

Refugees on hunger strike in New Zealand prison

John Braddock
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Fifteen refugees from India, Pakistan and Iran who are seeking asylum in New Zealand have entered the fourth week of a hunger strike in Auckland's Mount Eden prison. The refugees, all men, are protesting against their treatment by the immigration service and the refusal of Immigration Minister Tuairiki Delamere to listen to their case.

Human rights and church groups active in support of the 15 men are becoming increasingly worried about their physical condition. When eight of the group appeared in court late last week to have their custody provisions renewed, they appeared pale and gaunt. One collapsed and another became emotionally distressed as they were ordered to return to prison.

Fifty members of the Justice for Asylum Seekers organisation protested in downtown Auckland last Wednesday against the continuing detention of the men. Spokeswoman Margaret Taylor said their jailing contravened New Zealand's obligations under the UN Declaration of Human Rights. None of the major political parties currently campaigning for the national elections on November 27 has taken up the case.

Father Peter Murnane, a Catholic priest who has been visiting the prison, has reported that the men are now in constant pain, especially around their kidneys, and that their speech is slurred and movements slow and difficult. However, he declared that they were determined to continue fasting, "even if they die—and that possibility increases daily".

One of the men, an Indian in his 30's, has told a prison visitor he faces summary execution if he is forcibly returned to his home in the Punjab. He has been politically active in the struggle for an independent Sikh homeland, and claims that his brother-in-law was shot by Indian police in an ambush meant for him.

In 1995, his father was burnt to death in a riot, a brother shot in the leg, which then required amputation, and another brother had disappeared. The man himself had been captured by the Indian police five times, but not charged. On one occasion he had been tortured. He made his way to New Zealand after escaping to New Delhi.

Another one of the prisoners, a Pakistani, says that he had also been forced to flee after being brutalised by police as a result of political activities. He had been kept in a police cell for 22 days, tortured and left for dead in a river.

One of three Pakistanis currently in Mount Eden, claims that he and his family had been subject to ethnic persecution. They were Muslims, and part of the Mohajar minority that fled from India after 1947. Two of his brothers have disappeared and presumed to have been killed because of their political activities. This man was only released from jail in his homeland when his father paid a ransom to the police.

The New Zealand Immigration Service has rejected the men's bid for refugee status. Immigration Minister Delamere simply dismissed their claim for asylum, saying that it was "unfounded".

A hearing in the High Court was due to take place this week. One of three lawyers acting for the men, Rodney Hooker, is lodging a case on the basis that the Immigration Service acted wrongly when the men first arrived at Auckland Airport. He said the service had failed to follow guidelines for granting temporary permits to enter the country. The asylum-seekers had a legitimate expectation that they would receive permits under rules published on the Internet.

However, a manager of the border investigations section of the service said that these asylum guidelines were "not meant to be rigid" and "discretion" could be used. He claimed that the asylum seekers had no documentation and that there had been "problems with Indian people working illegally" in New Zealand after being denied refugee status.

This case is set against a pattern of increasing anti-immigrant political decisions taken by the minority National Party government and Immigration Minister Delamere over the past 12 months. These include:

1. A recent declaration that from July 1 next year, all refugees, new immigrants or anyone wanting to come to work or study in the country for longer than two years will be subject to compulsory HIV-Aids testing. Anyone who fails the test will be barred entry.

The ban includes refugees recommended under a quota program run by the United Nations, which opposes such mandatory testing. Cabinet approved the decision even though the ministries of health, foreign affairs and trade, justice and social policy and the departments of internal affairs and labour all said it was discriminatory and unnecessary.

Delamere justified the decision on grounds of cost, claiming

that HIV-Aids is "very expensive to treat". It cost about \$25,000 a year to treat people with HIV and once they went on to develop Aids "the sky is the limit".

The decision was denounced last week by the country's foremost composer of contemporary classical music, Gareth Farr, who said he was "amazed" at this "profoundly backward step". Farr's partner, who is HIV-positive and moved from the USA recently to live in Wellington, intends applying for permanent residency.

2. The strange case, in the middle of the year, of reported sightings of a boatload of refugees heading from Asia to New Zealand via the Solomon Islands. The sightings became the excuse for the National government to push through parliament, with urgency, expanded powers for it to immediately imprison immigrants deemed to be entering the country illegally. Although the boat inexplicably disappeared from radar screens in mid-Pacific, never to be seen near the country's shores, the new laws remain on the books.

3. The recent forced repatriation of a family, the Schiers, back to Germany after they had been living in New Zealand for over a decade. Guenter and Petra Schier originally entered New Zealand as visitors. They overstayed their permits and became permanent residents, establishing a business running a backpackers hostel in a remote location in the South Island. Following their eventual discovery, they were deported. Delamere refused to consider clemency, the chief reason being that Guenter Schier had failed to declare a previous minor drugs conviction on his entry into the country. Petra and the couple's three New Zealand-born children were deported along with him, even though the girls, all under 12 years of age, were New Zealand citizens by birth.

4. A decision by Delamere to deport a Jordanian immigrant at a time when his wife and children were ill and dependent on him. The Deportation Review Tribunal recently deemed the ruling to be "indefensible" and "cruel".

Sala Alameh, 39, a commerce graduate from the West Bank, had come to New Zealand legally with his wife and four children. After failing to find work, and with his wife and two of their children falling seriously ill, Alameh was driven by desperation and poverty into crime. He was eventually convicted on 16 counts of fraud, involving \$80,000 in false insurance claims.

Delamere ordered his deportation four days before last Christmas, even though the condition of his wife and children at the time made them utterly dependent on him. Tribunal chairman Hugh Fulton called Delamere's actions to be "unduly harsh" and that he had failed to take into account Alameh's "human and civil rights". Unrepentant, Delamere claimed that while the family circumstances were "tragic", "I also weighed this against the right of New Zealanders to be protected from low-life like him... he would have been here forever."

New Zealand's immigration laws have long had a discriminatory and racist character. Pacific Islanders wanting to

join their families and come to the country to work have, since the early 1960s, been subject to bureaucratic intimidation, police harassment and summary deportation. The "dawn raids" carried out against Pacific Island communities during the 1970s, and the mass deportation of so-called "overstayers," remain infamous throughout the Pacific region. In the recent period, immigration rules have been rewritten to give favoured treatment to wealthy immigrants.

The strengthening of legal and political barriers against general immigration over this period is a product of the increasingly nationalist and anti-working class politics of the established political parties, in response to the country's deepening economic crisis. Immigration Minister Tuariki Delamere himself is a product and expression of these developments.

Delamere, a former army officer, was elected to parliament in 1996 as a member of the NZ First Party, winning one of the five special seats set aside for the Maori electorate. NZ First campaigned in the election on a racist platform of opposition to Asian immigration. When NZ First disintegrated in 1998, Delamere set himself up as an "independent" MP. He has been one of the key props of the minority National government, which kept him on as Immigration Minister. During the current election campaign, he has claimed that if he is returned to parliament at the coming elections, he will support Labour rather than the Nationals.

On Wednesday, Delemere was sacked as Immigration Minister by Shipley but not for none of his above actions. A letter came to light revealing that Delemere had offered to "relax" immigration rules in order to provide 21 Chinese and Taiwanese permanent residency visas if they each invested \$NZ400,000 each in projects on Maori tribal land or \$600,000 in businesses 60 percent owned by Maoris. Shipley told Delemere not to issue the visas but he ignored the order. Much of the money was to be invested within his own parliamentary seat.

Delemere is adamant that he did nothing wrong and just days before the New Zealand poll has mounted a protest with some of his supporters against his sacking, further intensifying the crisis surrounding the Shipley government. Labour Party leader Helen Clark seized on the Delemere sacking to score a political point and vaguely promised to "review" his handling of immigration but made no reference to the hunger strikers or any other cases.



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