.

When children were here they ran around like chickens in a pen, like little dogs." the old woman said. "They slipped up and down the slippery dip. Up and down, round and round while their parents stared with Panadol eyes"

"No children here now, M says." What did the old woman mean Panadol eyes?

But M does see remnants of children; a slippery dip in the corner of the Compound stands stark, unused and rusting. He thinks the old woman a bit odd too. He never sees her again.

M discovers that some people here are nocturnal. At twilight a whole new group of people emerge from their room like sky bats at dusk. They blink in the gloom and line up for the phones. So few phones. So many callers. A brisk trade in phone cards and cigarettes. A squabble in the mess. Nights pass slowly here. It's a shock for

M to discover that some people have been here for years. Why? And where do they get this food? Some sort of meat, greasy and tough. Hard to identify. Warmed over

rice, night after night. White sliced bread. People put it in the bin. A guard said that that's what Australians eat. Oh what M would do for one, ripe plum?

During the day M finds himself joining the pacers. What else is there to do? At night he fights for a place in the phone queue. When at last his turn comes he rings his family. The phone rings out. No one answers. The next night M lines up again, he speaks to a friend in the next town to his. The friend can't help, doesn't know. "Your house is watched. Don't ring again. Said the friend.

That night M doesn't sleep. In the morning he visits the Medical Centre. A long queue. A woman nudges him from behind. "They take babies from mothers in this country. Did you know that? They tear them from the breast," she whispers. Did you know that? They send the mothers away. They keep their babies here. Did you know that?"

Another mad woman, M thinks. He doesn't believe her. No country would do such a thing. Especially not a Western country. By the time he reaches the head of the queue the Medical Clinic is closed. No assistance for sleeplessness today M resigns himself. He borrows Panadol from a neighbour.

In the evening M sits on the step outside the pool table room. He talks with a Chinese woman. They have some language in common. The woman says an arrest warrant has been issued in her name in China. She tells of torture of people whose beliefs



are different from those of the State. "Same in my country." M says "They watch you for signs of difference." The woman said that in China women are stripped bare and sat on chairs of nails. They are strung up by the thumbs." She says. And then she cries.

The Chinese woman cries all the time. She is frightened they'll take her. "Who'll take you?" M demands. "Take you where?" The woman doesn't answer. In his wildest dreams M never believed he could be sent him back. Who decides? What do Australian authorities know of her country? He wonders. What do they know of the cruelties perpetuated against this woman, in her small village? But of course authorities must know. In the West you get justice. M knows this. He decides the Chinese woman is mad as well.

Another petition to sign. This time it says that detainee's request "procedures for room searches are done with respect." The search is not the issue, the petition says, "it's the manner in which it is carried out. Items should not be damaged". Villawood IDC, February 8, 2001. M adds his name to the petition. He wonders what they are looking for when they search. Last week a man told him they confiscated his mouth wash.

M becomes aware of the veiled woman who visits the Compound Saturdays. Her husband is here. M sees them together huddled beneath a tree at the far end of the visitor Compound. The woman has a visa. Her husband does not. The woman lives

in the community. Her husband lives in Villawood. For years he has lived in Villawood. The couple have two boys. The boys are teenagers now, speak with an Australian accent the boys have other interests. They are not interested in spending Saturdays in Villawood. Their mother is young but stooped.

The Father's voice is stilted, unemotional. He's going down. His wife knows tries to keep his spirits up. She comes with home-cooked food and news of the boys. The Father sits motionless in a white plastic chair, brain numb after six years of detention. The Father has only more of the same to look forward to. Six years? M                    feels sorry for them. Why is he still here?

The problem is M                    thinks they're all a little crazy here. Maybe the husband is crazy too? From that day on M                    makes a pact with himself not to speak to anyone. M                    looks in his notebook and marks off the passage of days. Three hundred and sixty-five days. Twelve months. Twelve months and M                    still hasn't spoken to his family. He continues to phone the number.

A small bonus. M                    's English has improved. And he has found someone to help with his case. A migration agent. But the agent needs money.

M                    still has some. It is costly but he gives the agent what he asks. The agent gives M                    a date to appear before the Refugee Review Tribunal. M                    is happy. His hopes rise. At last his turn has come. He is in a Western democratic country. Now he will receive justice.

The day of M's Tribunal Hearing arrives. M puts on a suit. The first time he has worn a suit since he arrived in Australia. M is escorted to the Tribunal in the city by two guards. But the Migration agent doesn't turn up for the Hearing. The interpreter stumbles all through M's case. The interpreter is not from M's country. He speaks Arabic with a different accent. Did the interpreter interpret M's story correctly? M doesn't know. The Tribunal Member asks him a direct question M can't answer. His mind went blank. The words wouldn't come. Thank you said the Tribunal member. All of a sudden the Hearing is over.

Back in detention M is in agony as he waits for a decision. He checks his reflection in a window. No mirrors allowed here. He is concerned the face that looks back does not belong to him. Black shadows below the eyes. At the mouth, wrinkles. His hair is turning grey. M hears about a man who went blind in detention from trauma. No word about his case, still. M takes up smoking.

M sends a fax to the RRT hoping to get some word. Anything. But the Villawood fax machine does not work. M phones the person whose name is on his Immigration documents. But the person is on holidays. M lies on his bed trying to remember the face of his wife. Nights he lies awake. When M does sleep he dreams about being deported. He wakes in fear. He won't close his eyes again. M requests something stronger than Panadol. More and more medication each

day. Time has begun to lose meaning. M has stopped marking off the passage of days. It doesn't matter any more.

The Chinese woman with whom M could talk has disappeared. He did not hear her go. Why didn't she say goodbye? A silent departure. Drugged, a guard said. No noise at all. M wonders obliquely if she was strung up by the thumbs when she got back. M is tired.

M is too tired to worry. M lies on his bed all day. Sometimes he thinks of his wife. The way she cooked rice with saffron and bar berries. M can't eat the Villawood food. Can't eat. Won't eat. On hunger strike now. M can't see his children's faces anymore.

How old, is the old man who squats all night on the steps outside his room. He wonders? Seventy-five, eighty? How long has he been in detention? The old man doesn't know. If M asks him he tells him. He's preparing to die here. Die? Now there's a thought.

M receives a letter. From the RRT. Australia does not owe him Protection.

M drinks a bottle of bleach. After the hospital M is moved to maximum security in Villawood. Through a small glass window he is observed by two guards at two minute intervals. M is on suicide watch.

Ends.

K

It would be a mistake to say that the life of fifty three year old Chinese National, K has not improved since she was released to community detention in June 2007. These days Ms K can walk to the shops, go to lunch, take a train to the city without guards or padlocked gates blocking the way. Neither are there are no crazy people around her trying to kill themselves anymore. As Ms K was in the midst of working out just how to kill herself when Immigration, acting on a tip off from a Chinese nun, released her, things have changed for the better. Outwardly at least. Yet still K nightmares continue.

At night in her room in the neat Red Cross flat in Ashfield as soon as she closes her eyes the ghosts of Villawood come. The nurse with the needle as she readies detainees for deportation. The Asian woman falling head first from a first floor balcony. She sees them. She hears them. K s physically out of Villawood but so long as her case remains in limbo, mentally, K remains locked up.

On 14/6/06 Psychologist Paula Faurrigia wrote;

“At the interview Ms K presented as highly agitated, trembling, breathless and perspiring. She took some convincing that she was not being deported that evening. She experienced occasional nightmares related to witnessing distressing incidents. She made specific reference to having observed a Vietnamese girl plunging to her death. She reports having observed several suicide attempts and remembers highly distressed children and agitated parents. And upsetting exchanges between detention staff. And people starving themselves.”

The United Nations is considering the case. The Ombudsman continues to write reports.

“May 15, 2008 This is the combined fifth and sixth report by the Ombudsman on Ms K as she has remained in immigration detention since the Ombudsman’s fourth report. The Ombudsman first report 4/1/06 was sent to the Minister on 17/1/06 and tabled in Parliament on 29/3/06. The Ombudsman’s combined second and third report 10/4/06 was sent to the minister pm 31/10/06 and tabled in Parliament on 5/12/06. The Ombudsman’s fourth report 20/6/07 was sent to the Minister on 20/6/07 and tabled in Parliament on 15/10/07.”

So why does Immigration continue to sit on its hands? The whole thing is that In the House of Immigration there are many managers. A charge of “corruption” from the Peoples Republic of China does not readily fit in to manager’s guidelines. Ms K’s case is complex. Not only for managers but for bureaucrats as well. One bureaucrat was heard to remark that “with so many processes it was almost impossible for any process to take place at all. Ms K’s file has travelled from one department to the next. From one case officer to another.

The decision not to make a decision seems to be the only decision that Immigration is capable of making on this case.

“A sham.” Said another manager. ‘Locking someone up for years is against the Refugee Convention. It’s against nature.

Ms K says that her husband, who has been on death row in China for seven years, had political enemies. That by reason of being his wife she too, is implicated. Ms K denies the corruption charges

Prominent Human rights campaigner Harry Wu says that “prosecution rather than persecution is a well known device in China used to remove political opponents.”

“It is common practice in totalitarian countries to accuse those who have personal or political difference with those in power of having committed crimes, as opposed to political acts. This is especially so in China. Every Chinese knows this.” Ms K’s Sydney migration agent.

It is now perfectly clear that Australian authorities do not know this as not one of the Immigration determining bodies thought to question the charges levelled at Ms K by the PRC. Each separate body referred back to the original RRT decision which was negative.

The Ombudsman recommended that K be provided with diplomatic assurances that on return to China she would not be executed.” Nobody questioned the fact the PRC execute over sixty thousand persons per year.

The First Optional Protocol to the International Covenant on Civil and Political Rights had this to say about diplomatic assurances.

“As noted by the Council of Europe’s Commissioner for Human Rights, “the weakness inherent in the practice of diplomatic assurances lies in the fact that where there is a need for such assurances there is clearly and acknowledged risk of torture and ill treatment.

The value of signing and understanding or accepting an assurance from a state that does not respect even legally binding multi-lateral agreements prohibiting torture and other ill treatment is necessarily cheap. Promises to take measures detailed in diplomatic assurances are mere repetitions - indeed pale echoes – of treaty and together international obligations receiving states have already promised but failed to respect in the past.

“The reliance on such non binding agreements to enforce legally binding obligations may, in fact undercut the credibility and integrity of universally binding legal norms and their system of enforcement. This is particularly the case if

authorities in a country have persistently refused access to existing international mechanisms.

"When [redacted], Mr K [redacted]'s Canadian citizen son visits his Mother he humbly asks the Australian Government to re consider his Mothers' case.

"Her health is failing her hair has turned white. She lives in a permanent state of terror about deportation. I don't think she can withstand the waiting much longer."

Today [redacted] K [redacted] is the longest serving detainee in detention. She has just failed the latest 417 appeal. Last heard of her file sits in the "complicated cases" department deep within the bowels of the department of immigration. They maintain they are "actively managing" the case. Meanwhile a sons' pleading for his Mother life is a mere bleep in another Immigration day.

End

As at 13/8/08 [redacted] K [redacted] remains in Community Detention

- This is Stage one Villawood as at 13/8/08. A 501 detainee.

DOB [REDACTED], Two sons aged 15 and eighteen years. One grand child aged two.

Detained Villawood May16, 2008.

Jailed for eight years for a series of violent offences. Released and living with 18 year old son. Picked up by immigration Compliance.

Attempted suicide by hanging at Stage One Villawood. Jumped from roof to razor wire. Returned from hospital to Stage One Friday 18/7/08

"You don't get nothing. You've got no money. If you're poor you got no chances. Death looks more important than life. Laws are unjust. I've made my peace with God. Its not about life no more. Its gone past that now. I'm not here no more. The law has to be turned around.

"I'm using my only resource have to turn it around. Myself. I don't care about a visa no more. I care about nothing. My neck's sore. My back's sore. I'm stitches from top to toe. I've severed tendons in my hand. My death can change laws. I care about unjust laws. About poor islanders who've been here for forty years with no education. I've been here since 1977. I came here when I was fourteen years old. My Mum fell in love with an Aussie I had no choice. They decided to bring me here. What you hear from me is what you hear on the streets of Australia.



"Mum went out to work. She picked me up from school at 9.30am and said I had to work. too. The law said I had to go to school. But I got no education I've already been crucified. I was a coloured kid back in them days. I've been all over this fuck'in country from Dimboola to Horsham. I've lived in fuck'in shearers quarters. I'm a big bloke I can shear a sheep. I've lived in fuck'in tents. I've lived in caravans. I was a fruit picker. I've picked oranges, apples, mandarins. I can boil water in a baked bean tin. Not a fuck'n food I can't cook using tomatoes. I was a coon, a coconut. I was a nigger. I was a baboon. What the fuck does nigger mean? What does monkey mean? I wrote them all down in my book. I never asked to come here I never asked for racism and prejudice. It was horrible.

I tried to apply for the army. They said no. I went back to New Zealand. I applied for the army in New Zealand I came back to look after Mum. Mum fell ill. Mum's buried in Nowra and I've never seen her grave. My little sister's buried in South Australia. I've never seen her fuck'in grave neither. Its wrong. My son joined the army. I won't try to join the army. No army. No more.

You don't think I'm going back to New Zealand. Do you. I assimilated. I'm gonna be lost in a world that's not mine in New Zealand. I'm between a rock and a hard place. My death will change everything. Every anger management issue I've ever had. They're all Australian. Then they kick me out of Australia.

I want to know the point you get to in your life that makes death look beautiful.  
I've made my peace with God. The razor wire has made me look terrible. I've  
promised Paula I'll stay alive till Saturday.

As told to Ngareta Rossell 23/7/08

– Lima Dormitory Villawood 8/11/05 as told to Ngareta Rossell.

“Two room searches twice a month. GSL Officers remove all legal documents from their envelopes. They open the cupboard and shake out all the clothes. They never put anything back. I'm tired of cleaning up the mess each time they come. I don't have anything in my room. They have nothing to search for. Once a Dimia officer, confiscated a bottle of glue. Its dangerous she said. They have no training for this.

When there is a disturbance in Villawood police are called. The police say to us, why did you come to this country. They are on the side of the officers. We would like to go back to Stage Two where men and women can be together. More normal that way. They say "no babies". There are 30 women locked up in Lima. Thirty women and only one television set.

To go to Lima you have to pass through three locked gates. To get out of Lima you have to go through the gates all over again. At the moment there are three Chinese people in hospital after being on hunger strike. Last week a Chinese woman in Lima tried to kill herself. She is in hospital too. Her name is H : She is in Banks House and too weak to answer the phone.

The guards provoke the detainees, especially those who have no English. Every day we have four roll calls. The first one is at five -thirty am. Officers barge into your room without knocking and shine a torch in your face. There are no locks on doors.

They call it Welfare. A new officer always wants to see your face. They ask for your ID card After that roll call is at 11am, 4pm, 8pm. Women in Lima cry all the time

H said her gums are bleeding.

H was released on a spouse visa in 2007. She married a former detainee and has a baby I ..

Ends

Wong is a man of sorrows, 48 years, born in China ( ) old he has been locked in Villawood Detention Centre since 7/2/02. His health is deteriorating; he suffers from shingles, anxiety, and a type of weeping eczema that causes an unrelenting itch beneath his skin. He does not complain. Instead when Medical mixed up his tablets – they couldn't remember which tablet was which and gave out different amounts out on different days – Wong prefers to make himself a cup of green tea and to treat himself with his own Chinese brand medicine. Herbal teas and hot poultices.

On 17/3/06 he wrote. 'At present my shoulders, back and centre lung area are extremely painful. All my extremities are numb. I find great difficulty sleeping at night.' He will then make himself another cup of green tea, try to forget where he is and wait patiently to hear from his lawyer.

An assessment of Wong done in 2003 states; 'Mr Wong's presentation is consistent with a diagnosis of major depression, anxiety. Hardly surprising considering his continued detention in a toxic environment where nothing happens day after day, month after month, year after year. A place where there is no sentence, no day release, No excursions for good behaviour. All that Wong has to look forward to is the creeping deterioration predicted by Mr R ( ) and Dr W ( ) who assessed him in 2003.

Ms Paul Farrugia assessed Wong this year endorsed the findings of the two earlier Health professionals.

It is obvious to those who know W that he is in the midst of a mire of despond that characterizes the dead zone that is Villawood. So many questions about W's detention have not been addressed? So many answers not supplied.

For example why did the Immigration Department, without any warning cancel his student visa within one year of W completing a three-year business degree? Why was he detained under Section 501 of the Migration Act, a clause in the Act reserved only for those who have been charged with criminal activities? W maintains that he has never committed a crime in his life?

“ I lived in China for more than 40 years and during that period I never committed a crime nor was I ever accused of one. The same applied while I was living in Hong Kong. There were no accusations, no questions from authorities”

So why now, when he comes to Australia on a student visa is W accused of corruption by Chinese authorities? And why are Australian authorities denying W access to documents that are said to incriminate him? The more W agonizes, the worse he feels.

His lawyer explains that the Migration Act of 1958 protects the documents from disclosure. Essentially, the lawyer believes that W has been refused access his own documents on character grounds. The fact is that the 'character grounds' are based on information supplied to the Department by Chinese officials is of concern.

Evidence has been obtained that the Department is deporting Chinese nationals back to China to face criminal charges in the absence of an applicable Extradition Treaty at China's request.

In the meantime the Immigration Minister has graciously allowed W. to make representations to the Court. But without the relevant information his applications fail. Years pass. People are deported. People attempt suicide. People die in Villawood. But for W. nothing happens.

Australian authorities are encouraging W. to return. W. is insistent that he cannot return. As a citizen of the PRC W. has the misfortune to be born into a family with Nationalist leanings. Part of his family resides in Taiwan. Through mere accident of birth W. believes he is forever doomed, like his family, to be the object of suspicion from the Communist Chinese authorities.

'As a younger man I was directed by the Communist Party authorities to work in the Customs Office, to follow in my Father's footsteps' said W. 'Due to harassment by Party officials, combined with ill health my father retired and I, as his son, inherited the position. I realise now that I was vulnerable to any accusation the Chinese Communist Party make against me. And then they did accuse me of something, of colluding with my boss, Mr L. now charged with 'smuggling activities and currently seeking refuge in Canada. Eight of the so-called smuggler conspirators have already been executed. W.

said he was living in Hong Kong with his wife and two children at the time of the offences. He has a stamp on his passport to prove it.

Australian authorities are encouraging W to return to Hong Kong. Some documents recently obtained under FOI indicate that W's Hong Kong residency has been cancelled which would automatically return him to the PRC. W maintains the judicial process in the PRC will never afford a person of his family a fair trial.

The Commonwealth Ombudsman has not made specific recommendations in W's case but has noted that this case should be actively managed to prevent his continuing indefinite detention. W has much community support. A bond and accommodation have been arranged should he be permitted to reside in community detention. W pledges to comply with release conditions.

The Ombudsman recommends that the Department reconsider the decision to refuse access to certain documents. The Ombudsman has also noted that the Department should seek a reassurance from the PRC that W will not face the death penalty if returned. A remarkable request to the Government of a one party state that executes thousands of people every month. Sixty thousand a year.'

The most recent assessment by Ms Paula Farrugia in 2006 recommends that, 'Mr W be managed outside the detention Centre environment and released into the community.' It goes on to say that, 'further exposure to the life and conditions of detention could only



be expected to lead to further aggressive deterioration of Mr W's now fragile mental state to the degree that continued detention would result in decline to an unacceptable level.'

W was released into community detention in 2006. In 2007 he was returned to Villawood. In 2008 he was released again to community detention. His case remains unresolved.

Ends

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Villawood. One day in August, 2005.

They had her by the hand, one on either side of her as they lead her through the gate to the Visitor Compound. Late sun gleams on a mane of black hair. Black hair frames a ghost like face. Her dark eyes are circled red. A dead woman walking. How many days crying is this?

“How long?” I ask L and O ?

“Since February.” L says. Today is the eighth day of the eighth month. What happens to a Chinese woman after eight months of immigration detention in Australia?

“No lawyer.” Says L . “No language. Someone had a go at her case once. A migration agent, I think. Whoever it was didn't do much. Took the money, and left. Her refugee application didn't stand up. No money for a lawyer anyway. Hard to know what happened. Or how she even came to be here? Who knows? But here she is. Going crazy, like all the rest of us.

“We all go crazy after a while” L shifts on his feet. “But for her it came sooner.” He pauses while O finds chairs. L brings a thermos of hot water. We sit at a table, under trees at the far end of the Compound. L pours water into paper cups. The woman sits between them. A small boy with his Mother is peeling oranges at the far end of the table. The pair appear oblivious to us at our end. The boy is lining up orange quarters on paper plates.

“Tell me quickly”, I say, looking at my watch. “There’s not much time.”

Why had O and L left so late to bring her out?

“She doesn’t like to leave her room.” L explains.” She has to be persuaded. The woman stares straight ahead. Her tea remains untouched.

“Anyway she missed her chance at the Federal Court.” L speaks jerkily.

“Due in Court but never made it.

“And?” I raise my eyebrows willing the woman to look at me. She doesn’t.

“And they didn’t tell the Court she couldn’t make it because she was ill. She never went to Court. She was here, in bed. Her last chance has gone. The case was forfeited, finished.” L stops.

The woman is glancing from L, to O, to me. They are telling her story. Her bloodshot eyes stare straight at me. I smile weakly.

“Well anyway it’s over” L rushes on.

“She tries to kill herself after that. A couple times? Don’t know how. Hanging? Tablets? Don’t know really. At the hospital a nurse there tells her she had a life threatening disease. She doesn’t know if she has or she hasn’t. The doctor is too busy. Won’t see her.” The woman’s lower lip is trembling. L pauses

“What is your name? I ask the ghost woman. We are losing the sun. Soon the orange floodlights will switch on. It is too cold to be here after that.

X " said L . X holds out a limp hand and says something to L . “She wants you to know that she was pushed head first into the fence by guards. She wants you to know that

her hand was bent back at the wrist. Then her head. She wants you to know she has no feeling in her fingers. She wants you to know that”

“Tell her I’m listening,” I say. X is concentrating on every syllable of the conversation.

“She understands,” says L. “But not everything. And, well, anyway this is what happened. Everyone saw. O. You tell.” X looked to O then watches me.

O clears his throat and sits up.

“There are two guards. Two women. Female tanks, I call them all muscle and buttocks.

They go to her room, bang on her door. She begs to be left alone. She cries. They ignore her. They open her door. They pull her out. Out of bed. Out of her room.”

“Why?” O shrugs

“Why anything here. But that’s not all. The next morning they come back. Male guards.

Two. They go to her room. They made no inquiries, they ask no questions. They drag her across the Compound; pull her along in her pyjamas. She struggles. Her pyjamas slip down. Imagine. A modest, Chinese woman exposed in public. Everyone sees. Just then X let out a cry. She knows. She knows what O is saying. Her nose and eyes are dripping. She wipes her cheek, her knuckles clench. I fumble in my coat pocket for tissues. She is weeping uncontrollably. I find a tissue. One only. I pass it to her. She crushes it in wet hands.

I steel myself “Go on.” I said to O

“After that they dump her in solitary for 24 hours.” X looks from C, to L to me.

“Why?” I asked O again. O doesn’t answer. After some while he says.

“Everyone knows when someone can't take it anymore. There's always an exit point. But with most people that’s better than being sent back to... where ever it is they come from? No one asks about anyone else’s case. It’s sort of unwritten. You just don’t ask. No one really wants to leave their country. But if they leave, they can't go back. Well..... They just can't. Not to China anyway.” O appeals to me. “Why doesn’t Australia understand about China?”

“I have to say I don’t know. I s’pose they think they can’t take everyone. O shrugs. His eyes fixed on the ground.

“Some reach that exit point sooner than others.” Another long silence. Sensing something the small boy at the end of the table leans forward. His mother indicates he should not interfere.

“Usually they jump.” O’s voice cracks. “Out a window. Off a verandah.” His eyes are bright.

“They find a place.....” He pauses. I wait. “ I remember now what she did. She found a bed sheet.” She hangs herself from a shower rail”. O stops. She stares at O . Then me.

“Someone got there in time.” L is refilling the cups with luke warm water. “If they get there in time they bring them back.” O presses on. “But after that, they’re not the same.” O had tried it too. The realization hits my consciousness like a stone. I drink the luke warm tea while tells his life .

“It’s the awful days with nothing to do. The fragmented nights. It’s the queues for phone. The fights over phone cards. The screams of people being deported. Every day you taste fear. You life is meaningless. The food’s disgusting.”

“It’s not only her it’s everyone. We all have tablets. You store them up, just in case. Some succeed. Someone drank bleach the other day. Everyone’s; worked out a way.” I can’t take my eyes from the plastic bag caught in the fence. I can’t look O in the eye. I have no comfort to offer.

The afternoon is cold. The sun has disappeared behind the wire. I button my jacket to the top and rub my hands together. O stops mid sentence. All of a sudden his well has run dry. All is quiet at the table. Somewhere outside a siren , high pitched then, nothing. Only silence.

The small boy is wiping his mouth. He and his mother between them have consumed three oranges. Another three are put back in the bag. Methodically the Mother picks up the peel and wipes the paper plates. I guessed the plates will be saved and used again.

Long shadows are falling in bands across the grass. “Is there anything else?” I ask.

“Crazy people in here.” Said the small boy unexpectedly.

“ Shssh.” Says the Mother.

“He saw what happened in the Compound” I said. “Everyone saw.”

Kids are curious. Kids in here see everything. People cutting and hitting. Guards dressing up like Darth Vader. They don't miss a thing."

A nasal voice on the PA system is advising that visitors must leave.

Once we showed resistance to being booted out, like this. Now we just stand and like obedient foot soldiers we make our way to the gate." The cold is seeping to our bones. The small boy and his Mother walk the other way to the detainee gate.

At the visitor gate we wait for a guard to undo the padlock. For minutes, without words all three of us cling to each other. When I walk through the gate I don't dare turn around. I half run my car. I turn the key in the lock and get in. I switch on the ignition, the lights and the heater. But I don't go. For a moment I must just be. Is the woman crazy? Does she really have a life threatening disease? I wonder if L and O are crazy. What will become of that Mother and little boy? Why are women hanging themselves with shower curtains? Why are men saving up tablets to kill themselves? Am I crazy too? Is the whole country out of its mind? The headlights shine on the road outside. I see only black trees in a dark night.

Ends.

Ends.

D.

Gym Instructor (ex employee of ACM Baxter Detention Centre - 7/1/03)

“The only way they can get anyone to listen is to smash things. There was a fire lit in the Compound but they’ll never find out who lit it. The children cope surprisingly well. The kids don’t show anything on the outside. Once a new mother was put into solitary confinement. She was shocked to be asked how her son was coping. He was upset about what happened to his Mum. He was about 13 and had two younger brothers.

Guards have no proper training to deal with disturbed people. You don’t need security you need psychologists. Guards are guards and not interested in helping. They work long hours are stressed out and need a break. The officers can’t cope when these stressed people ask them for things.

“People are put into the management unit, that is the isolation unit. They do something bad like break a chair or something. They make fires. They smash things. This sends a message if you don’t put these people in management, that’s what they’ll do This is a single cell with a window to the outside. They are allowed out for one hour a day. It doesn’t make sense to lock them in for a mental disturbance

“Dimia live in their own little world. Dimia is the boss of ACM (Austrian Correctional Management). ACM have to do what they’re told. There was one incident to do with the Centre Manager He said to the children, “you will be going to school”. They believed him. He opened the gate then he said. “No,” you’re going to school.”



He shut the gate. "It's a visit that's all", he said. Had there been a visit arranged?

said there hadn't. is like God.

"The hardest thing for me was the officers' attitude towards the people. You couldn't say anything otherwise you'd be ostracised. I knew a young Sri Lankan boy who'd been tortured. I liked him. If he lost the plot I knew why. One of the other guards put in a report about me. She said I was trying to influence them. I knew all of them. I was a gym instructor. I was there on my own, sometimes with 15 fella's. The other guards would leave me in this situation.

"I would walk in there without a baton. We had to do three days training; what to do in a riot, how to use your baton. How to hit 'em as hard as you possibly can. How to put handcuffs on...basic stuff. How to bring them down, how to cuff them. Detainees heard officers talking about "where to knee them."

"After three days they asked me to go on the CERT (Centre Emergency Riot Team). I didn't want to do that. I didn't want to be there. I talked to the guy in charge. If I have to do that I won't do it, I said.

"Once I said I wouldn't go on the CERT team. Then they wanted to make an issue of it. I said I'm not doing it. I rang up the boss and said I have to go home. They just left me there. One of the officer ripped into me...There have been incidents attempted rapes of officers. I've had a problem because I liked the people. The whole thing was a set up.

I told some of the detainees why I was upset. That was the worst. I wanted to go home. But I stayed and did my job. The detainees showed concern. They were worried and were ringing up the gym master in Sydney who'd been sacked because he wouldn't take part in the bashings.

“I was told if you're in the compound you will be targeted. This is what happens in prisons. But these people aren't criminals. Anyway I'd have more chance than anyone because I got along with them. There you're not allowed to think for yourself. This is what happens in prison because people have been locked up for so long.

“After every three months you have to update your training. I saw a couple of Afghans and Pakistanis in tears being sent back. I was in the gym. I was friendly with them because I was in the gym. How did they get money to come? I got to know that the family had sold everything for them to come. Now they were being sent back with nothing. The Afghan fella got nothing.

“I couldn't believe that the people complained about the food. At home they drank tea and ate bread. No vegetables, no fruit. Once they had melon. They have always been malnourished. One smashed a chair. Every time it was stress. I went to the Compound. They were always short of women staff. I'd be there with the guys. The filth you're got to listen to from the guards. To them its normal conversation. I have never had to listen to anything like those guards. Filth! The people in here are coming from a culture that is respectful to women.

We were told that they treated their women like pigs, like dirt. It wasn't true. The men adored their wives. And the women adored their husbands – they had come for their husbands I used to argue with the guards about this. The guards just felt comfortable with each other when they talked filth.

“The detainees said they didn't like to see me being treated like that. I think Australia can learn from these people how to treat women. Australian men don't treat women properly. All they're interested in is sex. Its like another world when you're in there – its like they're brainwashed. ACM were trying to convince me that their point of view was right. I said if we were in there we'd be the same as them. We'd do those things.

“ A local doctor from Port Augusta goes in there. I was talking to this doctor. I said it was the officers who were stressing me out. Not the detainees. “These people have nothing too complain about” That's what he said. Imagine, someone like him saying something like that. In there they've got engineers, pharmacists, mathematicians. Awaz got a visa after three months. He is an engineer. He taught maths. But his English is not good enough so now he is a house painter.

Ends

The Departure of the Family from Australia.

Villawood February 2003.

The day the Al Abaddi family were deported from Australia J gave me a painting. A palm tree, black against an orange sky, the view from his Roeburn jail prison cell in Western Australia.

“I’m sorry it’s dark,” said J . “But that’s the way it is.”

“I had hoped to have something organized, for you; accommodation or something in Damascus.” I stammered. “But I wasn’t able to.” J smiled and looked away. After three years in immigration detention this middle aged Iraqi Father of six is used to things not working out. Forever the host J , is passing around the pita bread and water melon. In a few hours he and his family will leave for Syria.

With war looming in neighbouring Iraq, with the United States accusing Syria of harbouring terrorists, the situation in Syria is fluid and very dangerous The family's departure is hardly cause for celebration. Even so Australian friends have still come to say goodbye. J is adamant. They have to go. Three years is enough. He could not keep his young family penned up any longer. To the dismay of all who knew them J has agreed to deportation.

They would be deported to Syria as this was their last permanent place of residence. The deportation countdown has begun.

It was clear, now as minutes ticked by that there would be no last minute change of heart. The family knew the risks. They would take their chances along with the other one million refugees in Syria.

So here we are together for the last time. We bunch up beneath the sheet of galvanized iron roofing in anticipation of a storm. We make nervous small talk. The family saga was never meant to end like this although some things did change for the better. The children of Villawood now go to school. The two teenage boys, H and N have Australian girlfriends. The oldest boy, N married K a diminutive blonde seventeen year old. But the longed for Australia visa has never materialized. The court cases, the appeals have all been lost.

Some friends are in tears. Others stand silently. Some refuge in the fact that money had been raised to help the family on their way. Small comfort in the circumstances.

Sometimes on a clear day beneath the trees, sitting on plastic chairs in Villawood you can fool yourself that this raggle taggle collection of buildings in Sydney's industrial West is not a prison.

On first impression it is not unreasonable to believe, that no one here is detained, that there are no desperate, stateless, homeless souls housed within the confines of this enclosure. When the sun is shining and the mountain lorikeets screech overhead it's easy to be deceived by such ordinariness. Although not today.

Today it doesn't take long to pick up the fear. Of asylum seekers. You sense it. You see it in the grim expressions. The bitten nails. The eyes that dart from side to side to the other. The mind on constant alert. Today its them being deported. Tomorrow it will be me?

Today the fear is naked. It settles like a mantle over the drab the army style huts. The demountables on wooden platforms where lawyers interview clients are more depressing than ever. The uneven dirt underfoot. The sterile concrete path. They all contributes to a feeling of hopelessness. There is every chance that this family will disappear without a trace.

The bleak weather does nothing to enhance the mood. The weather is closing in. Rain forms droplets of water on razor wire as we huddle even closer together on the concrete slab. Guards in dark raincoats hover like black crows watching, waiting for an incident, r a chance to use their radios.

Time like sand though an hourglass is running out. Before it does there is something I have to say to J . Before they leave J must understand that Australia is not really like this. That there is another Australia that he should have seen. I want say sorry.

I would say sorry that we shut you up in the desert with guards. I would apologise for keeping his children from school. Sorry, too that we pushed your boys to the point of suicide. Sorry that we'd frightened the wits out of A and T , your two

youngest. Sorry that you were separated you from your wife. That you and your wife were imprisoned in Western Australia. Sorry, that you never got to see Sydney Harbour or the beach. That you never made it to Alice or Kakadu. I want you to know I'm ashamed of what my country did to you. I'm sorry. I had to say it. All I needed was the right moment. But so many people for J. and family to see. So much emotion.

A thunder clap and then another one. A the seven year cries and climbs to her father's lap. A cries a lot these days. Since the ACM riot squad invaded the family quarters in Port Headland. Since she witnessed the young Vietnamese woman jumping to her death from a second floor balcony in Villawood.

Now the rain is heavy. A cold wind swirls about our feet. Plastic bags attach themselves to the wire. The temperature drops 15 degrees in twenty minutes. Now is the chance to say to J. what I have say. I have to shout to be heard above thunder. J. smiles. I try again as sheet lights lights up the sky. He can't hear a thing. A line of people push past me. My "sorry speech" is lost in the storm.

Yet it is fitting that this family should leave Australia in a storm. There's has been a tempestuous path since the day they arrived.

Fleeing their native Iraq following the murder of a close relative the family wandered from country to country. First to Jordan then Syria dragging their children

along with them. Syria, Malaysia, Indonesia. Eventually they wash up to Christmas Island. After that it is three straight years of detention Curtin, Port Hedland, Villawood.

When the family criticised the Australian detention system they were labelled trouble makers. An Immigration official declared them to be “a bad family.”

When I met the family they had lived through the Port Hedland riot, lips sewing, hunger strikes. The family were battered and depressed and by the time they got to Villawood the cracks were beginning to show. The teenage boys were angry and rebellious. The two younger children were quiet beyond their years. The parents were weary, black rings encircled their eyes.

I was drawn to them. Most people were. Their charm, their collective courage, their humour in spite of everything. They were engaging. The boys, N 18 and H 16 were dark eyed, good looking and popular with Australia girls. The two younger children were well dressed, polite and emotionally needy. In Villawood psychiatrists carried out assessments and categorized all the children in detention as, “at risk.” The Department of Youth and Community Services recommended immediate release. Both boys attempted suicide.

When at last the children were reunited with their parents, the parents struggled to be good parents in circumstances in which they were not in control of anything.



I became involved in a campaign to save them. Column inches were written about them. A camera was smuggled to Villawood. The family's plight was highlighted on national television. But as days turned to months and another year passed it was clear that the government would not budge. The 's had committed the unforgivable. They had stood up to the system. Examples must be made. Precedents must not be set.

The day the children's' mother N was released from prison and brought to Villawood visitors came with spring flowers. Yet summer passed. Another spring came and went. Nothing changed. During one of their numerous Court appearances the judge asked the government barrister how long the government intended to keep this family locked up?

“Was it until hell froze over? The judge inquired of the barrister? The barrister replied that the Migration Act required them to be detained until they could be “practicably removed” As it was inappropriate to remove them to Iraq they must stay in Villawood indefinitely.

And so the family remained in the vain hope that one day a miracle would happen. That hell would unfreeze, that they would be released. But by the third year their collective energy had all but drained away. Their dreams of ever joining the Australian community were shattered. Detecting weakness immigration officials moved swiftly. They could help the family leave the country.

N was the first to go. He requested and was given exit papers and a temporary visa for Syria a country where he knew he was forbidden to stay permanently.

N who performed western pop songs with all the skill of a Nashville busker.

N married his 17 year old Australian girlfriend and left for Syria. N was married one day, said goodbye to his bride, and left for Syria the next day. That was Christmas December 2002.

For the family the leaving of N was a catastrophe. They survived because they were together. A few weeks later J made his decision. No more Court cases, no more false expectations.

“Don’t do it.” Friends begged. Too late. Too dangerous. You have no guarantees of anything. J could not be moved.

I left before the final curtain. I hate goodbyes. The rain had set in. The water was washing over the concrete slab. The mud at the gate was fast becoming a quagmire. Between now and departure time there would only be more tears. I found a stray plastic bag in which to keep J’s dark painting dry. I pick my way to the gate where J is shaking hands with everyone.

“Somewhere in the world I’ll see you. I said a catch in my throat when it came to my turn.

Heavy duty lorries are grinding along the highway throwing up cascades of water that sprayed the windscreen. The wipers are racing, the windows fogged. My head is reeling, conscious of the dark painting in the back seat. I will write my "sorry" to J. if they ever have an address.

Footnote. The family are now in New Zealand and expect to have citizenship soon. Early 2008 T, now seventeen was killed in an accident.

Ends.

Mr [redacted] and Mr Cai

Mr [redacted] is a Palestinian asylum seeker from Syria. He arrived by boat in January 2000. He was picked up from Ashmore Reef and detained in Port Hedland Detention Centre. For the first six months in Port Hedland he was placed in India Compound. He was not given any information about his case. After that Mr [redacted] a further three years in Port Hedland. In January 2003 Dimia attempted to deport him. However with the help of refugee supporters along with the fact that no country was prepared to accept, either him or the travel document supplied by the Australian Government, the deportation attempt was unsuccessful.

Mr [redacted] was then placed in the Baxter Detention Centre. He applied to the United Nations as a stateless person and was accepted. After two years in Baxter Mr [redacted] applied for and was granted a Bridging Visa Pending Removal. When this Bridging Visa ran out Immigration attempted another deportation in spite of the fact that Mr [redacted] had a case with the UN. Immigration was aware of the UN involvement but went ahead with the deportation anyway.

Guards took Mr [redacted] from Baxter. He was driven in a van and placed on board a small plane for Sydney. One of the men said "yes he's Palestinian." In Sydney he was held in a small cell at the back of Sydney Airport. He is unsure of the time. He thinks about three hours, as both his watch and phone were confiscated by Immigration. After this he was handcuffed. He said to the guards, "don't touch me. No tablets."

There was someone there with a camera, he said. but they didn't take a picture"

Mr [redacted] then had three guards. The guards escorted him to an Emirates flight bound for Syria. Mr [redacted] said. "I want to talk to the Captain."

"The passengers are getting on I'm crying. I'm screaming I have no lawyer I'm calling for the Captain. But the Captain didn't come. The plane came down in Singapore and we stayed about four hours. When we arrived in Dubai the Australian Consul came to the Airport. His name is Mr [redacted] :( 971 4315 966)

"The Consul said, your flight for Syria leaves at 2pm. I told the Consul I had a case with the UN He said he couldn't do anything. I told the Consul everything. He said he'd talk to the Court and try to stop me being deported to Syria. He said today you stay in the hotel in the airport.

"That night I stayed at a hotel in the airport with the guards. The next day I stayed there as well. That night I rang the Consul and said, what about my UN case? And the day after that the Consul came back. He said he had had to wait for the Court in Sydney to make a decision. Then he said, what do you want to do? Do you want to go to Syria? I told him, not want to go to Syria. I want to go back to Australia. He told me, okay, tomorrow. The UN had intervened. He told me what documents I needed. You can go back, he said."

Mr [redacted] was deported to Dubai in August 5, 2005 and returned to Australia on August 9, 2005. He his currently in the Villawood detention Centre. His case is now with

the Public Interest Advocacy Centre, the first time he has ever had legal representation since arriving in Australia in January 2000.

Footnote. Mr [redacted] was released into the care of Nuns in Melbourne. He was finally granted a Protection visa.

Ends.

The deportation of Mr Cai, as told by Mr W [redacted] Chinese national currently being held in the Villawood Detention Centre.

Mr Cai, (not his real name Dimia has his real name) was a Chinese national from the People's Republic of China. He spent five years detained in the Villawood Detention Centre. He was deported to China on or about two years ago

Mr Cai was on dialysis. Every day he has his plastic bag filled with impurities. He was unhappy when he wasn't able to go to medical. The fluids in his body would build up. At one time his brother was also in detention. Then his brother got out and that made Mr Cai depressed. Not any friend came to visit him. His brother had a bad character. About two years ago his brother was deported from Stage 1. Mr Cai had no friend and no money. Other detainees tried to help. They gave him cigarettes. Mr Cai was not happy with the food. He could not eat normally because of his condition. Mr Cai was a good man. He wanted to help people but he could not.

I went to see him in Stage Two. He had much stress. We used to play cards to pass the time. He slept late. He was helpless. He later told me he was going to kill himself. He liked to talk with other people. He missed his wife and children. In his mind he was trying to get his wife and children to come to Australia. He gave his real name to Immigration. He believed Dimia would grant him protection. After he was deported to China I heard that he had died. Somebody in the airport saw him tied with gaffer tape. A friend of mine knows his family in China. They won't talk. They are too frightened.

Ngareta Rossell had a meeting with Villawood guard at Sidnees Café, Burwood Road Burwood, 18/10/05.

A Chinese man on dialysis, known as Mr Cai was deported to China while he still had a case in the Federal Court, the guard said.

He was asked to come to property. Dimia manager [redacted] held out his hand to shake hands. Mr Cai offered his hand. B [redacted] takes his hand, slaps handcuffs on the other hand.

"You're going back to China mate." "If I go back to China I'm dead. Mr Cai said. Mr Cai is dead It happened about two months after he was sent back. I've seen many cases like Vivian Alvarez, Shayan Badraie. There are many Shayan's. I've been working in detention since it was privatised in 1996. Most of the staff when it was ACM came from Arthur Gorrie Correctional Centre in Brisbane. They were brutes. B [redacted] is all about intimidation. There was that Fijan Indian called K [redacted] deported when he still had a case.

And the detainee having a heart attack handcuffed to the bed. The big boys in Canberra protect 'Villawood Dimia. They do what they like.'

After that meeting the guard changed his mobile number. Ngareta Rossell was not able to contact him again.

Ends



Turnaround

The deportation and subsequent death of 69 year old Mrs S (Iraqi) on or about 26/6/99.

Having been registered with UNHCR in Jordan with the prospect of deportation to Iraq Mrs S on the advice of her Australian citizen son boarded an Egypt Air Flt 860 for Sydney. Because his Mother was likely to be deported to Iraq at any time Mrs S's son advised his Mother to get on a plane and just come. The paperwork could be sorted out at the Australian end. On arrival at Sydney Airport Mrs S asked authorities for asylum? She was refused. That same day Australian authorities put Mrs. S back on a flight to Amman. Her son in the meantime was still waiting outside the airport for his Mother. But Mrs. S who had had no time to recover from the flight to Sydney was already back on a flight for Amman. Mrs. S was 69 years old.

Mrs. S's son, Mr Y unable to locate his Mother at Sydney Airport, through friends he was able to establish that his Mother had been denied entry to Australia. He further discovered that when his Mother arrived back in Amman she was also denied entry. The only papers Ms S had on her was an Australian ICAO document which was unacceptable to Jordanian authorities. Mrs S was then put on a third flight plane and sent to Cairo. Australian authorities told Mrs. S she should make her asylum claim from there.

It was too late for Ms S . Shortly after arriving in Cairo Airport she had a heart attack and died . At 69 years of age three long consecutive international flights were too much.

Ends.

The Man from Immigration.

First Meeting with a Bureaucrat on or about July 2005.

The man from Immigration arrived on Friday with a professional smile and a briefcase full of promises. He sat down, opened his briefcase and at 2.30pm the meeting began. There would be legislative changes, he said. We would be surprised. Nobody was sure what sort of changes, but the man from Immigration assured us that changes would occur. And soon. So we didn't ask if the changes meant that detention centre guards would not break mens' ankles anymore or that women's' heads would not be thrust into fences, or that teenagers would not have their wrists cut by small, plastic, handcuffs. We didn't ask that because it wasn't that sort of meeting.

It was that sort of meeting with a structure, an agenda, a time frame and appointments to keep afterwards. It was a meeting where you listened, drew conclusions and made arrangements for the next meeting. So we didn't ask about the razor wire surrounding detention centres. It was 2.45 and the subject was "openness and accountability" and "improvements to detention services." So many improvements in such a short time. We would be surprised, said the man from Immigration.

We were not surprised when he announced the wire was coming down because we knew already. We knew, too an electric fence was going up but why bring it up now when there was much to get through in one afternoon. No point in talking about "wire," now, when we knew that the man from Immigration was a new boy on the block.

Possibly an old hand at damping down dissent but fresh from another department, just two months in the job. What did we know of him? We knew he had come with an olive branch to meet refugee activists. What we didn't know was what he was planning to do? Or why he had been sent? Had he been sent to put out the fire, stifle the voices? Exactly what he would do we must wait to find out. The important thing was that we were having a conversation.

But if there was a chance to do things differently we must listen and give him a hearing. This was a meeting initiated by him. So we didn't compare razor wire and electric fences or complain about surveillance cameras or inedible food. So many questions and so little time. It was 3pm and time, now, to hear about "improvements in staff training."

We had lots of questions about staff training. Would better-trained staff still search refugee rooms? Would they find out what was wrong before locking refugees in isolation cells? Would they stop injecting refugees with valium to keep them quite? Would staff, speak nicely to refugees explaining why they should co-operate, and simply go back, without fuss to the bombs in Iraq? If staff threw away the straight jackets deportations would be a breeze. Is this what they will do? But we didn't ask the man from Immigration because it was not the sort of meeting.

It was not the kind of meeting. So we talked about "client services" and "outcomes."

Down below in the street were the first sounds of the Friday afternoon rush hour traffic.

The minutes were ticking by.

No time to bring up the plight of the desperate people in the camps, the sleepless nights of those who pace, after years of nothingness. Only refugees talked about nothingness. This meeting was about "openness and accountability", about "legislative changes" and "improvement in staff training" How could we talk about nothingness in a meeting such as this?

But we could talk about children. We would talk about children. And we would talk about children before five o'clock. What about the children? We asked the man from Immigration. Did he know what happened? Somewhere outside a siren sounded and just then it began to rain.

Immigration officers took children from schoolrooms, we said. He would know that from media reports. Two Immigration officers arrived at the school, banged on the window, showed badges, spoke to the teacher, took the children and left. It was storm trooper tactics? This was wrong, we said. We told him that snatching children in front of their class was bad for everyone. Bad for the teacher who felt like a Judas. She hadn't slept a wink since the children went to jail. What had the children done? Taking children was not only bad for the school and the parents. But bad for the world beyond the schoolroom. The community was shocked by this state sanctioned abduction. Why did they do it? Was it a flexing of government muscle, a show of power? They took the children with no explanation, or by your leave. Why? What did the man from Immigration have to say to that?

The man from Immigration considered the statement carefully. He had only been two months in the job. He made notes, paused, looked up. He acknowledged a certain lack of judgement. But the officers were upset too. The publicity had distressed them, he said. Like everyone else he said, the officers had families too.

The man from Immigration looked around the table. Nobody said anything. Nobody said that torturers have families too. That once torturers learn their trade it was business as usual. Nobody said that. We could have gone on about windowless rooms, surveillance, cameras and children seeing things that no child should ever see. But up here on the eight floor, with the offices and the photocopier down the hall, with office staff packing up for the weekend, With only 30 minutes to go, torture, was a long way from here.

"An improvement in "detention services arrangements," was the item next on the agenda. The next "improvement" scheduled for detention centres said the man from Immigration. Hurrah. No more maggots in food or cockroaches in lunch boxes or musters, medications or hunger strikes. A real improvement if it were true. But was it? And what were the arrangements for suicides and the guards who cut them down? And what do you say to the late caller from detention that phones and says. "It's me. I'm ringing to say goodbye." What do you do then? It was not a conversation for a late afternoon meeting.

Amongst the "openness" and "improvements to client services" suicides were not on the agenda. Nothing about the Father who tried it and who now lies brain damaged and alone in a room somewhere in the back blocks of Sydney? Not a word about the hangings, the

deep wrist slashing or the of eating light globes. Not now. Not here. No suicides today. It is half past four and the city lights are switching on.

And finally, in conclusion, the man from Immigration announced the last item on the list." substantive changes" in the Baxter Immigration Detention Centre. But what about the environment in the Baxter detention centre. Would that change too?

So much fear. But where to start? And how to you change that innate, instinctual, inherent fear that goes with exile, bereavement and loss? Will they legislate to do away with the fear? What about the fear of not being understood, of not understanding? Will that fear go too? Will the "substantive changes" include the fear that they can't close their eyes because if they do guards will come for them? The fear of deportation is the greatest fear of all.

The man from Immigration, two months in the job has never met the man from Iran who can't close his eyes because his "thoughts attack him." The man from Immigration down from Canberra for the day is unfamiliar with the armies of thoughts that arrive to invade that night air of detention.

The man from Immigration is unfamiliar with memories of being followed, of being watched, of being denounced, by your neighbour. He knows nothing of nightmares about electric shocks, eye gouging or Evin prison. And who in the leafy suburb of Belconnen has contemplated their last day? Or discussed it with families in the evening. Who in large houses with the grassy banks on the hill imagines the covered van or the body in the

square dangling from an industrial crane beneath a Persian sun, the result of a "negative immigration decision" in Belconnen?

The afternoon was over, the weekend was here, the meeting closed. The man from Immigration closed his briefcase and stood. We stood. We would meet again in two months time, he said. He left for his next appointment. It was five o'clock and no one in the office, on the eight floor spoke Persian.

ENDS



Partings. - 2004

The reality is that when you visit, you leave again. You come for a few hours then, you go. No one pretends that is not like that. They know, you know, everyone knows that by the end of the day you will rise from the table, walk to the gate, check out of detention and go back to your life. They will remain. This is reality. It is not discussed. The law that dictates that persons can be held indefinitely until they can be "practicably removed," is not discussed either. Or the fact deportations are nasty, violent, secret and carried out at night. That is not discussed either. Certainly not on a sunny afternoon sitting at tables, beneath the trees with detainees at Villawood.

So each week when you come with your phone cards your pistachio nuts, your dried apricots and your good will you wait for the PA system to call their names. They have a visitor. They should come to the Compound. And so they come. They come with their sadness, their hopes, and their news of detention. You find a table, surrender you gifts and partake of a few hours of conversation. Sometimes for privacy you stroll the Compound. Up and down, round and around. A way of avoiding the guards, the would-be- informers lurking at arms length with ears wide open. At these times you talk visas, lawyers and the stuff of life on the outside. You talk television. They talk about the latest petty bureaucratic regulation designed to torment their passage of days. You never talk about, " what if they come for you?" You allude to it sometimes, in whispers only. "You have my number....."

The afternoon passes. Visitors come and go; detainees arrive and depart to their own living area. Some leave; for the compulsory 4.30pm dinner in the mess.

Others forgo the Villawood dish of the day to remain with their visitors until closing time, 7pm when the PA system announces that visitors must go. The electric jug for tea is packed, the leftovers bagged and stowed for later consumption in rooms. Paper cups are collected and binned. They come with you to the gate. They always come. You walk slowly. You link arms. Counting the time taken for security x rays, wristbands, searches and computer registration on the way in, you have been in the Compound six hours. Time passes quickly.

The Government maintains that since the upgrade detention is more humane. It's better now that one level of wire is removed. The Immigration Minister herself saw to it personally. She completed the job with goggles and wire cutters, as press photographers took advantage of the photo opportunity. Media noted the upgrade. Villawood has brand new front. Villawood has pot plants, a drinks dispenser, modern rest rooms, computers for staff. Additional security. The upgrade had transformed the visitor reception area on the outside.

But inside where the detainees live? No visible changes to be seen. Except for the odd, new concrete path. A few more wet weather shelters and a couple of over-seized garbage bins. Not really enough transformation for a photograph with the Minister.

The individual who dug the soil with a small kitchen knife, who prepared the ground, who acquired seeds, who watered and planted and who gainfully filled in his long, locked up days in the garden, has gone. And with him the garden he created. The ground has reverted to what it once was, hard, red dirt. A quagmire in the rain. No changes there. No change in detainee quarters except for the layers of shade cloth attached to the fence between visitor and detainee area. Now you can't see them from the Compound. Neither can they see you. A little more isolated each day.

Yet strange as it may seem amongst the gloom of detention the misery that is Villawood there are moments of grandeur that defy all understanding. Sometimes on a summer evening before the instructions to leave, before the goodbyes, at the point of departure certain stillness settles over the Compound. An instinctive feeling that all is right with the world. You're all there together at the table. There's the Minister's landscaping laid out before you, the potted plants by the fence. The sky streaked with orange light, the surrounding industrial wasteland obscured by the gathering dusk.

The Indian Minor birds are racketing in overhead branches. There's a hint of chill in a breeze fresh from the mountains. It's that time between daylight and dark, between light and shade, between night and day. It's the change from one state to the next. It's the time when time great black ravens pick through the leaves at the side of the driveway. And for one, brief, moment in time, this is not a land of sorrows; this is not a place where desperate souls are haunted by spectres of degradation, deportation and death. This is a palace of golden light, where friendship endures, where lives are held together by an

invisible thread linking your world with theirs. The moment is fleeting. Once you pass through the gate, it vanishes without a trace.

The nasal voice of the PA system all static and flat vowels requires visitors to precede to the gate. Time's up. Guards prowl the perimeter fence, looking for stragglers. Outside guards circle the Compound in pick up trucks. The guard at the gate has a key to open the padlock. You make your move before they demand that you go, your arms linked with friends all the way to the gate.

At the moment of parting a sudden embrace, as if for the last time. Tears without words. Much, left, unsaid. Will they be here next week? Deportation comes without warning. Nobody knows when? Guards don't knock when they come. Its handcuffs, batons and straps. Injections and tablets. Goodbyes, forbidden. But not at the gate. The guard turns the key, the gate swings open. They step back, you step forward. You walk through. They remain where they are. It's over.

They move close up to the wire now that you're separated. You are free. They are the prisoners. Your back to them now. A guard cuts your wrist strap. You approach the next locked door. A guard presses a button. The door opens. You turn around your mouth is dry. When will you come back? They call through the wire. Soon, you say. The catch in your throat is detectable. Your eyes sting. You don't look back.

## XO

Saturday morning you visit A. A was inside detention once. A is on the outside now. A who came on a boat, with his head held high, to escape the Mullahs, murders and mayhem. A who came to offer his skills, his four languages, his double degree to the people of Australia. A who spent three years locked. A, now released on a visa with no work rights. A lives close, in a house up the hill, near the Spanish church, where the bell tolls for funerals on Saturdays. Where women in black bring flowers for the alter.

A lives with a woman, who has a room, whose children are grown, who owns a house in a narrow street with pointesettia that blooms pink, where a palm tree leans to the right in the front garden. Where the front door is green.

A stays inactive here with his four languages and double degree, He lies wasting and rusting with television turned on and his mind on low. A walks to the shops, he looks in the windows. He walks to the beach. At night A goes to the garden to look up to the stars. A did not answer his phone last night.

Saturday morning you knock on the green door. No answer. You pick up the papers that lie on the porch. You knock again. A car pulls out from a driveway, next door a small boy rattles past on a skateboard. A whiff of salt on the breeze from the ocean.

You knock again. The landlady opens the door. I rang yesterday, you say. She doesn't say anything. What's wrong?" The landlady looks away.

"What's happened?"

"Come in" she said.

"Where's A. . . ?" I said. The house is silent. A dark hall.

"Come through to the verandah room," said the landlady. We walk through the hall to the back. Verandah steps lead to a garden of frangipanni and ferns.

"A cup of tea?" Said the landlady.

"Where's A. . . ?" "The landlady hesitates. She doesn't know. She mumbles. Doesn't know where A. . . is? Not possible. A. . . with a visa with no work rights, no money.

A. . . depressed with nowhere to go. A. . . restricted to one walk to the shops, to look in the windows. Assad who lies on the sofa all day with television.

The landlady's face is flushing pink. Your pulse is accelerating. Only one place that A. . . could go.

"No," you say. The landlady picks at a button on her dress. You wait.

"He couldn't stand it any more." She murmurs.

"Three years locked up, then release. Then this." She raises her eyebrows.

"Gone. Gone back."

"Gone back to what?" Your voice is shrill.

"To the threats, the jail, the mock executions? He'd never do that. Why didn't he ring?"

"He's gone," said the landlady. He made up his mind. He didn't tell anyone. Couldn't stand living on charity. He telephoned immigration. They came immediately. They came at once. He signed the papers. He packed. He went. Two days ago now. Thursday." Ends

E . 9/2/04

E was born on the 12/2/79 in Kuwait to immigrant Sudanese parents. As immigrant persons in Kuwait are not entitled to Kuwaiti citizenship following the Gulf War in 1990 the family was banished from Kuwait. E eventually found a job in Syria where he worked as a chef. In Syria, as in Kuwait E was a stateless person. In 2000 E left Syria for Australia. In Australia as a person without papers E was interned in the Immigration Detention Centre in Port Hedland WA during this time E applied for Australian Protection.

After three years of detention E was refused Australia's Protection. He was informed by the Department of Immigration that he would be deported from Australia. E was also told that Sudan had accepted him even though he had only ever spent one year of his life in the Sudan. Dimia issued E with an Australian Travel Document and asked him to sign that he was leaving Australia voluntarily. E was denied access to a lawyer. Even so E signed in the belief that he had been accepted by the Sudan and preparations for his departure began.

Escorted by two Australian guards E was taken from the Port Hedland Detention Centre to Perth. In Perth E was placed aboard South African Airways flight SA 281 and escorted by two guards from the South African based Company P and I.(Protection and Indemnity a shadowy South African company made up of ex army mercenaries whose main business was dealing with stowaways) E departed Australia on or about the middle of December 2003.

When E arrived in Johannesburg he was placed, by himself in a small room at the Airport. He was denied access to Human Rights lawyers who had been contacted on his behalf by supporters in Australia. Shortly afterwards E was taken from Johannesburg Airport and escorted by one P and I guard to Dar-es-Salaam in Tanzania. In Dar-es-Salaam E was placed by himself in a cell at the Airport. Feeling sorry for him an Airport official lent E a mobile phone. E rang a detainee friend in Port Hedland WA and asked for help. All E had on him was a few dollars AUS the wrong currency in Dar-es-Salaam to buy him even a glass of water.

In receipt of the phone called from E in Dar-ed-Salaam E's friend in Port Hedland alerted a priest in Port Hedland who had a sister in Dar-es-Salaam. The sister arranged for a lawyer to visit E at the Airport where she found E still locked in a cell. The lawyer arrived and was told by the P and I guard that E had committed a crime in Australia, which was why he was locked up. But how had E managed to commit a crime when he been locked up for the entire three years he was in Australia? E continued to remain in the cell. Eventually E was told that even though he had been told by Dimia that Sudan had accepted him, Sudan had not accepted him. Neither would Sudan accept the Australian Travel Document issued to him by Dimia. No one knew what to do with E ?

Shortly afterwards E was removed from the cell in Dar-es-Salaam Airport and flown back to the cell he had frequented before in the Airport in Johannesburg. Here E remained locked up for over a week. E was still denied access to Human Rights lawyers arranged by supporters in Australia. During this time E was visited by a representative of the Kuwaiti government who declared that E was not eligible to apply to Kuwait for Protection. By now E's Australian Travel Document had been turned down by two different countries

Supporters in Australia were able to establish that, by International Law, the country issuing the Travel Document was the country responsible for that person. Meanwhile in Australia Dimia approached E's detainee friend in Port Hedland asking if E was Indian? Or maybe even Fijian Indian? The friend said the E was a stateless person born in Kuwait to Sudanese immigrant parents which was stated on his documents when he had arrived in Australia three years previously.

Back at the Airport in Johannesburg E was removed from his cell and flown back to Perth escorted by two P and I guards. E arrived in Australia on Christmas Eve 2003. In Perth he was placed in a small room by himself in the Perth Detention Centre WA. After seventeen flights to three different countries some weeks later E was transferred to the maximum security Baxter Detention Centre SA traumatized by an experience which cost the Australian tax payer of \$24,00. On or about eighteen months later Dimia found E was owed Protection by Australia and E was released into the community.

Ends



BACKGROUND MATERIAL ON ASYLUM SEEKER'S EXPERIENCES  
IN MANDATORY DETENTION IN AUSTRALIA AND DEPORTATION FROM  
AUSTRALIA.

Shortly after arriving in Australia on December 10, 1997 K was detained in the Villawood IDC in Sydney. For the next seven years K remained in Villawood fighting for the right to remain in Australia. Coming from a dissident family in the Sudan K applied for refugee status and was refused. During this time the Department of Immigration lost his ID papers. On January 13<sup>th</sup> K was deported from Australia. He received no letter of his intended removal back to the Sudan. He was approached by guards at night, restrained and placed aboard a charter flight to Dubai. From there he was transferred to a commercial flight to Khartoum where he has been required to appear before the Ministry of the Interior. K has since gone into hiding

K escaped to Egypt where he hung around Cairo for a few months but was unable to stay. He went on to Dubai where he had a brother but. He was unable to stay in Dubai more than a few months. Last heard of K had sneaked back into the Sudan and was in hiding somewhere?

This is an account in K's own words of the first attempt to deport him from Australia in October 1999. This occurred when K complained to Dimia about the loss of his identity papers.

"They handcuffed me. I asked Mr to free my hands and to discuss the matter with me. He refused. Soon the Dimia Ms brought me the sentence. To prison for one week against the offence of frightening the Immigration agent. I refused to obey the sentence for being convinced that I am not a criminal.

Immediately another handcuff had been put on my hand and I've been taken to prison Sunday or Monday October 1999 where I spent one week. And from there I've been taken to the airport without any previous informing on the 17<sup>th</sup> October 1999 handcuffed again. Two policemen took me treated me exactly like an animal. The first policeman drew me by my throat which cause me congestion and difficulties in swallowing and eating for the consequent week The other drew me by my hand fiercely that is by the handcuff chain, that has left obvious scar.

They'd put on the airplane which the captain had refused to carry me on after I discussed the matter with him. So they got me back to the prison. My solicitor attended at the prison and wrote another application to the Immigration Minister. One week later and in the same unexplained procedure another correction officer attend my cell, handcuffed me and asked me to come with them to reception where I'd been received by ACM officials, including a doctor and a nurse instruction. She informed me about the minister's dismissal deportation decision. On asking her to talk to me and discuss the matter she refused.

Soon the doctor entered the cell carrying an injection with four tablets asking me to choose either the injection or the tablets. I refused both. He, the doctor offered the security officers to do their job and he and the officers laid me down on the floor and sit both of them on my back, took my pants down to give the chance for the doctor to inject me. So then I accepted to receive the tablets since I got an old medical problem with injection.

The doctor told me how those tablets are only tranquillisers. But they didn't work. So they force me to take fifth tablet at the airport when they got me on the airplane with a wheelchair accompanied by a nurse, two companions and three other ACM officers. All that continued for about five to six hours with three types of handcuffs and ties of leather, plastic and steel around my hand and belly that gathered my arms to my trunk.

I stood screaming and asking for help from passengers. I immediately regretted that for those companion escort officers started to hit me and beat me fiercely and cruelly with kicks all over my body especially my genitalia with their knee and feet which caused left testis congested lesions and pain. The nurse on trying to inject in my leg missed my body to hit the plane seat where the needle got bent. But he didn't change the needle and injected me again with that contaminated, bent needle in a completely odd side on my leg, immediately above my left knee where the scar and pigmentation still clearly seen.

I continued to scream and ask for help until few passengers cried and combined with each other to relieve my oppression. But they are rejected and they stop. So officers got me to the prison. Silverwater for the third time where they put me in a special quarantine room for the addicts for five days because I became physically and medically sick. On 2<sup>nd</sup> December 1999 I've been moved from the prison to the Detention Centre. Since then I haven't consulted any medical personnel in Detention since loosing the trust in any of them who works for this ACM to deal with psychological trauma."

Research shows that after seven years of detention Ki would have been suffering from major post traumatic stress syndrome when he was deported.

Ends

January 27, 2005. ABC radio national AM.(THIS STORY WAS BROADCAST ON THE ABC)

An Australian woman's account of the deportation of a man on a flight from Australia to Thailand.

When Sonia Chirgwin joined a Thai Airways flight in Sydney she was confronted by the dramatic arrival of a new passenger, who was accompanied by three security guards and restrained and gagged with tape.

ABC. On the 13 December last year Sonia was on her way home to Australia after a year in Tonga and Laos working as an environmental consultant. The 36 year old tells what happened when she board Thai Airway Flight TT993 from Bangkok to Melbourne.

Sonia Chirgwin. "Well, I got back on the plane at about 11pm at night after an hour's stopover. There was an enormous amount of noise of metal scraping metal. And then two big sort of security guard looking people dragged onto the plane a man who was in handcuffs and leg cuffs with chains and sort of a leather restraint thing around his waist. Probably the most alarming sight was he was gaffa taped around his mouth, all the way around the back of his head, several time so that he could not make any noise whatsoever. And he looked terrified.

ABC. She says at no time did Thai Airways attempt to inform her or other passengers of the extraordinary situation they would face. According to Sonia Chirgwin the man had three escorts.

Sonia Chirgwin. "They put a flight mask over his eyes and they put a blanket over him, so I guess his cuffs and chains weren't so visible but the gaffa tape wasn't released."

ABC She then started to question of the escorts.

Sonia Chirgwin. "He seemed to be spending a lot of the flight reassuring me and making sure...I guess, I felt at some level I was being contained in some way He was saying that the man was a bad man and he was saying that he would be facing charges in his own country. The man that I spoke to said that he was so uncooperative that he'd been screaming for eight hours."

This is an account from a former ACM officer of a chemical restraint injection as told to Ngareta Rossell in 2002. Asylum seekers mention seeing injections or being threatened themselves with injections. The Senate Enquiry 2000 received questions about injections used as restraint and recommended: "That an inquiry be undertaken into the use of sedation and other means of restraint in detention centres and in the removal of unauthorised non –citizens from Australia. The Government's response was that "the use of restraint is under examination as part of a general security review being undertaken within Dimia. (To date if there has been a review it has not been made public.)

"We have an 'extraction', he's high risk, whatever that meant. I mean I didn't know anything then. I just followed orders. We get this guy out of bed early in the morning. We pull the sheet off him. He's in his pyjamas or those long pants that those people wear. He clings on to the bedstead. This is a steel bedstead. My job is to unwind his fingers, struggling, shouting he won't go. There are nurses. First time I'd seen a 'chemical restraint' used. They must have broken about three needles on him I'm thinking there must be a better way. This bloke's not an animal.

"We put him in the fish bowl. That's like a cage. There were about six big blokes like me. Another tries to get these injections into him. But its not working. He scratches and there's blood. He's shouting he won't go back. Also he's Muslim, this guy putting this chemical stuff into his blood – that's unclean. That's against his religion. Anyway we get the handcuffs on him. We get him out of the cage and get him into the van to the airport. He's saying "I want my shoes"" His T-shirts is torn. He's saying: I can't go without my shoes.'

When we get him into the aircraft we handcuff him to the seat. But he pulls the whole seat out of the floor. That was it. We got him off the plane and took him back. Next week we did it again.

This time he went quietly', 'Just give me the tablet,' he said. 'Don't inject me with that. I don't know what happened him. I think he went to jail at the end.

Ends

V: is a 31 year old Chinese Malaysian woman who with her three year old daughter N has been detained in Villawood IDC for three years N was born in detention. On July 14, 2004 V with her daughter protested about families being moved against their will to the Baxter Detention Centre in S.A. V's lawyer and her support network are located in Sydney.

V's form of protest was to climb on to a low-level laundry roof. After some hours Villawood staff removed V, locked her in management (solitary confinement) without her daughter N. The next day V was transferred to the psychiatric unit of Bankstown Hospital. V had had an independent psychiatric assessment at no time was V ever deemed to be psychotic. V however was scheduled. Presumably V was scheduled on the recommendation of Villawood staff. N was subsequently given into the custody of the Department of Community Services who, without reference to either Virginia's lawyer or to the HREOC Report into Children in Detention proceeded to place N with an unknown family at an undisclosed location. V was not and never has been informed of the identity of the family.

Prompt action on the part of an independent psychiatrist familiar with V's case allowed her return to Villawood. N however was not returned to Villawood for a further six days. When N was returned to her Mother she was distressed, dirty and bruised. Villawood staff have never explained or apologised for their actions. Instead they have required V to sign a document requiring her to abide by management requests. Neither a lawyer nor an interpreter was present at this signing.

Since then V claims to have been subjected to a form of low-level harassment constantly watched and followed by staff. She has not been returned to the Family Compound as promised. She has been required to be present at an interview with a

woman who refused to divulge her identity. The woman questioned her on her ability to parent. V claims she fears that Villawood staff are looking for an excuse to remove N from her care, which would leave the way open to deport her.

Said V about another detainee.

“A is crazy. I'm crazy. My freedom. My kid. My family I can't do anything my brain is too busy to think. You know what I look like now? I look exactly like K. (K was deported from Australia 11/1/05). I feel exactly like K. He is later where I will be. I'm gone. I'm telling you I'm gone. I'm a woman of 30 years old, gone. My mind is torturing every thing is fucked up My brain is fucked up It is torturing. Every minute my brain is totally dead. Fucked up. Dead. You have no idea. Everyone see N think she happy child. She's not. She won't get out of her room. She doesn't have a life here. My book?

My book is full (diary). Couldn't move. Couldn't do anything. I'm mumbling. It doesn't mean I don't know how to talk. I'm mumbling. It doesn't mean I don't know how to write. But I can't do anything.”

V was released from detention in 2005 and now has a permanent resident visa. Her daughter N has been diagnosed with retarded speech V says N has memory problems.

Ends.

Nary Thong. Extract from notes from Tribunal Hearing. 19/9/03.

Refugee Review Tribunal Hearing for Nary Thong, Cambodian.

Tribunal Member Brigadier Patrick Gowans

(This is the second time Nary Thong has been before the RRT. The Federal Court returned the case to the RRT because of faulty translation).

Thy RRT Member knew nothing about the significance of a “red letter” in Cambodia. The Member refused to accept photographic evidence from the Cambodian press of killings because they were not written in English. The RRT has access to translators. Asylum Seekers detained in Villawood have no such access. The Member refused to accept an eye witness report from a fellow journalist from the paper that the editor of the paper had been murdered. The Member refused to accept a report by Human Rights Watch that journalists in Cambodia are in danger if they are seen to be writing anti government material. The Member found that Nary Thong was not owed Protection by Australia.

The Republic of France however did accept that journalists and their families are in danger for following an anti government line. As did the international journalists’ Association, Reporters Without Borders. In 2003 Nary Thong and her husband Lam Ky Try were accepted by France. In 2007 they received French residency.

EXTRACT FROM NOTES ON THE RRT HEARING OF NARY THONG.

Seekers on most occasions find the RRT Hearings confronting. Most often their suffer from Post Traumatic Stress Syndrome acquired in their country of origin compounded by

Seekers on most occasions find the RRT Hearings confronting. Most often they suffer from Post Traumatic Stress Syndrome acquired in their country of origin compounded by the detention experience. Often they break down. While some Members are understanding. Others showing little or no cultural sensitivity to those who tremble before them. Many Members interpret the law so narrowly that on appeal the Federal Court request they re do the case.

G : “ During the Hearing the member will be asking questions. Ask questions if you need to take a break. Ask if you don’t understand. You’ll need to take an oath. Or an affirmation.”

Nary asks to take a Buddhist affirmation Gowans asks the interpreter to read the United Nations definition.

G : “ I think we all know why we’re here. I’m the person charged with review. I’m not bound by the RRT. I’ll make my decision following the Hearing. The RRT has quite specific and narrow powers. I can only interpret the law (G wears a grey suit, striped shirt and tie with yellow painted sailing ships. He has a yellow pocket handkerchief in his breast pocket, a red face and a canopy of white hair.).

#### EXTRACT FROM NOTES

G : “In this particular case I’ve looked at information for review. Today I’ll be asking you a number of questions. In telling what’s happened there may be a temptation to exaggerate or add incidents. Don’t do that. You took an oath. If you’re not satisfied with one part of your evidence it may lead me to doubt another part of your evidence Listen carefully. You should break up your evidence into short sentences and phases.

“The interpreter is responsible for anything you say. The adviser will remain but she is not to give evidence or answer on your behalf.

“You're the only person who can give evidence. I can give you information from Human Rights or people who know Cambodia. At the end you can talk.

I'd like to clear up parts about your personal details. Records show you were going under four different names.”

Nary: “Two names only.”

G : “You claim your husband was a journalist with a journal called.....

Nary. “ That is the wrong name.”

G : “Your husband took the side of Hun Sen.”

Nary: “That is not right. He reported the assassination of an opposition member. My husband also reported corruption in the logging industry. The Prime Minister wrote a red letter. Hun Sen gave threat to newspaper and staff.”

G : “As a result you decided to leave Cambodia You sold your house and with the money you bought false papers. You bribed two soldiers to take you through the airport.

Nary:” I believe my life is threatened if I return.”

G : “The bit about false passport was in your claim.”

Nary “If they know about us our lives would be in danger. In Cambodia if husband in trouble the whole family in trouble.”

G : “ The Department of Foreign Affairs cables said that they wouldn't be persecuted.”

Nary:” If I want to leave country I wouldn't be allowed to leave.”



G " We're talking about return."

Nary:"If I return as me or as someone else. Real trouble."

G " It is the law that returning Cambodians can return. Evidence doesn't support the rank and file."

Interpreter " Excuse me. Rank and file?"

G "Your party participated in the last election and won a large number of seats."

Nary" Last July election a lot of killings."

G : "Was your husband ever a party official?"

Nary: "No my husband worked in family business."

G : "You husband told us he was a senior official, a journalist, a street trader"

Nary: "Before 1996 he helped his parents."

G : " How long was he a journalist? In one of the statements it said he was only a journalist for 6 months."

Nary: " Beginning of 1996 my husband was a journalist. In advertising he only worked for three months."

G : " I think I'm coming to the idea that if you went back to Cambodia and didn't practice journalism you would not be persecuted. I'm not saying that you have to abandon your political belief."

Nary: "I wouldn't come in Australia and leave my children behind if I wasn't frightened."

G : "You didn't go to Thailand and have a visit with your children?"

Nary:"I left Cambodia straight away for Australia."

G : " Have you considered bringing your children out?"

Nary: "Even though I live in Australia my heart is in Cambodia. I would like my children to be free like other children. (Nary begins to cry)."

G : " You talk about your children."

Nary: "I came in August 1998."

G : " I understand Hun Sen but I don't find the articles your husband wrote highly critical."

Nary: " If you write something against someone you don't put their name down."

G " Coming to the red letter. It doesn't name you husband. It doesn't single or your husband out."

Nary: " The fact that Hun Sen is named that is the danger"

G : " The text of the letter is innocuous."

Nary: "Red Ink in Cambodia is a serious matter If from the King it means the family is beheaded. If this is a really good letter they wouldn't use red ink."

G : "The letter simply says you should expand your information."

Nary: "Red ink very angry letter."

Nary. "What it says and what it means is not the same."

G : " There is freedom of the press in Cambodia. The Government has threatened closure of the newspaper for criticising Prince Sianouk. The American country information does not support your claim of persecution and threats to individual journalists. Which is not to say there haven't been killings which have not been prosecuted. The situation has been improving in Cambodia looking at reports from 1997 there's a lessening of violence. I have to make a decision in the light of the situation now and not in 1997. The number of people being killed has decreased."

Nary: "My husband reported on a lot of corruption."

G : "I read a criticism of links with Vietnam."

Nary: "Not just journalists killed but small people are killed as well."

G : "Is there any evidence of journalists being killed?"

( newsclips from the Cambodian press with images of dead people are shown to

G ).

Gowans: "That's in the Khymer language I can't use them."

Nary's husband. The journalist Lam Khy Try brought into the Hearing as a witness.

G : "What danger will your wife be in if she returns to Cambodia?"

Lam Khy Try: " She will be in danger because of my activities. Her life will be threatened. I had to withdraw from my paper otherwise there would be consequences. If I escape they would try to find my wife."

G " Did you know of cases where the wives of journalists were in danger?"

Lam Khy Try: "A hand grenade was thrown in front of my newspaper."

G : "Any of the people in the newspaper had wives or children hurt?"

Were any of them hurt?"

Lam Khy Try: "Once a person run away you never hear again. Newspaper closed. Now they form another one. The president die The assistant manager become manager. Only Seng Siething left. New staff now."

G : " Did you publish stories comparing Hun Sen with Saddam Hussein and the logging industry?"

Lam Khy Try."Yes."

G : “Was your paper a national paper?”

Lam Khy Try: “Yes.”

At this point G asked supporters if they would like to say something. The supporters said they would provide letters from Cambodian experts to attest to the fact that Cambodia today was a dangerous place for journalists and their families.

Ends

S.M.H 1/3/04

# Unwanted – so it's hello, France

Cynthia Banham

Lam Khi Try boarded a Malaysia Airlines flight in Sydney bound for Paris yesterday afternoon with two pieces of paper in his hands.

One, a "laissez-passer", from the French Government, gave the 38-year-old Cambodian journalist and his wife the right to depart Australia unimpeded, and the promise of permanent refuge in France.

The other document was a bill from the Australian Government for \$260,000 for the three years the couple have spent in the Maribyrnong and Villawood detention centres.

The bill will go unpaid, for Lam and his wife Nary Thong will never return to Australia.

Lam fled Cambodia in 1998 after writing several articles critical of the Hun Sen Government in the *Angkor Thom* newspaper. A series of threats to his life followed.

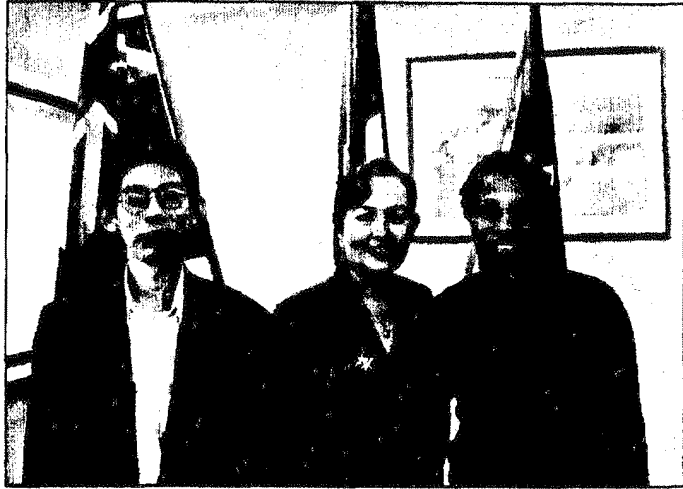
First his newspaper received a threatening letter from the Government, known in Cambodia as a "red letter".

Then Lam received a number of phone calls warning him to stop writing about corruption. He also noticed he was being followed. Then his editor died in suspicious circumstances.

So Lam and his wife went into hiding, leaving their two children with their grandparents and fled on false papers to Australia.

At first the couple, who spoke no English, lived in the community, where they made a claim for asylum – on bad legal advice – initially using their assumed identities.

They were picked up by immigration authorities in 2001



Lam Khi Try, his wife Nary Thong, and a French consulate staff member.

and put into detention, where they remained until flying out of the country yesterday.

With the help of a number of supporters – including the global writers' organisation International Pen, which took on Lam's case – the couple have made many applications and appeals for refugee status without success.

Despite evidence from organisations such as Human Rights Watch of the authenticity of Lam's case, the Australian Government refused to accept his story, and the Refugee Review Tribunal decided there was no reason the couple could not safely return to Cambodia.

However, France came to a different conclusion after an appeal from Lam's aunty, who lives in Paris.

Three weeks ago the French consul in Sydney got word from Paris that Lam and his wife had been granted long-stay visas. They will also be able to take

their children – who they have not seen for more than five years and are still in hiding – to France.

Lam, speaking to the *Herald* from Villawood before his departure, said he felt very happy to be leaving Australia because "I stay here long time in Villawood".

His greatest sadness was for his children, for the problems he had caused them in trying to act for the good of his countrymen. "This one my fault," he said.

"I do good about people in my country, talk about the Government, but after that I have problem. No good for my children."

The French deputy consul-general, Claude Annonier, would not comment on Australia's conduct regarding the couple yesterday, saying only that France accepted Lam was a refugee and that, if it granted the visas, it meant "the French authorities were convinced he had a case".



T.M.

Australian Government

Department of Immigration and Multicultural and Indigenous Affairs

### NOTICE IN RESPECT OF DETENTION/REMOVAL COSTS

To *Nary Thong*, on 19 February, 2004 the Delegate of the Minister responsible for the administration of the Migration Act 1958, acting in pursuance of the provisions of that Act, ordered that you be removed from Australia. Accordingly arrangements have been made for your removal from Australia to France on 1 March, 2004.

In pursuance of the provisions of Section 209, 210, 211 and/or 212 you are hereby notified that you are required to pay the Commonwealth of Australia the following in respect of costs of your detention and removal:

**A. Removal costs**

- (a) \$21,17.73  
(b) \$

**B. Detention cost**

- (a) \$110,957: Detention at the Immigration Detention Centre, Maidstone Victoria, from 28/02/2001 to 29/07/01 and from 29/07/01 to 01/03/04 at the Detention Centre at Villawood.

\* Goods and Service Tax included from 1/7/2000

The total amount of \$132,134.73 is a debt due to the Commonwealth of Australia by you and may be recovered pursuant to the provisions of Sections 209, 210, 211, 212, and/or 224 of the Migration Act.

Dated this 1 March 2004

.....  
Delegated Officer,  
Department of Immigration & Multicultural Affairs

Receipt is acknowledged of the original of this Notice.

.....  
(Signature of Unlawful  
Non Citizen)

.....  
(Signature of Witness)

Please make arrangements to repay this amount at the nearest Australian Immigration office to your home.

Your overseas address is:

Casselden Place, 2 Lonsdale Street Melbourne VIC 3000

GPO Box 241 MELBOURNE VIC 3001 • Telephone (31) 881 • Facsimile (03) 9235 3955 • Website: www.immi.gov.au

W –

Villawood, April 2003. Included is a statement written by Wahab about his experience in Australia.

W was born in Iraq on the . He left Iraq in for political reasons. He travelled to Syria where he worked as a layout artist at Al Moukhaf a leading newspaper in Damascus. With the intention of finding work in a Western democratic country W left Syria in 1999. His plan was to send for his wife and children once he had established himself in a job and found a place to live.

W put himself in the hands of People Smugglers who arranged passage for him to Australia via Indonesia. In Indonesia he boarded a boat to Australia and following its interception by Australian authorities W was placed in immigration detention in the Port Headland Immigration Detention Centre in W.A. He was imprisoned there for over three years. With fluent English he became the Activities Officer for the camp. Halfway through the year 2002 Dimia (Department of Immigration multicultural and Indigenous Affairs) moved him Villawood IDC in Sydney.

Initially W had confidence in the Australian judicial system. Having fled the regime of Saddam Hussein in Iraq he had no doubts that he would soon be found to be genuine refugee. However as one year rolled into two, then three, now four W believes he has used up his options . He no longer wishes to proceed with Court Appeals.





and [redacted] from Unauthorized Arrivals tel: 626 41848, are two officers who continue to pressure detainees to return. They are known throughout the camps as “The Angles of Death.”

Footnote. [redacted] Wahab signed he Exit papers and returned to Syria in April 2003. He and his family then went back to Iraq. Initially Wahab had a job working for the British army as an interpreter.

2007. Since the British pulled out of Iraq, Wahab has no job and no prospects The family's future is uncertain.

Ends.

## AN APPEAL FROM THE ASYLUM SEEKERS OF AUSTRALIA

We, the imprisoned asylum seekers of Australia, respectfully appeal to the people of the world to hear our story, understand our plight, and come to our assistance.

We left our homes because we had no choice but to flee from brutal, dictatorial regimes. We believed we would receive a fair hearing in Australia, but our pleas for asylum have been unjustly refused. We have been held in detention for a very long time, many of us for more than three years, and our situation shows no sign of changing. The only solution we are offered by the Australian government is to return to the persecution we fled. Without the intervention of an honourable third party, willing to show compassion and common sense, we fear that we will be imprisoned for ever.

Because Australia has rejected our claims, we cannot ask for asylum elsewhere under the UN Convention. We can only ask each nation to look beyond its strict legal obligations and consider the senseless waste of the human spirit that our imprisonment represents. Many of us are skilled, professional people, most of us are young and healthy, and every one of us would contribute with energy and enthusiasm to any society willing to give us a chance.

The problem we face is difficult, but we cannot believe that it is beyond the power of people of good will to find a solution. Therefore, we respectfully appeal to you to consider our situation, and accept us into your country on humanitarian grounds.

Because our history has been misrepresented many times, we wish to put the record straight. We did not come to Australia as willing migrants, seeking economic gain. We only made this difficult journey to escape from violence and repression. Many of us faced imprisonment, torture, or murder, and have already seen our relatives suffer those fates. We have been persecuted for our religious beliefs, our ethnic group, our political opinions, or even the family we belonged to. We would gladly have stayed in our homelands and lived ordinary lives, but that is exactly what our problems have made it impossible for us to do.

Some of us paid smugglers to help us escape, because there was no other way. Often our families sold everything they owned to raise the money we needed. Some Australians condemn us for buying our safety when other refugees could not afford to do the same, but what else should we have done? We all know of fellow countrymen who have suffered terrible fates, but if we'd shared those fates it would not have helped anyone.

All of us passed through other countries before we reached Australia, but these were places where we had no legal right to remain, or to have our claims for asylum heard. Often, the countries bordering our homelands were already burdened with millions of refugees, or caught up in the very same problems that we were fleeing.

Australia is a peaceful, democratic country, and we believed we would receive justice here. Instead, we were imprisoned. At first, for weeks or months, each of us was kept isolated from the outside world, with no mail, no telephones, no radio or newspapers, not even the right to contact the Red Cross. When this period of strict isolation ended, we remained in prison. Men, women and children who

seek asylum in Australia are locked up in remote detention centres until they are either granted a visa or deported, however long that process takes, whether it is three months or six years. Even blind men and pregnant women are kept behind razor wire.

What has made our imprisonment harder to bear is the manner in which our claims have been considered. For some asylum seekers the process has been fair, but that is more a matter of luck than justice. When two people with identical circumstances are interviewed by different officials, one will receive a visa while the other will not. Ignorance about the culture and politics of our homelands, flawed translations, and even the temperament of officials have all led to unfair decisions. Whatever evidence we present, whether it is our personal testimony or a report from a respected authority, it can always be ignored or dismissed by an official whose mind is already made up.

Unfair decisions can be appealed, but the facts can only be challenged before a single member of a review tribunal, who plays by the same rules as the immigration officials. If the deadline to appeal a decision is missed, the tribunals and courts have no choice but to refuse the appeal, whatever the reason for the delay. In the past the courts could overturn decisions where legal errors were made, but now the government has changed the law to make that impossible. All the errors and misunderstandings that deny us freedom have been carved in stone.

The conditions of our imprisonment are harsh. We suffer small humiliations every day, as well as more serious acts, including the refusal of medical treatment, and interference in the conduct of our cases. Any dispute can end with beatings and tear gas. Some officers deal with us fairly, but we have no protection from the rest. On paper, we have the right to complain if we are ill-treated, but in reality this counts for nothing. The Ombudsman, the Human Rights Commissioner, Parliamentary Committees and United Nations representatives come and go. The government mocks and dismisses their reports, or makes some small change after a year or two has passed.

Because we are human beings, sometimes these pressures become too much for us to bear. At times, some of us have destroyed property, or fought with each other or our jailers, but the most harm we have ever done is to our own bodies. Often these actions have caused the Australian public to condemn us, but when people are imprisoned for years and deprived of all hope of justice, it is impossible for them always to act calmly in their own best interest.

We confess to our own human frailties, but the government and the media in Australia have worked hard to poison the minds of the public against us. They have lied about our history, our character, our circumstances, our actions and our motives. We have fled from extremists and terrorists, but they have claimed that we ourselves are terrorists. We have fought with all our strength to protect our children, and they have lied and said that we wilfully endangered them. When our friends send us gifts to help us pass the time, the media claims these things are bought with govern-

ment money. When there is damage to a detention centre, the TV cameras are invited in to show the ruined buildings to the world, but no journalist has ever been allowed inside to document the destruction of our souls.

State governments use us as a weapon against the federal government. Political parties use us as a weapon against each other. Detention centre officers use us as a weapon against their employers. The private company that imprisons us uses us to enrich itself, receiving more than \$100 per person per day. We could be living in the community, working, paying taxes to the Australian government, spending money in Australian shops and businesses, but the government would rather spend millions of dollars a year imprisoning us, because we have served its political purposes so well.

This is the situation we find ourselves in. We cannot return to our homes, and the Australian government will never release us. Some of us will be deported by force, but the rest of us will remain behind razor wire for another year, and then another.

We came here looking for freedom, safety, and justice. Instead we found nothing but traps, built of steel bars, bad laws, and dishonest politics. Inside these cages, children have grown into adults. Young men's hair has turned white. Babies have been born, taken their first steps, spoken their first words, seen their first sights. Most of us, separated from our families, have become like ghosts to our mothers, our wives, our children.

The only hope we have is for another country to intervene and agree to take us. We understand that Australia's rejection of our claims has deprived us of any right to seek asylum elsewhere under the 1951 Convention Relating to the Status of Refugees. Because of this, our future is in the hands of those nations with genuine humanitarian concerns that go beyond following UN conventions.

We respectfully ask you to consider our plight, and any steps that you are able to take to assist us.

What can we offer to the benefactor who rescues us, and restores our faith in humanity? Only our hard work, our loyalty, and our lifelong esteem and gratitude.

SIGNED: