



The Committee Secretary,
Senate Legal and Constitutional Committee,
Department of the Senate,
Parliament House,
Canberra,
A.C.T. 2600.

Re: Submission to the Senate Inquiry into Migration and Detention

I submit the following information which has been communicated to me over the past 20 months that I have been corresponding with and visiting detainees at the Baxter Detention Centre.

This centre has been described as "like a cemetery" which only comes alive at night. The reason for this being that many of the detainees take various chemical cocktails to help them sleep during the day in order to avoid the stress and boredom of the daylight hours. At a meeting in November 2003 when the Hon. Julia Gillard visited Adelaide, I expressed my concern to her about the possible future mental health implications of this regime eg. drug dependency, depression etc.

Some of the problems highlighted by detainees are as follows:

Lack of opportunity for educational and constructive activities.

Detainees find the stress and boredom intolerable. This was reflected in the comments of an Iranian woman, detained with her family for 4 and a half years, who, when released from detention, related her experience of doing knitting which she frequently un-pulled in order to do it again, because she had nothing else to do during the tedious years of her incarceration. Although the Educational Centre claimed to have 12 computers, at least 6 of these were non-functional until one of the detainees with technical skills, managed to fix them.

Restriction in Living Conditions: When GSL took over the management of the detention centre, further restrictions in living conditions were imposed with a compound originally housing 35 people, extended to house 70 with the same hygiene and telephone facilities. There were also problems with food. On several occasions, although only a few minutes late, some detainees went without a meal. As well as deficiencies in quantity, poor quality food, included stale vegetables and even maggots were in the meat on one occasion.

Medical Problems : attention for physical problems was described by detainees as inadequate, delays in getting access to medical help up to several weeks, were common. It is also evident that the mental condition of many detainees deteriorated significantly and became increasingly evident to those who visited them. It has since been revealed that one of

the men recently admitted to Glenside Hospital for severe depression had tried to commit suicide 5 times during the past year in detention.

Punishment Regimes : carried out by the guards seem to be totally out of proportion to the offences alleged to have been committed . In many cases the punishments inflicted could be described as physically brutal and mentally damaging. Apart from bashing detainees with batons, management practices have included confining detainees in isolation cubicles. These consist of small bare rooms with a mattress on the floor, one blanket, and a shower with a toilet behind a partition. No furniture, radio, writing or reading material are provided. Detainees have to ask for every drink of water and are confined to these cubicles for 23 hours a day. Continual monitoring is relayed to a central location. Isolation, as a management practice, is apparently justified by the administration for detainees who show self harming tendencies. However, a recently established section, known as "Redgum," is used specifically for punishment. Detainees can be isolated there for several weeks during which time they have little or no contact with anyone, apart from the staff.

On a visit to the Baxter Detention Centre, in November 2004, we were told that one of the detainees we had requested to see, was unavailable. The reason given : "he isn't feeling well enough to come to the Visitor's Centre." On my return home, I received a letter from his friend, informing me that this man had been bashed by 8 guards, necessitating 2 days hospitalisation in Pt Augusta Hospital. He had been in too much pain to come to the Visitor's Centre. Unfortunately, he would not submit an official complaint about this incident, because he was afraid it might lead to further recriminations from the staff and adversely affect his appeals. I advised his friend to make sure this incident was reported to his lawyer.

Another incident, about which I have been informed, occurred prior to Easter, when guards at Baxter requested to search the rooms of the detainees. My informant asked the guard not to touch his prayer rug. The guard subsequently took the rug and flung it outside his room. This angered the detainee, who responded angrily, because he saw it as an insult to his religion. The guard then tackled him to the floor and kned him in the groin. This incident was a humiliating one for the detainee. The anger and resentment he later experienced, may have even contributed to a further deterioration in his already depressed mental state.

During a recent Guardianship Board hearing, a senior nurse from Glenside staff who was present, reported that the two detainees at this hearing had felt intimidated and paranoid about some of the GSL guards stationed outside the ward. They identified a couple of guards as those who had previously bashed them with batons, during the time they were in the Baxter Detention Centre.

It is evident that there has been inadequate monitoring of the companies responsible for the management of Australian detention centres. These organisations are run by overseas companies, mainly for the profit of the shareholders with little regard for humanitarian values. It could also be

said that the policies of the Federal Government have sanctioned the punitive and insensitive treatment of the unfortunate people who have been incarcerated in them for such lengthy periods of time.

It seems quite incredible in a country like Australia, that people, seeking protection as refugees, should be imprisoned indefinitely, without legal charges, treated like criminals, housed on the edge of a desert, denied access to the media and isolated from contact with the public.

It is imperative that counselling and educational training be provided for those released from long term detention facilities to help them regain their self-confidence and skills. All this will be necessary before they can be expected to contribute to our society and the workforce.

One cannot help but wonder why a country like Australia, needing migrants, should spend so much of the taxpayer's resources to persecute approximately 1,000 unfortunate refugees fleeing in boats from wars and persecutory regimes. It is hypocritical that we shall now need to spend so much more of our resources to provide rehabilitation and assistance to help these unfortunate people. After all, this nation was originally founded by people who came in ships, some officially in chains and others as free settlers, and many without official visas.

I hope and trust that your Senate Inquiry will expose the truth behind the appalling treatment of the asylum seekers, who sought refuge in this supposedly " Democratic and Christian" country.

Enclosures:

An article from the Coffs Harbour Advocate regarding treatment of Iranian boat arrivals.

Copy of an article I wrote about Detention Centres.

Yours faithfully,



(Mrs) D. Lascaris

ASYLUM SEEKERS AND AUSTRALIAN DETENTION CENTRES

I write in support of refugee advocates and those concerned with social justice, **who have constantly expressed their condemnation of the Howard Government's treatment of the Asylum Seekers** who fled from persecution and wars in their own countries. Church organisations and the "Circle of Friends" have provided valuable assistance to detainees during their many years in mandatory detention. The generosity of these people demonstrates the depth of sympathy for the unfortunate victims of the Federal Government's harsh policies towards asylum seekers, who came in boats, seeking refuge in our "democratic" country.

Australia's detention centres are in reality "concentration camps."

Over the past 7 years there have been many abuses inflicted on the unfortunate inmates. A detainee described the Baxter Centre as being : "like a cemetery, because it only comes alive at night." The detainees try to escape from the stress and boredom of daylight hours through sleep. Their only respite is when friends, who care about their situation, undertake the long journey from Adelaide and interstate to Pt Augusta to visit them. Those who do not have visitors, stay in their rooms, become depressed, and often need psychiatric intervention. **(After all, I wonder how many people would be content to play table tennis, do gym exercises, or gaze out on a saltbush-covered desert, year after year?)**

Among the residents, there are many fine, cultured and well educated people in their twenties and thirties, who have been incarcerated for more than 3 years. They have not been legally charged with any offence and many were denied access to the legal system for at least a year after their arrival in Australia. According to agreements signed by Australia under the UNHCR Convention, asylum seekers are entitled to enter this country, without a visa, to apply for refugee protection.

This year Australia was the first Western Country to be censured by all six United Nations Committees for the breach of Human Rights according to the U.N. Convention.

It is hypocritical to think that a big wealthy country like Australia, supposedly in need of people, is prepared to spend so much of it's resources to detain asylum seekers indefinitely or for several years, under the pretext of "legal processing." **It is also ironical to hear that farmers are now lobbying the government to bring in guest workers from China**

and East Timor to help with fruit harvests and farm work, while at the same time condemning so many young men to indefinite detention!

Afghani asylum seekers have already proved their ability to make a great contribution to the farming industries in country areas. Those who came here to escape from their own country, which has been destroyed by wars and internal conflicts, are prepared to work wherever needed.

Under the Howard Government, it has been decreed that Stateless persons can be detained indefinitely, if they are unable to find another country to accept them. Some detainees have applied to as many as 80 countries, and been refused. (In any case, why should over-populated countries like India, Pakistan and Europe accept more refugees? They already have millions of their own !) After considerable efforts by pro-bono lawyers, acting on behalf of some of these unfortunate people, some are released on “Bridging Visas” which enable them to leave the detention centre, but deny them the right to work or access Medicare and throws them on the charity of their friends in the community.

Over the years, there have been continual reports about the unacceptable treatment of detainees, by overseas companies who administer them. These reports describe deprivation (insufficient and poor quality food) boredom, (lack of educational and recreational programmes) and exposure to mental and physical abuse. It has been demonstrated that there is a serious lack of accountability for the monitoring of these centres by those who have sanctioned their administration by overseas organisations who are running them for profit.

Within Baxter Detention Centre there is now a “Management Centre,” supposedly an area where those in need of constant supervision, can be monitored 24 hours a day. (Apparently, a proud boast by the previous management was that they hadn’t had any suicides during their administration!) In addition to the Management Centre, there is also a “Punishment Centre,” where detainees are put into solitary confinement. This area was used to isolate the unfortunate Cornelia Rau, a severely mentally disturbed woman, suspected of being an illegal immigrant, incarcerated in Baxter for 4 months. Detainees who realised she was mentally ill and tried to get help for her, were told: “She has to ask for help, herself!” It was only through the efforts of visiting advocates and her sister that psychiatric intervention was eventually arranged for her. It appalling to realise that a mentally ill person, even someone with

Australian citizenship, could be treated in this way by our government.

Another detention system for families, is called "Cottage Detention." Women and children are accommodated in transportable buildings, surrounded by razor wire, electric fences, and guarded 24 hours a day. The children attend school locally, but are not permitted to visit families or friends outside. The male member remains in the detention centre except for a once a week visit, by his family, to the Visitor's Centre. Family relationships have been seriously affected by this enforced separation. Many men, women and their children, have been affected mentally and physically, by their experiences in detention and will continue to suffer lifelong trauma.

(Would Australians accept this kind of treatment for their families? If not, do you think it acceptable to treat other families in this way?)

Visitors to the Centre, feel frustrated and powerless to deal with uncaring Government Ministers and the Immigration Department, who ignore their petitions on behalf of these victims of harsh government policies.

The so-called, "Pacific Solution," where detainees are held on remote, isolated islands of the Pacific Ocean, is claimed to be : "**a deterrent to future boat arrivals**" **who might be tempted to seek asylum in Australia, believing it to be a country with humanitarian values.**

This appears to be yet another cunning move by the Federal Government to prevent any new arrivals having contact with legal services and social justice advocates on the mainland.

Another sinister development in the "Border Protection" saga is the construction of a new detention centre on Christmas Island. In view of recent revelations about the detention of 33 Australian citizens, and possibly up to 100, for periods of 7 months, over a few years, one has to wonder about the implications for the mentally ill. Perhaps it will become "an Australian Gulag," where people are exiled and forgotten!

It is apparent that Immigration officials would really prefer to deport detainees, sufficiently medicated to make them compliant, in order to turn them over to the authorities in their own countries, where they can be interrogated, tortured and executed out of our sight.

In January, 2005 a witness reported that: on a flight destined for Bangkok, she observed an unfortunate deportee being dragged on to a Thai Airlines plane, handcuffed, a chain leading to a restraint at his waist

with cuffs to his ankles. He was gagged with black gaffer tape bound so tightly around his mouth that it was cutting into his face. When questioned the guard confided that : “Special charter flights, costing \$250,000 dollars a time, are getting a bit expensive. That is why we are now using ordinary flights to deport these people!”

John Howard and his Coalition, have used cunning propaganda to imply that the “boat people” are potential terrorists. **However, following assessment, 90% of asylum seekers are found to be genuine refugees!** The propaganda of “Border Protection” and “Terrorism” has been used to justify the government’s treatment of the unfortunate “boat people.” Many in our community, have accepted this deceitful propaganda which helps to justify the government’s continuing detention policies. The media has also been denied access to detention centres for spurious reasons such as “confidentiality.” Publicity about protests staged by concerned social justice advocates, often implies that those who support asylum seekers, are a “bunch of lefties.” (a quote by Alexander Downer.)

Many people ask why asylum seekers are not just sent back to their own countries. In reply to this I suggest they read reports from the Edmund Rice Centre who compile information about the situation of human rights in the countries from which asylum seekers have fled.

The Copas Report, (available on-line), provides information about Iranians who were followed up after deportation. In this report, an article, dated 18/3/2003, by **Amnesty International Australia, warns against the deportation of Iranian refugees.** It reads as follows :

“The Iranian authorities continue to refuse independent human right’s monitors unhindered access to the country. There have been 260 publicly announced executions in Iran since 2002. Forty three of those were performed in public (mostly in public squares using cranes) only occurring during October 2002. In 2001, there were continued reports of torture, ill-treatment, and judicial corporal punishments. Amnesty International recorded 165 executions, 26 cases of flogging and 16 cases of amputation, although the true number may have been considerably higher. Several defendants, facing trial before Revolutionary Courts, stated that they were tortured during detention, prior to trial. Methods of torture included repeated beatings, flogging on the soles of the feet with metallic cables and being suspended upside-down from the ceiling.”
It is estimated that up to 50,000 people have entered Australia on planes using false documents and overstaying visas during the past few years.

Many have applied for refugee status and been granted it under these conditions but every person arriving by boat has been imprisoned, some up to 7 years. Continual emphasis on "Border Protection," mainly for the purpose of deterring asylum seekers, attempting to reach Australia by boat, helps to perpetuate the myth that these people are "terrorists." It is reminiscent of the exaggerated claims about the non-existent "Weapons of Mass Destruction." It would be interesting to know whether taxpayers who were informed about the high cost of this so-called "Border Protection" policy, would agree with the expenditure of our valuable resources in this way. Some costs estimated as follows:

- **Detention facilities administered by overseas companies :**

\$580 million dollars paid to the previous administration for 5 years.

\$300 million to the present administration for the on-going detention of asylum seekers, for the next 4 years. (Adults at \$300 per day, Children \$220 per day and \$660 per day per child in "community detention.")

- **Individual Cases**

Bakhtiyari Family: Three and a half million dollars to detain the whole family for 4 years, then deport them. The mother kept under guard in a motel room before and after the birth of her baby, then under 24 hour guard in a house in the community, provided by the Church welfare. Then 19 court cases were carried out in an attempt to prove the family were from Pakistan. A special charter flight during the Christmas period, deported the family to Islamabad where they were unable to get accommodation because they had no papers for Pakistan. This destitute family is now reported to be living in one room in Afghanistan. The mother is ill and the father is unable to find work in their devastated country of Afghanistan. **(The government must be very proud of how they have protected us from this little family of refugees!)**

- One lonely asylum seeker on Manus Island for 7 months \$6.9 million.
- Charter flights for deportations from Pt. Augusta to Perth, \$80,000 plus connecting flights to overseas destinations with guards to hand deportees over to the authorities in the countries from which they fled.
- **A new detention facility being built on Christmas Island** is estimated to cost \$360 million (For what purpose will this be used? Perhaps to deter phantoms from the sunken Siev x, refugees from

tsunamis, unwanted Australian citizens or even those who are opposed to the current political regime?)

The total cost to detain 1,000 asylum seekers over three years, has been three billion dollars. According to our National Anthem Australia is: **“a land with boundless plains to share!”** How generous we are and how hypocritical! (After all, we are now actually paying people to have babies in order to populate this country!)

Overseas countries are becoming increasingly critical of claims that Australia observes “Democratic and “Christian” principles of government, while in reality demonstrating a callous disregard for human rights. To quote some American tourists I met overseas in 2001 : “What has happened to Australia? It used to be such a nice little country!

I have written this article, to inform people about the cynical way the detention system has been used for political purposes in Australia, a country that was once respected for its humanitarian values.

It is not surprising that so many people are now saying “they are ashamed to be Australians!”

D. Lascaris,
Adelaide, S.A.
April 2005

Refugee story shock for all

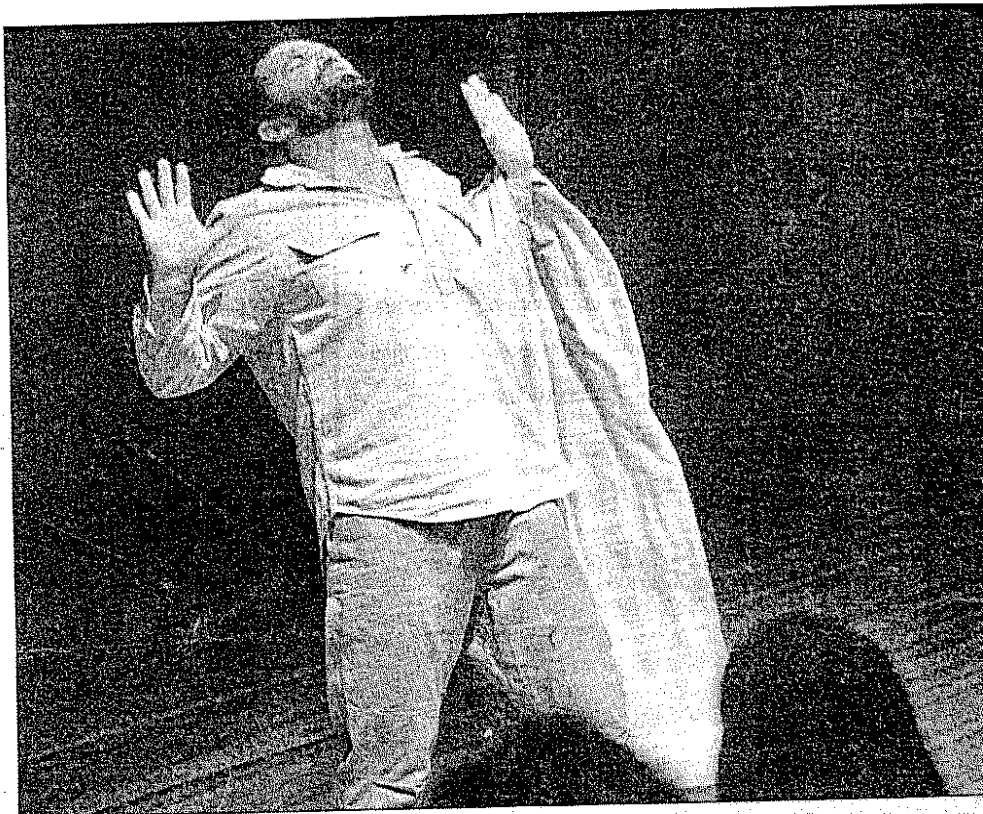
By MICHAEL SECOMB

THE audience was shocked when Shahin Shafaei acted out his experiences as a refugee held for 22 months in Australia's infamous Curtin Detention Centre.

Afterwards the audience, including dozens of high school students, poured out questions about what Shahin and others endured and how they coped, showing they did not realise how harshly the Australian Government treated the refugees.

They were particularly surprised that 23, including Shahin, were selected at random on arrival and placed in solitary confinement for 10 months, with no outside contact, leaving his parents to fear he was dead.

As the stage lights went down on Thursday in the Coffs Harbour Education Campus theatre, Iranian music was followed by Shahin, 29, acting out the roles of both refugees and their guards.



Shahin Shafaei portrays life as a refugee in Australia's Curtin Detention Centre.

The award-winning actor and playwright was forced to flee Iran in 1999 after his work was deemed 'anti-government'.

He fled to Malaysia and, in

desperation three days before his short-term visa was to expire, accepted so-called 'safe passage' with a people-smuggler through Indonesia towards Australia, knowing little about this country.

The unseaworthy boat with 102 passengers was intercepted off Ashmore Reef on June 19, 2000, and he was taken to the Curtin Centre, where he remained until February 12, 2002.

Although he has since been accepted as a genuine refugee, he was only granted a temporary protection visa which will expire in February, 2005.

His powerful play, *Refugitive*, is being toured by the New Mercury Theatre.

It portrays refugees being denied all hope and left so powerless their only escape is the hunger strike, which they undergo simply to force the officer in charge from the notorious Australian Correctional Management to even meet them. Children sew their lips together to get attention.

"The only decision left to us around here is to stop eating and drinking," his character says.

When they try to complain to the United Nations, their letters are stopped by the centre's management and the authors berated

for telling 'lies'.

The play ends with the weakened hunger-striker having a dream about seeing a city of buildings with thousands of doors and windows, none open to him. Then he dies.

Shahin Shafaei told the audience he could not return to Iran because the director of his last play performed there was still in jail, but under Australian law he could not get permanent residency or citizenship here, only another temporary residency visa.

Companies would not employ him because he could not offer any guarantees about his future.

His situation can be summed up by a line from his play: "If you have no passport, you are officially dead," an official tells a refugee, who mournfully protests he is very much alive.

ARTICLE FROM THE COFFS HARBOUR ADVOCATE

20th SEPTEMBER, 2003