

# Return to sender

As Australia begins deporting Iranian asylum seekers, Julie Macken investigates what fate awaits them, and why Iran is taking them back.

"Could you please tell all the Australian people who tried to help us – thank you. It is now too late for us and everything is over. But tell those Australians we shall never forget their kindness and courage."

**T**his message was given to *The Australian Financial Review* by an Iranian detainee being held at the Baxter detention centre late last week. With less than a week to go before the federal government begins forcibly deporting these people, they have lost hope – and some fear for their lives.

Immigration Minister Philip Ruddock says he has an agreement with the government of Iran to accept both voluntary and involuntary repatriation of these 265 failed asylum seekers. The Iranian embassy agrees they have a memorandum of understanding, or MOU, with Australia, although whether that includes accepting forced repatriation remains unclear.

Three lawyers working for detainees told the *AFR* that last Thursday, 11 detainees at Villawood were told by a Department of Immigration liaison officer that they would be "deported any day now".

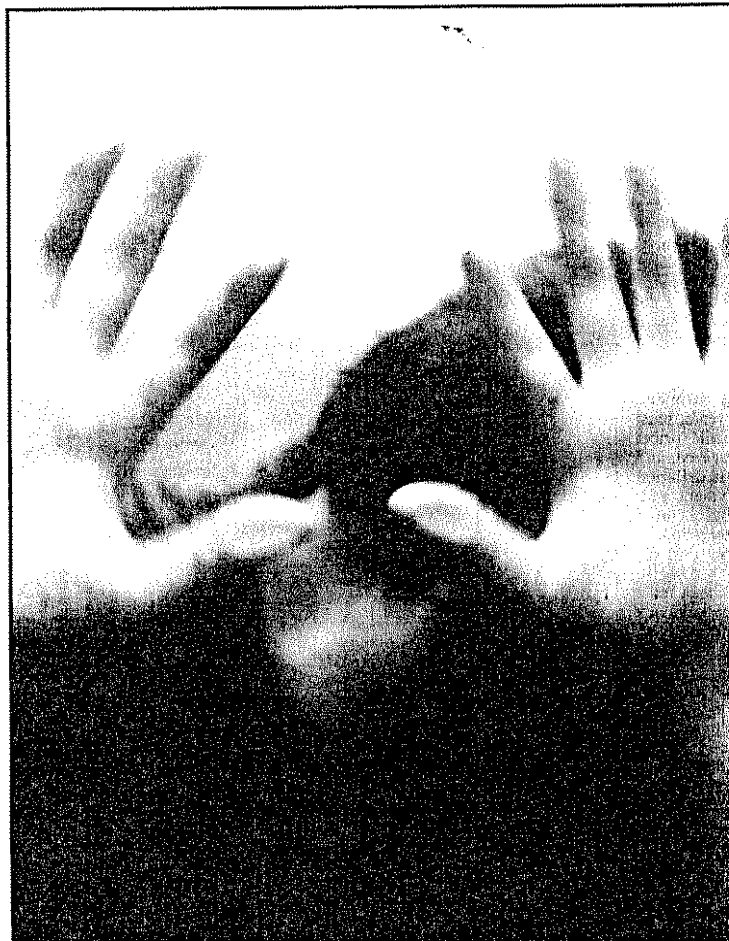
The Iranian detainees have two questions: Will they be forced back to Iran? And if so, will they be safe? The answer to the first question depends on whom you ask: the Australian government says they are all going back; the Iranian government says only if they volunteer. The difference between the two answers at this stage is 263 people, as only two detainees have volunteered.

This week the federal government will come under intense pressure to release the details of the MOU. Although they have refused to do so, Senate estimates committee hearings are expected to focus on this issue. The opposition, Greens and Australian Democrats have grave concerns.

Labor foreign affairs spokesman Kevin Rudd says: "The opposition wants to establish the contents of the MOU between Iran and Australia. What assurances has the Australian government obtained from Iran that any person returned involuntarily will not be incarcerated?"

"We also want to establish, where any person has returned, have they been taken into custody upon their return? It's disturbing that the Australian government has been less than transparent."

A spokesman for Philip Ruddock says the MOU does not have any provision looking at the safety of returnees or deportees. "If we had any concerns about their safety, we would not be sending them back. All of those concerns are dealt with in the refugee...



**Iranian refugees fear they will receive stiff jail terms if they are deported.**

Photo illustration: TAMARA VONINSKI

Two brothers, caught up in the Abadan water riots in Iran, fled the country and travelled to Australia as stowaways on a ship. They arrived in Victoria in September 2000 and were put in detention.

After nearly a year behind bars, one of them could stand his isolation no longer and agreed to voluntary deportation so he could be with his wife and children. In August 2001 he was put on board a plane bound for Malaysia, and there he was put on a direct flight to Tehran. Nearly two years later, no one has seen him.

His wife, mother and father-in-law went to the airport to pick him up, only to be told that the government had no record of him being on the plane or in the country. According to his family, he is dead.

When his older brother told ACM, the US company that managed Australia's detention centres, and the Immigration Department about his brother's disappearance, he says he was told, "What happens when they leave here is none of our concern".

Eight months later, after several suicide attempts, the older brother was sedated and forcibly returned to Iran. No one has seen him since. It may be that he is dead, in hiding or, according to Pamela Curr, refugee spokeswoman for the Greens, "He may have joined other Iranian returnees who have 'disappeared'."

The Red Cross advised Curr not to pursue inquiries about him because it would place his family at risk.

But she believes there is a new threat to all the detainees being deported.

Curr tells of an enquiry made recently by the family of an Iranian detainee at Baxter. They were asking Iranian authorities what would happen if their son returned

because of changes to the laws which prescribe that all sentences over six months are to be served in prison.

"Previously, families could negotiate payment of fines to avoid prison. "His charges will be that he left the country illegally and has been away more than 10 years, as well as religious charges."

Curr also says that another report from a detainee in Baxter cites the Iranian Department of Security as stating in the Iranian parliament that they will imprison returnees from Australia, as an example to deter European Union countries from sending back thousands of Iranian dissidents.

This comes as no surprise to human rights advocates who have been monitoring the increasingly repressive Iranian regime.

As recently as February, Human Rights Watch found that: "The arbitrary detention of students and the targeting of government critics have increased. Scholars and students who criticise the ruling clerical establishment have faced death sentences, teaching bans or long prison terms."

A spokesman for Amnesty International says: "Last year, Iran executed 113 prisoners, including long-term political prisoners. Eighty-four were flogged, frequently in public. The death penalty and other cruel and unusual forms of torture were imposed against people for issues concerning freedom of association and freedom of expression."

On Monday morning, the Iranian delegation of the Australian-Iranian Parliamentary Friendship Group arrived at Sydney airport. Over the next five days, the delegation will visit the CSIRO, address the Group of Eight universities, RHP Santos and

It will not be the first Iranian delegation to meet the Immigration Minister.

In 2000, the Department of Immigration met an Iranian delegation of representatives from the Iranian departments of Foreign Affairs, Interior, Labour and Social Affairs.

No one knows what was discussed during the meeting; but it is the closeness of the relationship between the Department of Immigration and the Iranian government that has many detainees literally fearing for their lives.

On May 15, the Iranian charge d'affaires, Eshagh al-Habib, visited Baxter detention centre to speak to the Iranian detainees.

Nearly all of them refused to meet him, but they told the *AFR* that ACM officers had tricked a number of them into meeting him.

One detainee was told he had a medical appointment.

But when he entered the room, al-Habib was waiting for him.

He says al-Habib confirmed that Iran would now accept Iranian detainees who were deported.

Al-Habib also told him the Department of Immigration had agreed to give Iran all the information they had on each detainee – everything.

But Ruddock's spokesman says the department would only give Iran the same information it would give any other country: "passport information, village of origin and their health check information".

"We would never hand over the details of the detainee's visa application process." Nevertheless, a number of those interviewed by al-Habib say he had a great deal of information about them – much more than just their passport, village of origin and health details.

Al-Habib refused to be interviewed for this article.

But the *AFR* has found that such intimate and vital information is not hard to come by for anyone with internet access.

The Refugee Review Tribunal, the Administrative Appeals Tribunal and the Federal Court all publish their decisions and findings on the internet.

While the RRT and AAT do not publish names, even with little information it is easy to work out to whom they are referring.

As one Iranian says: "When they published the decision about my case, they included the name of my shop – it was the only one that had that name in the region."

Regardless of where the Iranian government got its information from, there is no doubt – at least in the minds of the detainees who met al-Habib – that they have all the information they need to take action against the detainees when they are returned to Iran.

Although the federal government has found that none of the 265 Iranians are owed Australia's protection, the very act of applying for refugee status in Australia may have put their lives in danger by inadvertently supplying repressive regimes with a cache of information they can dial up from anywhere in the world.

This situation is not only an issue for the detainees and their families, nor is it solely a matter of domestic politics. With countries of the industrialised West now hosting hundreds