

Australian Labor's refugee detention regime triggers Christmas Island riot

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Fears of imminent deportations, aggravated by increasing overcrowding, triggered a riot on Saturday night inside the Australian government's refugee detention centre on the tiny outpost of Christmas Island, about 800 kilometres off the Western Australian coast.

Several detainees were seriously injured in the disturbance, which revealed the mounting tensions produced by the appalling conditions on the remote Indian Ocean island. At the time, 969 asylum seekers, mainly from Afghanistan, Sri Lanka and Iraq, were being held in prison-style units without any legal rights. Another 157 people were detained in demountable buildings at a former construction site on the island, and a further 46 housed at another camp, known as Phosphate Hill, with 14 in so-called community housing.

According to the initial information released by immigration department officials on Sunday, a brawl broke out between about 150 Afghan and Sri Lankan men. Broken pool cues, tree branches and broom handles were reportedly used as weapons in a fight that was attributed to acrimony between the two groups over the different treatment of their refugee status applications.

At least 37 detainees required medical treatment, and a further 10 needed hospitalisation. Three men were transferred to Perth for medical treatment, suffering a broken nose, leg and jaw. Refugees alleged rough treatment by guards, several of whom were reported injured. No property was damaged.

While declaring that a joint investigation between the Australian Federal Police and Serco, the private operator of the facility, was underway, the Labor government's immediate response was to threaten criminal charges and denials of refugee visas against detainees, and to ramp up security measures inside the institution.

Prime Minister Kevin Rudd and Immigration Minister Chris Evans told parliament that detainees involved in the riot could be stopped from getting visas if they were found to have committed a serious offence. Rudd reiterated his government's determination to maintain the mandatory detention regime on Christmas Island, declaring "That will be our policy into the future."

Evans earlier conceded that there was general anxiety among Sri Lankan detainees because of recent removals of asylum seekers to Colombo and possible further deportations. "There's been some tensions growing among a certain group of the detainees concerned

about possible return to Sri Lanka," he told Australian Broadcasting Corporation. "That may well have been at the heart of some of the tensions in the centre."

Tamil asylum-seekers are also alarmed because the Labor government is directly collaborating with the Sri Lankan government of President Mahinda Rajapakse—the very government persecuting them—in deciding whether to grant refugee status.

Pamela Curr, of the Asylum Seeker Resource Centre, told the *Australian* that Tamil claims were being stalled. "The problem is the Australian government is using the Sri Lankan embassy for security checks and identity checks," she said. "The Sri Lankan embassy are spitting bile about the Tamils. This is the way they can get at them: they go in slow, they don't release the information."

To allow the government from which they are fleeing to run security and ID checks on asylum seekers flouts the fundamental principle of the 1951 International Refugee Convention, which prohibits signatory countries like Australia from returning ("refouling") refugees to face the danger of political, ethnic or religious persecution.

The Sri Lankan embassy's involvement is not only facilitating the removal of asylum seekers back to Sri Lanka, but also fingering them and their relatives for ongoing retribution. This is no idle threat. Tamils are continuing to be killed or to "disappear" at the hands of pro-government militias, as has been the case for the past three decades.

As far as the Rajapakse regime is concerned, there are no genuine refugees fleeing Sri Lanka; on the contrary all Tamils are suspected "terrorists"—members or sympathisers of the separatist Liberation Tigers of Tamil Eelam (LTTE). Having illegally detained more than a quarter of a million Tamils without trial since its military victory over the LTTE in May, the Rajapakse government is now preparing to "release" them to live under strict military supervision and control.

This year so far, out of more than 2,100 arrivals, only 931 visas have been granted from Christmas Island, with just 73 to Sri Lankans. This month, more than two thirds of a group of 50 Sri Lankans who arrived by boat in April were sent back. Ten were forcibly removed, including six protesting Sinhalese fishermen who were physically escorted by guards onto a charter jet. This was the largest group deportation since 62 Indonesian men were removed on October 2.

Frustrations have also been growing among the asylum seekers due to over-crowding. Recreational space has been lost inside the centre as extra beds have been installed where there used to be billiards tables, and recently Serco began rationing teabags to two a day. There is also antagonism over access to the small number of Internet-access computers, the use of which is limited to 40 minutes a day.

The Christmas Island Immigration Detention Centre (IDC) was originally commissioned by the former Howard government to house 400 detainees, with provision for up to 800 for limited periods. Under the Labor government, the IDC is now operating on a “surge” capacity of up to 1,200, involving placing inmates in makeshift dormitories in former recreation areas, without any privacy.

As more refugees flee repression in Sri Lanka and the stepped-up US-led offensive in Afghanistan, the over-crowding will only worsen. On October 31, the Rudd government announced it would double the capacity of the island to cope with up to 2,200 detainees before the end of the year. Demountable buildings are already being erected.

Despite the government’s reactionary efforts to sub-contract to Indonesia the burden of intercepting and detaining asylum seekers, 45 boats have made it to Australian territorial waters this year, only to be seized by naval or customs ships and taken to Christmas Island.

Labor opened the island’s newly-completed IDC in December 2008, overriding a recommendation from the official human rights agency, the Australian Human Rights Commission (AHRC), not to do so. Earlier this year, both the UN Human Rights Committee and the UN Committee on Economic, Social and Cultural Rights endorsed the AHRC’s call. Labor flatly rejected their recommendations as well.

In a further report last month, following a July visit to the island, the AHRC reiterated its concerns, including that the “high security detention centre that looks like a prison” is “not appropriate for detaining asylum seekers, particularly those with a background of torture or trauma”.

The AHRC observed: “The IDC is surrounded by a series of high wire fences. Within the facility, each compound is enclosed by another high fence, and many of the walkways into the compounds are enclosed within cage-like structures. Most areas of the facility are under CCTV surveillance. Within the compounds, officers’ stations are situated within metal-reinforced booths behind security screens.... The bedrooms in the accommodation compounds are small, dim and claustrophobic.”

Despite the government’s promises to reduce detention time to around 90 days, the AHRC found that of the 733 detainees on Christmas Island in July 2009, 114 (16 percent) had been there for more than three months, and 15 had been there for six months or longer. Of the 82 detained children, 16 of them (20 percent) had been there for more than three months, including seven children under 10 years of age. One 17-year-old boy had been there for more than six months.

The AHRC opposed the continued “excision” of Australia’s offshore islands from the country’s migration zone, which strips the detainees of all rights under Australian law and any access to the

courts. All arrivals are detained without any trial or hearing, the so-called refugee status determination system on Christmas Island has no legally binding guidelines, and protection visas are granted only by Ministerial discretion.

The Migration Act also bars detainees from challenging the lawfulness of their detention in Australian courts. This is another breach of the Refugee Convention, which requires “free access to the courts of law”. The Labor government is perpetuating the system that saw the mentally ill Cornelia Rau, the disabled Vivian Solon and more than 200 other people wrongfully detained, and in some cases deported, between 2001 and 2005.

Last year, the government dropped an election promise to restore public management of detention facilities, despite a series of official reports that private operators had imposed unacceptably harsh conditions, such as solitary confinement and deprivation of medical and mental health care. In July this year, the government awarded a \$A370 million (\$US340 million) five-year contract to run the Christmas Island facilities, plus the onshore detention centres in Sydney, Melbourne, Perth and Darwin, to Serco, a British-based conglomerate that also specialises in operating jails.

By incarcerating asylum seekers in the oppressive legal black hole on Christmas Island, the Rudd government is violating basic legal rights, and international law.

Between 1999 and 2003, asylum seekers, mainly from Iraq, Iran and Afghanistan, conducted long and dangerous hunger strikes in desert detention centres on the Australian mainland at Woomera and Port Hedland, as well as at the Howard government’s offshore camps on Nauru and Papua New Guinea’s Manus Island.

When Labor unveiled a modified detention policy, centred on Christmas Island, in mid-2008, minister Evans said the regime of razor wire detention had caused public “outrage” and “done enormous damage to our international reputation”. The brutal logic of Labor’s “Fortress Australia” program means that nothing of any significance has changed.



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