

# Afghan boys denied asylum by Britain after escaping from Australian camp

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30 July 2002

The plight of two teenage Afghan boys last week put a new international spotlight on the inhumanity of Australia's indefinite detention of asylum seekers. After a desperate breakout from the remote Woomera detention centre, the two brothers, Alamdar and Montazar Bakhtiyari, aged 12 and 13, took the unprecedented step of applying to the British consulate in Melbourne for asylum because they are being persecuted in Australia.

Obviously distraught after spending three weeks on the run from the Australian authorities, the two young boys won public sympathy, provoking a vicious response from the Howard government, fully supported by the Blair government in Britain. Within hours of making their dramatic plea for protection, the brothers were removed from the British consulate, arrested by the Australian Federal Police and locked in isolation cells.

Despite their obvious distress, the Australian government callously prevented them from meeting their father, already living in Sydney as a refugee, and immediately stepped up its efforts to remove the entire family back to war-torn Afghanistan as soon as possible.

For the past 18 months, the two brothers have been incarcerated with their mother, Roqiah, and three younger sisters in a razor wire-surrounded camp on the edge of the South Australian desert. The government has forcibly kept them separated from their father, Ali Bakhtiyari, 1,000 kilometres away in Sydney, despite several hunger strikes by their mother.

The family, members of the victimised Hazara minority, fled to Pakistan from the central Afghanistan village of Charkh in March 1998, their lives threatened by officials of the Taliban regime. With only enough money to pay for his own passage, Ali Bakhtiyari made his way to Australia by boat from Indonesia and, after being detained at the remote Port Hedland camp, was eventually granted refugee status in August 2000.

However, despite being recognised as a genuine refugee on the grounds of ethnic and religious persecution, he was granted only a Temporary Protection Visa (TPV). These three-year visas, introduced by the Howard government in 1999, explicitly deny refugees the right to permanent residency and to be reunited with their families.

As a consequence, Roqiah and the five children had to make their own perilous journey to Australia, arriving in January 2001, whereupon they were detained and forced to make separate asylum applications. Both the immigration department and the government's Refugee Review Tribunal (RRT) denied their applications, deciding, on the flimsiest grounds, that the family was not Afghan.

Shortly after the July 2001 tribunal decision, a Hazara refugee who had been detained in Woomera, told Ali that his family were in the camp. Ali's migration agent wrote to Immigration Minister Philip Ruddock, asking him to use his discretion under the Migration Act to overturn the RRT decision and reunite the family. Ruddock finally rejected the plea in April 2002.

Meanwhile, after being detained for 12 months in desolate conditions, the family resorted to more desperate measures. In January, in the full view of television cameras, Roqiah's brother leapt from a Woomera rooftop onto razor wire during a camp hunger strike, in an effort to bring attention to the family's predicament. At Easter, the two teenage boys and their mother briefly escaped from Woomera during a large protest along the perimeter fence. Guards quickly captured them.

Finally, the two boys broke out of Woomera with a group of 30 detainees on June 28. For three weeks they travelled through the desert and then moved from one supporter's house to another almost every night to avoid arrest.

On July 18, escorted by a Catholic nun, the boys entered Melbourne's British consulate and applied for asylum, on the grounds that they faced persecution in both Afghanistan and Australia. The Blair Labour government, which has been implementing its own increasingly harsh measures against asylum seekers, immediately lined up behind the Australian detention regime, formally rejecting the request less than seven hours later.

British Foreign Secretary Jack Straw, speaking from Hong Kong, dismissed the application with contempt. "By definition, these two are in Australia," he declared. "There can be no question, therefore, of an application even being entertained, still less considered by our post in Melbourne."

Eric Vadarlis, a lawyer called in to represent the boys, had asked the consulate to postpone the decision until lawyers had the opportunity to present a case to the British government in

London. Moreover, Amnesty International and a number of immigration lawyers had pointed out that the Australian government was breaching international law, including the Convention on the Rights of the Child, by imprisoning children. Nevertheless, acting on Straw's instructions, consulate staff asked the boys to leave the premises. Australian federal police, who had surrounded the consulate, arrested them.

That night, the boys were locked in isolation cells at Melbourne's Maribyrnong detention centre. The next morning the government deliberately blocked them from seeing their father, chartering a plane to fly them back to Woomera just an hour before he arrived from Sydney. Clearly distressed, Ali then applied at the German consulate for asylum for his family, only to be quickly turned away.

Faced with widespread reportage of the family's case in the Australian and international media, the Howard government launched an intensive campaign to discredit the Bakhtiyaris. Ruddock accused them of lying about being Afghan, claiming on the basis of dubious voice analysis tests, that their dialect could be traced to Pakistan. This was despite evidence from witnesses who knew the family in central Afghanistan and a voice analysis expert who confirmed their origins.

Ruddock announced steps to cancel Ali's temporary protection visa, accusing him of falsifying his application. Then, after two days of government-inspired media claims that Bakhtiyari was a Pakistani plumber, Ruddock contemptuously declared that the truth of these claims no longer mattered. Even if Ali Bakhtiyari were Afghan, his visa would be cancelled anyway, on the grounds that it was now safe to return to Afghanistan.

This flies in the face of the ongoing occupation of Afghanistan by US military forces, which continue to bomb and attack alleged Al Qaeda or Taliban sites, killing innocent civilians in the process, not to speak of the ongoing violence against Hazaras and other ethnic groups by various warlords associated with the US operation and the interim regime headed by Hamid Karzai.

Ruddock also denounced Ali Bakhtiyari and his supporters for having the temerity to publicise the family's ordeal in the media. "This is about trying to influence public opinion, using his circumstances and those of his family to press for an outcome which under the law they are not entitled," he declared. Ruddock's hostility to the basic democratic right of free speech is in keeping with the government's continuous efforts to block media access to the detention centres, in order to prevent detainees from speaking out against their conditions.

As it became clear that, despite his slanders, the Bakhtiyari family was receiving considerable public support, Ruddock attempted to blacken the name of Afghan asylum seekers more generally, labelling them "fraudulent" refugees. He announced that his department was planning to cancel 50 visas and investigate another 250 applications after supposedly receiving tip-offs from Afghans living in Australia.

The government also sought to witchhunt the lawyers who decided to plead the boys' case at the consulate. Prime Minister John Howard accused them of trying to undermine official immigration policy. "We are in the process of maintaining the integrity of a border protection system and ... there are people in Australia who are political activists as well as lawyers, and they're trying to break it," he said in a Perth radio interview.

Sydney's *Daily Telegraph* took matters further by calling for a police investigation of Vadarlis. "Instead of being taken seriously, the lawyer—Mr Eric Vadarlis—should be questioned by police for any information he might have about the escape ... during a protest at the detention centre last month." This is a blatant threat to lawyers who represent detainees and their supporters.

While they were on the run from the police, the boys spoke of their misery in Woomera. "I want to go to school, read and learn English," Alamdar told the Australian Broadcasting Corporation. "In the centre, we didn't learn English, we learnt too many bad things. We learn how to cut ourselves, how to drink shampoo, how to suicide."

Montazar revealed that in detention he had twice attempted to commit suicide by cutting himself on his arms with razor blades. "They took me to the medical [centre] and their psychologist said, 'why you done this, why you done this?'"

The Bakhtiyari family, together with many other refugee families, have seen riots, suicides, beatings and the use of tear gas on detainees. Their continued detention at the hands of the Australian government and its plans to ship them back to Afghanistan is an affront to the fundamental democratic right of all people, regardless of their social position or place of birth, to travel and live where they choose.



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