

Last-ditch deal ends Woomera refugee hunger strike in Australia

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2 February 2002

The Howard government has carried out a number of clumsy manoeuvres this week in an effort to extricate itself from a political crisis produced by the growing international and domestic condemnation of its treatment of asylum seekers.

Despite claiming to have strong public support for their harsh treatment of refugees, Prime Minister John Howard and Immigration Minister Philip Ruddock made several last-minute concessions to end a 16-day hunger strike by hundreds of mainly Afghan detainees at the Woomera camp in the South Australian desert.

By last Wednesday some of the hunger strikers were deteriorating rapidly. Nine teenage refugees had set a 5pm suicide deadline, demanding their release from Woomera, and one young man, Marsa Ali, had been hospitalised with serious lacerations after throwing himself onto a razor wire fence.

Finally, after three visits, and a meeting in Canberra with Ruddock and his advisors, the government's Immigration Detention Advisory Group brokered a deal in which most of the hunger strikers agreed to unstitch their lips in return for 10 promises, including the immediate resumption of the processing of refugee claims by Afghan detainees, which was halted without notice last November.

Following extended negotiations with detainee leaders, the acting chairman of the government's advisory panel, retired Air Marshal Ray Funnell, described the agreement as "an emotional moment" and a "real breakthrough".

After repeatedly attacking the hunger strikers as "blackmailers," Ruddock was compelled to rely on the government-appointed panel—which was at pains to present itself to the refugees as an independent body, prepared to publicly criticise the government's slanders—to secure a deal. When a detainee spokesman confirmed that the hunger strike had ended, he did so "out of respect" for the advisory group and thanked "the Australian community for their sympathy".

Ruddock had originally rejected out-of-hand the refugees' demands for transfer from Woomera, as well as the advisory group's call for the centre's closure. Yet in welcoming the agreement, he indicated that Woomera, the most notorious of Australia's camps, might be "mothballed" in the near future and replaced by another facility in nearby Port Augusta. So as not to be seen to back down, Ruddock refused to give any commitment and said the closure would depend on detainee numbers and cost factors.

An account of the negotiations published in today's *Australian* confirms that the government was alarmed by the potential political impact of a death occurring at Woomera. Lawyers said the nine teenagers were "deadly serious" about their suicide deadline, and planned to slash their wrists, poison themselves or jump onto razor

wire. In the end, the advisory group obtained a further week's extension of the deadline. Earlier, immigration authorities removed nine other teenagers into foster care after they had threatened to commit suicide.

In a further effort to defuse the situation, Howard, visiting New York, unveiled a program to bribe asylum seekers to return to Afghanistan by paying them cash to be airlifted back to their war-torn and devastated country. The money will be offered to some 1,100 Afghan refugees, including the hundreds currently incarcerated on the remote islands of Nauru and Manus (Papua New Guinea), as well as those languishing in the Australian camps.

Howard refused to nominate an amount on the offer and later repudiated Ruddock's initial suggestion that the payment could be extended to as many as 3,500 refugees who have been granted temporary refugee visas in Australia. Howard's stand made it clear that the payouts will have nothing to do with humanitarian or reconstruction aid for Afghanistan's people—they are designed purely to rid the government of asylum seekers. Ruddock indicated that the offer was only temporary. "If people want to volunteer to go now, there will be assistance," he said. "If they want to leave it and wait there won't be assistance." In 1999, the government imposed deadlines on similar payouts to pressure some 4,000 Kosovars—given temporary "safe haven visas—to return to their bombed and burned towns and villages.

But the government's refusal to budge on its mandatory detention of all undocumented refugees ensures that unrest will continue in the six detention camps. At least 100 detainees are now on hunger strike at the Curtin centre, as well as at least 16 at Port Hedland—both bleak, hot and isolated camps in Western Australia's far north—and refugees have sewn their lips together in other centres, including Melbourne's Maribyrnong and Sydney's Villawood.

Inside Woomera itself, hundreds of other detainees, mainly Iraqis and Iranians, who continue to face delays of months and years in their asylum claims, have resolved to march around the perimeter every night to draw attention to their plight and demand quicker hearings of their asylum applications.

Moreover, the deal made to end the hunger strike may yet unravel. Lawyers acting voluntarily for the detainees have accused the camp authorities of "trickery". They said security guards had falsely told prisoners in each of Woomera's five compounds that refugees in the other compounds had called off the hunger strike. In addition, while the processing of claims has resumed, the government has given no timetable as to when it will be completed.

Today, the government's advisory group objected to the lawyers' release of the text of the agreement with the hunger strikers, which

proved that, after days of insisting that it would not negotiate or enter into a deal with the refugees, the government had done just that. The document's list of government promises included greater access to language interpreters.

By speeding up the processing, Ruddock hopes to remove applicants back to Afghanistan as soon as possible, regardless of the dangers they face. He claimed it was "safe and secure," ignoring warnings from international agencies, including the UN High Commissioner for Refugees (UNHCR) and Amnesty International, that the situation in Afghanistan is far too dangerous to send anyone back.

These agencies have pointed to the continued US bombing of the impoverished country and the outbreak of fighting between various warlords associated with the Karzai regime. A spokesman for the Woomera detainees, Hassan Varasi suggested that if the refugees were sent back, they would not live long enough to spend the Howard government's money. "It's too dangerous for us, we cannot return back," he said.

But speaking on ABC radio, Ruddock indicated that none of the Afghan refugees were likely to be granted asylum, because the Taliban regime had been ousted. He claimed that refugee status required proof of persecution by a government and insisted that this would not happen under Karzai.

This is an extraordinary assertion. In the first place, Karzai's government, imposed undemocratically by the United States, is a fragile coalition of ethnic, religious and regional warlords, known for their brutality toward minorities. Refugee advocates have pointed out that many of the Afghan detainees are Hazaris who have faced repression from successive Afghan regimes and are likely to continue to do so.

Secondly, death, injury and other persecution can obviously occur in Afghanistan from other than government sources. Apart from factional warfare and communalism, there is the ongoing American bombing. Moreover, Ruddock's claim flies in the face of rulings by the Australian High Court, and courts in other countries, that persecution by non-government sources can establish a right to asylum under the 1951 Refugee Convention.

For more than two weeks, Ruddock and Howard have publicly slandered the hunger strikers, accusing them of staging publicity stunts and of forcing children to sew their lips together, and claiming that the teenagers were faking their suicide threats. In fact, events have demonstrated that the refugees were driven to desperate measures by the government's inhuman policy and remain quite prepared to risk death to secure their freedom.

Accounts beginning to leak out of the detention centres provide a glimpse of the psychological trauma suffered by inmates. According to a mental health worker, one 16-year-old Hazara boy in the Port Hedland camp "has been profoundly depressed and suicidal over the last few weeks... He is unaccompanied, and was sent to Australia by his mother and uncle to escape persecution from the Taliban. He arrived in a boat in August and has been in detention since... He believes that all his family are dead (as there has been heavy bombing in that region) and hence is extremely distressed ... Each time I speak to him he cries uncontrollably. He has also suffered a stutter (speech impediment) because of the traumas he has suffered and hence does not fit into the prison environment with the other children."

After conceding the deal with the detainees, Ruddock stepped up his denunciations of their lawyers, flatly accusing them of inciting the protests in order to undermine mandatory detention. Furthermore, he implied that because the lawyers had acted *pro bono* and had a

"political view," they were not acting as bona fide legal representatives.

If this were the case, no lawyer could legitimately act without charge for a needy client. And only those who agreed with government policy would be permitted to represent asylum seekers. Ruddock's attack underscores the government's determination to deprive the detainees of independent legal advice, as well as access to the media.

One of the lawyers, Rob McDonald, dismissed Ruddock's charge of incitement as absurd, saying such conduct would breach ethical codes. "We're lawyers, we represent people's rights. If someone says to us, 'we're on hunger strike and we're not stopping and please go and tell the Department of Immigration and the world that message for us,' we really have no choice."

International bodies, including Amnesty International, Human Rights Watch, the International Committee of the Red Cross and the UNHCR, have continued to condemn the government's stance and call for an end to the 10-year-old policy of mandatory detention.

Three Australian churches have labelled Woomera a "concentration camp" and asked the UN Commissioner for Human Rights, Mary Robinson, to intervene. "International help is desperately needed in order to bring about a change in government attitude to the plight of people seeking asylum in Australia," wrote spokesmen for the Uniting Church, the Catholic Church and the Islamic Council.

Across Australia, hundreds of people have offered their homes to billet asylum seekers awaiting decisions on their applications. "We have more subscribers than there are refugees," a spokesperson for Spare Rooms For Refugees said.

Today, more than 500 lawyers, legal academics and law students placed an advertisement in the *Australian* newspaper to "strongly protest" against the compulsory detention of asylum seekers. "The circumstances of their detention, particularly in the desert at Woomera, are alienating, inhumane and contrary to the general international standards of treatment available in other countries," their statement said. They called for the immediate release of all detainees to allow them to "take up accommodation available to them in the Australian community".

Howard has remained defiant. "We have a completely principled and soundly based policy, and I don't make any apology for it," he said in New York. Foreign Minister Alexander Downer, in Britain for a Commonwealth meeting, also talked tough. "Nothing is making Australians angrier than these people who, by making threats in detention centres, are trying to circumvent our immigration laws. Never, never deal with Australians by threatening them."

Despite all the efforts of Howard and Ruddock there are signs of a shift in public sentiment as the human cost of the government's detention policy begins to filter through. Nevertheless, through all the twists and turns of the past few days, the government has shown it has no intention of reversing its policy.



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