

SENATE INQUIRY INTO DETENTION

EFFECTS OF LONG TERM DETENTION

I first visited Baxter Detention Centre in October 2002. The two men I visited were pleasant young men and we had a lively and informative conversation. Months later I observed that these men had become very depressed and a year on they were on a hunger strike and were put in the Management Unit. One of them in particular lost a lot of weight and became very cynical. He had shown us his poetry when we first met him but a year on he had stopped writing. It wasn't that he did not have supporters and visitors because he was very popular with Australians in the community and fellow detainees alike, but the system of mandatory detention took its toll on his mental and physical health. He has since got a visa and lives in the community.

In November 2002, I met a married couple who had been in detention since April 2001. I have now been visiting them for almost 2½ years and have noticed a decline in their mental condition since I first met them. When I first visited them they were very cheerful, motivated, industrious and resilient. The husband had made a substantial vegetable garden in his compound and was working in the kitchen. His wife spent her time knitting, crocheting, sewing, attending education classes and socialising with other detainees. They had already been rejected by their case officer and the Refugee Review Tribunal and were awaiting a decision from the Federal Court. After a long wait, they were finally told that they were unsuccessful. This left them feeling upset and depressed but soon after they regained their hope and appealed to the Full Federal Court. While they were waiting they decided to apply for a Bridging Visa but after months of waiting this request was refused. They were subsequently told that they had failed in the Full Federal Court. Their despair and depression was very great indeed but after a while they picked themselves up again and decided to put in a 417 application to the Minister for Immigration. With lots of support from their ethnic group in Australia, they got around a thousand letters of support and many more signatures on a petition. There is already a house waiting for them in Adelaide when they get a visa. But they are now feeling very depressed and despairing. They are the last of the "boat people" families in detention and the only people at Baxter in their ethnic group who are seeking asylum in Baxter. They are very fearful of being returned to their home country because of persecution. The wife has written their story in a local ethnic newspaper and they fear that this alone would put them in great danger should they be returned. The wife tells me that she cries a lot and she has trouble sleeping. She feels she has no friends left in detention and this makes her very sad because she is a person who likes to befriend others. She has supported and helped many other women who have subsequently been released, while in detention. The husband is very quiet and does not say a lot so it is hard to know how he is feeling but it is difficult for him to keep going and remain positive. He has given up gardening and many of the other activities he used to be involved in. They cannot understand why it is taking so long to get an answer and why they have not been accepted as refugees.

FEAR OF DEPORTATION

I have also visited many Iranian men and all of them are very frightened of being deported back to Iran. They fear imprisonment, torture and execution should they be forced to return. Many times they have been called to the DIMIA offices and asked to sign forms to voluntarily return but each time they have

refused. After a while they just used to refuse to go to DIMIA offices because they knew what they would be asked and it was too depressing for them to contemplate.

I visited Baxter around the time that deportations were expected. The atmosphere was so depressive. Everyone was very nervous, sad and fearful. They knew that deportations were afoot but they did not know who would be deported or when. So they were waiting in fear and dread. I was told that early on the next Saturday morning ACM guards marched into the compound and grabbed the three men they wanted and took them - four guards to one detainee.

Other deportations have occurred without any warning such as last October when an Iranian who still had a s417 application into the Minister was grabbed after the church service he had been attending and taken to the airport for deportation. His belongings including Christian literature which could incriminate him back in Iran, had been packed up by guards while he was absent from the compound.

UNFAIRNESS OF THE PROCESS

Detainees cannot understand why they have not been accepted when others whose story is very similar to theirs are accepted. They believe the process of assessing whether an asylum seeker is a genuine refugee or not is very flawed and very unfair. It seems to be done in a very arbitrary fashion. It depends a lot on the individual case officer or RRT member, as some seem to be more willing to accept people as genuine refugees than others. It also depends a lot on the interpreter that the asylum seeker has at his initial interview. An Iranian man told me he had an Afghani interpreter. This man, while trying to do his job well, did not understand the situation in Iran and could not understand the things that the Iranian was describing which are unique to Iran. Therefore his translation was not accurate and caused the Iranian to be rejected. Of course the correct information cannot be added at the next interview with the RRT, as it is considered new information and is therefore disallowed. Nor can it be added at any subsequent court hearings as it is only the process and not the information that is the subject of the appeal.

More recently over 20 Iranians had their cases reopened and were reinterviewed. Some have now been released and given visas but others (for reasons that only DIMIA knows) have been rejected. The detainees cannot understand why some are accepted and some are rejected when they feel that those who were rejected had cases that were just as good as those who were accepted. There seems to be no accountability. Many believe it depends on who their case officer is because some are more willing to give visas than others. For those who have been rejected the news is devastating and two have overdosed and one is in hospital because he is suicidal. This causes those who have been accepted to feel guilty for getting a visa and being released when others who they know to be just as deserving have missed out and must endure more time in detention hell.

THE MANAGEMENT UNIT

I believe that the treatment of detainees, especially single men in Baxter is very bad. For example, if a man takes out his frustrations and breaks something or does something even less dramatic but is deemed by GSL not to be showing respect, he is subsequently confronted by GSL (and previously ACM) guards wearing riot gear and carrying batons and taken to the "Management" Unit where he is kept in isolation for a period of time which can vary from a few days to a few weeks. In the past 12 months this has been followed by a stint in Red 1 Compound. Some detainees who have been severely depressed and who have been at risk of suicide have also been put in Management.

A detainee told me that after the fires at Baxter around Christmas 2002, he was put in the Management Unit for 9 days. The ACM guards teased and humiliated him while he was there and he was very glad to get out before he went crazy.

Another detainee told me that one day (in April 2004) when he came back from the gym he noticed that the compound was in a mess and two of his friends were very upset. One had taken out his frustrations by breaking the window and his hand was bleeding and he was very upset. This detainee (my friend) tried to calm his two friends down but he couldn't as they were too upset. About an hour later about 40 GSL guards came into the compound dressed in riot gear and wielding batons as if they wanted to attack the detainees. My friend said that he tried to talk to the guards and reason with them but they wouldn't listen. They were not prepared to listen to the detainees or negotiate with them. They attacked all of the detainees there and in particular the two men who had broken the glass and who were very upset. The next day the guards came back and took my friend and some other detainees to Management as well. He described Management as having 10 single cells, each very small. He had to stay there in that tiny room all day and night. The only time he could come out was for meals. He said that the room stank and everything in the room was dirty - the mattress, sheet and pillow, and all the time he was under the camera. The toilet light was on all the time and he was under camera surveillance while using the toilet and bathroom. In a letter to me he said that "the Management rule is appalling! They try very hard to break your dignity. They try to make you angry, nervous, upset, tired and neurotic!! You have to be very strong against them."

A week before Easter in 2003, I was visiting a detainee. We said goodbye at the Visitors Centre and he boarded the bus to be taken back to his compound. (At that time detainees were not allowed to walk anywhere. They could only move around the Detention Centre by bus.) However, instead of being taken back to his compound he was taken straight to Management where he was locked up in solitary confinement for the next 2 weeks. In this case the reason for him being in Management was in case he did something wrong during the Easter protests. He told me that there was no reason for him to be in isolation and he and his friends who were also there felt very angry at the injustice of being forcibly put in Management. He told me that he was handcuffed very tightly around his wrists. He said the guard slapped him across the face and yelled at him but there was no-one to hear him. He was also assaulted by the guard who kept banging his arm against the wall to try to break the glass of his watch.

Another use of the Management Unit that I have heard of is that it is where asylum seekers are kept when they first arrive in Australia and before they have their initial interview with a case officer. The reason they are kept there is so that they cannot mix with other detainees and get help from them in what to

say in their first interview. One Iranian man who was in Port Hedland told me that he was told by DIMIA that he would have to stay in Management for another 6 months if he did not accept the Afghani interpreter who was there, as that could be how long it would be before they could get an Iranian interpreter. Not wanting to stay in Management any longer, he naturally accepted the Afghani interpreter who it turned out did not give an accurate translation of his case.

More recently, a young Iranian man arrived by plane (on his way to New Zealand) and was taken to Baxter. He was put (not in Management because Management and Red 1 ceased to be used after the Cornelia Rau saga came out) but in a huge compound (Blue 3) all by himself for 10 days. He was very frightened and cried, not knowing what would happen to him. After his interview with a case officer, he was taken to another compound.

HOSPITAL VISITING

A man we had been visiting was admitted to the Port Augusta Hospital last year because he had shingles. His wife, who is the same nationality as him and had herself spent three years in detention before being released with her children on a permanent visa, now lives in Adelaide. She could not visit her husband at Baxter very often because of transport difficulties and the fact that she has a severely disabled child and has to get a carer in to look after him if she wants to go away.

She had made all the necessary arrangements to visit him at Baxter on this particular Sunday. However, instead of being in Baxter he was in the Port Augusta Hospital. She tried to visit him in the hospital but was refused visiting rights to him and had to return to Adelaide without seeing him.

I thought this was particularly cruel and unnecessary. She had filled in the forms and made arrangements to visit him in Baxter, so why couldn't she see him at the hospital instead? He was feeling very depressed and lonely at the time and a visit from his wife would have helped him to feel better and recover more quickly. She was his next of kin and surely she should have been able to see him.

After his return from hospital he was put in the Management Unit for a few days and then back to a different compound. He wanted to return to the family compound where he had spent the past two years but his possessions were packed up for him by GSL guards and he was transferred to one of the single men's compounds.

ASSAULTS

I have heard of several assaults on detainees by guards. One man told me that he had his hands and feet handcuffed together when he was in Management. A woman told me that she and her husband and child were dragged by their feet at Woomera and she showed me the scars still on her feet. Others were assaulted for refusing to allow guards to search their rooms after they had been searched

not long before. I have already mentioned under the heading, "The Management Unit", about another detainee being assaulted during the Easter period 2003. When speaking to detainees recently about assaults, they said of course all detainees, with the exception of some families, have been assaulted by guards at some time in their period of detention.

MEDICATION

Most detainees at Baxter are on some form of medication for depression, anxiety and sleeplessness. I have heard of some taking 8 tablets at a time for all their ailments. This must surely be far above the average seeing that most detainees would be less than 40 years old. I am told there are psychologists who visit Baxter but cannot keep up with the work load as there are so many depressed people. Some only visit for one or two days per month so they cannot see everyone who needs them. Some detainees do not want to talk to the psychologists because they don't think they can help. Many detainees are angry and feel aggressive. I have heard that they are often seen walking around the outside area of the compound at night trying to work off some of their aggression and anger.

FOOD

Under ACM management up till January 2004, food in Baxter was not very good. When GSL took over things looked up for the first two weeks and detainees received good meals. However, this did not last and the quality of the food has deteriorated badly. There are occasions when the meals are better. For example, occasionally the detainees have been allowed to have a barbecue in their compound and the food at these times has been good. Most of the time though it is not good and often there has not been enough to feed all detainees. When detainees have complained about the lack of food they have been told if they want a meal they have to line up early. That just means that someone else will miss out.

When I first started visiting Baxter we were not allowed to bring food into the Visitors' Centre with us. Then the rule was changed and we were allowed to bring in food and the type of food that we brought in was snacks such as cake, biscuits, nuts and dried fruit. Now visitors bring in full meals for the people they visit as they know they are not getting decent meals in detention. Detainees appreciate this and usually eat heartily (if they are not too depressed).

Up till last October we were able to put non perishable food items such as nuts, dried fruit and confectionary into Property for detainees, but now we are not permitted to give detainees food to supplement their meagre meals.

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