

Australian woman imprisoned for 10 months as an illegal immigrant

Mike Head
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A shocking case has come to light exposing the inhumane and anti-democratic nature of Australia's mandatory detention system.

Cornelia Rau, 39, a former Qantas flight attendant, is a permanent resident of Australia who emigrated from Germany with her family when she was a baby. Last March, she disappeared after discharging herself from the psychiatric unit at Sydney's Manly Hospital, where she was being treated for schizophrenia. She was due to be brought before the Mental Health Review Tribunal and apparently feared being placed under a compulsory medication order. Rau had been in and out of hospitals for several years, often refusing to take medication because of its debilitating side effects.

She made her way to Cape York in north Queensland, and was taken into care by members of an Aboriginal community. They recognised her distressed state and, in an attempt to ensure her safety, took her to the Queensland state police. Because she spoke German, however, the police authorities immediately suspected that she might be an "illegal" migrant and handed her over to the immigration department.

According to Immigration Minister Amanda Vanstone, officials from her department concluded, after questioning Rau and sending her for psychiatric evaluation, that she was behaving "oddly" but was not mentally ill. For six months, Rau was locked up in a Brisbane jail, which also functions as an immigration detention facility, before being shipped across the country to the notorious semi-desert Baxter refugee centre, in South Australia.

In Baxter, her mental condition deteriorated. Refugee support groups said she screamed, ripped her clothes off, smeared faeces on walls and refused to cooperate with guards. She also refused to talk, gave false names and changed her story. She often cried, ate dirt and said she wanted to die.

Instead of receiving psychiatric treatment, however, she was consigned to one of Baxter's most severe punishment cells, in the Red One block. For two months, "she was locked up in an isolation cell for more than 18 hours a day," refugee advocate Bernadette Wauchope told journalists. "When she was allowed out of her room for a few hours' exercise, it would take up to six riot officers to force her back into her room, fighting and screaming. One man who had been in Red One said he could hear her screaming in her cell for hours."

Despite her worsening health, immigration officials and the management of the Baxter facility refused to allow Rau to be seen by outside doctors, insisting in true Catch-22 fashion, that Rau had

not requested an independent assessment. Royal Australian and New Zealand College of Psychiatrists chairwoman Dr Louise Newman said she and others tried to see Rau in December but were denied permission, even though Rau was obviously incapable of making a request for help.

South Australia's public advocate, Jonathan Harley, who had been alerted to Rau's plight by refugee groups, also tried unsuccessfully for two months to have her circumstances investigated.

Rau was only released from Baxter last Friday, after months of agitation by fellow detainees, who were alarmed by her treatment. Through their efforts, Rau's story was reported in a Sydney newspaper last week, leading to her identification by her family, who had reported her to police as missing last August. If not for the concerns raised by the Baxter asylum seekers, the seriously disturbed woman would still be incarcerated.

Rau is currently undergoing intensive treatment under sedation in a high-dependency ward at Adelaide's Glenside hospital. Her sister and brother-in-law, both well-known journalists, say they fear that her imprisonment may have caused irreparable mental damage. "Our greatest fear is that these months of incarceration—any restrictions on freedom are anathema to her—have irretrievably tipped her over the edge and we'll never find her again," they wrote in the *Sydney Morning Herald*.

Prime Minister John Howard has described Rau's ordeal as a "regrettable incident". Various media commentators have pointed to a lack of coordination between state and federal police, mental health and immigration agencies. But the tragedy reveals the inevitable logic of the system of arbitrary and indefinite detention of asylum seekers, which was first imposed by a Labor government in the early 1990s.

In fact, the police and immigration officers who incarcerated Rau were fulfilling their obligations under the Migration Act, which requires the automatic detention of anyone suspected of being an "unlawful non-citizen". This completely arbitrary detention—no trial or hearing is conducted—is potentially indefinite; it must continue until the prisoner is either granted a visa or deported.

The introduction of administrative detention marked a fundamental break from the centuries-old principle of habeas corpus—no imprisonment without trial. As Rau's plight illustrates, it has placed enormous, unchecked power in the hands of the government of the day.

Once inside detention centres, no external, independent or

judicial mechanism exists to monitor the conditions to which detainees are subjected. This is despite United Nations and Human Rights and Equal Opportunity reports condemning conditions in the camps, and specifically the treatment of mentally-ill inmates, as atrocious and in breach of international human rights law.

Over the past four years, the Howard government has demonised asylum seekers and utilised the so-called “war on terrorism” to attack fundamental democratic rights. Desperate refugees, who have undertaken perilous voyages in an effort to find safety and security for their families, have been falsely accused of throwing children overboard, or vilified as potential terrorists. Thousands have been herded into hellish camps in northern and central Australia, or transported to remote Pacific islands.

Those who have protested, staged hunger strikes or even attempted suicide have invariably been denounced for seeking to “blackmail” the government into letting them go free. Many, including children, whose mental health has disintegrated after years of detention, maltreatment and trauma, have been treated as common or tricksters, faking illnesses to secure their release.

Given this atmosphere, the response of government officials to Rau’s condition is hardly surprising. They assumed that she was “just putting it on” to evade detention. Indeed, Vanstone has declared that it was a “pretty fair understanding” for both the police and immigration officers to believe that Rau was “maybe unlawful”. The fact of the matter is that such “understandings” underpin the entire detention system, right up to Vanstone herself, who wields ultimate power in deciding whether someone should be detained or deported.

The far-reaching nature of this executive power was demonstrated last August, when the Australian High Court ruled in three landmark cases that the federal government can detain rejected asylum seekers indefinitely—perhaps for life—even if they cannot be deported to any other country, and irrespective of the intolerable conditions inside the detention centres.

Rau is not the first person to be detained under this regime without any justification. Last November, it was reported that the Australian Security Intelligence Organisation (ASIO) was belatedly forced to pay about \$200,000 compensation to a Kuwaiti asylum seeker it falsely classified as a national security risk, causing him to be detained without trial in a refugee camp for nearly two years.

Despite such abuses, the Howard government has steadily extended the scope of executive detention. In 2003, it pushed through parliament, with Labor’s help, laws to give ASIO and the federal police the power to detain and interrogate people without trial, merely on suspicion that they may have information relevant to terrorism.

Obvious questions arise. How many people like Cornelia Rau have been wrongly detained inside refugee camps or jails? Are there more mentally-ill people locked away because they cannot obtain decent care? How many asylum seekers are being denied proper medical treatment? Rau was thrown into solitary confinement even though she had the advantage of being of European descent, with prominent relatives. What fate can be expected for more isolated individuals, or vulnerable detainees from the Middle East, Africa and Asia?

A former nurse at the now-mothballed Woomera detention centre has confirmed that mental illness was rife there, but went untreated because management wanted to hide it. Wayne Lynch said many of the detainees were depressed and suicidal, yet management refused to allow them to obtain psychiatric treatment outside the facility. “I wrote letter after letter about the mental health of certain refugees and I actually feared for their lives,” he told ABC radio. “We had all of these mentally ill people in detention who were being medicated, and sedated, and incarcerated... and I was prevented from actually getting support for them outside of the detention centre.”

The Howard government remains determined to whitewash the affair and maintain the system that produced it. Vanstone’s immediate response to the revelations was to declare that nothing was amiss—the police and her department had done everything humanly possible to ascertain Rau’s true identity.

Her callous stance has fuelled public outrage, however. Letters have flooded into newspapers condemning Rau’s mistreatment as “absolutely disgusting”, “appalling”, “inexcusable”, “shameful” and “a damning indictment of our treatment of both asylum seekers and the mentally ill”.

As a result, Howard has felt obliged to step in to promise an inquiry, while still refusing to apologise to Rau and her family. But he and Vanstone have organised a closed-door inquiry, to be conducted over the next six weeks by former Australian Federal Police chief Mick Palmer. The purpose of this private inquiry is not only to cover up the role of the police and immigration authorities. More fundamentally, its aim is to ensure that the underlying system of executive detention is not called into question.

But Rau’s detention was no “mistake”. The entire affair has underlined the increasing turn to police-state methods in Australia. There is no law requiring anyone to carry ID—in 1987 the Labor government’s plan to introduce a compulsory “Australia Card” was withdrawn in the face of widespread hostility. But, judging by Cornelia Rau’s experience, anyone who fails to produce acceptable ID, speaks a foreign language or has an accent when speaking English, could find themselves behind bars and held incommunicado indefinitely. Meanwhile, the barbaric treatment of refugees continues unabated.



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