

Two years and still counting: the Nauru Detainees

*Briefing Paper on the situation facing
asylum seekers detained under
Australia's 'Pacific Solution'*

Updated 16 December 2003

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Introduction - Time to act

Detention camps on pacific island nation Nauru were established at the request of the Australian Government in 2001, following the interception of the *MV Tampa* which had rescued refugees and asylum seekers fleeing Afghanistan and Iraq. People on several subsequent boats attempting to reach Australia were also taken to Nauru or Manus Island, Papua New Guinea¹. The remaining 284 have been denied refugee status despite having circumstances similar to thousands of other refugees and despite in some cases having immediate family in Australia. Ninety-three of the long-term detainees are children, some of these are unaccompanied.

There are now as many asylum seeker children in Nauru than in all Australian detention centres combined. Australian Government statistics demonstrate these children would have been granted refugee status had their cases been heard in Australia. It is important to note that the legality of the detention of children in Australia is currently being tested before the High Court, that it has met strident criticism from Australian and international legal and human rights bodies, and has few supporters outside the Australian government.

More asylum seekers are detained in Nauru than any Australian centre. The detainees on Nauru have been denied access to lawyers, and have been denied judicial review of their claims.

Most of these people have no options. Reports from the detention centre show conditions are deteriorating: the water supply has been further restricted, ongoing medical complaints have been aggravated by inadequate care. The detainees' main contact outside Nauru is with Australian letter writers². There is at present no hope of a safe return to a peaceful Iraq or Afghanistan, and no inter-governmental agreements in place on involuntary return. What little hope there was has been replaced by fear.

At 9.00am on 10 December, 2003, International Human Rights Day, nine detainees began a hunger strike and four of them sewed their lips together in a desperate attempt to protest their situation. By 16 December there were 25 involved in the protest. Some, including an amputee, required hospitalisation. The Australian government refused to enter into any negotiations and at the time of publication there was little sign of a resolution. (See recommendations on p.9.)

¹ A solitary detainee, Aladdin Sisalem, remains on Manus Island. He was taken from the Torres Strait islands to Manus Island between 20-23 December 2002 by Australian officials. The Australian government argues it has no ongoing obligations to consider Aladdin's case, as he is in Papua New Guinea and is not subject to the provisions of the 'Pacific Solution'.

² See www.nauruwire.org.

Left in Limbo – the Nauru detainees

There are 284 people detained on Nauru as a result of the 'Pacific Solution' which saw 1546 asylum seekers sent to Nauru (1229, including children born in detention) and Manus Island, Papua New Guinea (369). They are mostly Afghans and Iraqis. Some women and children have a husband or father living in Australia, having been recognised as a refugee.

They have been there for over two years and most are there indefinitely.

This is now the largest group of asylum seekers detained under Australian policy³.

Nauru detainee population as at 16 December 2003

	Nationality	Gender	Total
Refugee Status not recognised	Afghan	Female	53
		Male	161
	Bangladeshi	Male	3
	Iraqi	Female	26
		Male	45
	Iranian	Male	2
	Pakistani	Male	1
Palestinian	Male	1	
Total			282
Refugee Status recognised	Palestinian	Male	2
Total			2
Overall Total			284

There are 93 children currently detained in Nauru, as many as the combined total of all the detention centers in Australia. The 43 girls and 50 boys includes an infant born on 19 March 2003. Five of the children are unaccompanied by their parents.

Some children attend school at one of two primary schools outside the camp. They start at 7.30am and finish at 1.30pm. The Nauru schools are impoverished, lacking basic facilities and equipment. Teachers have gone months without pay. Children also have classes with the older detainees in the camp in the afternoons. The children are able to play soccer and volleyball in the camp.

Parents who lost their belongings and money during their journey report not having enough money to buy the necessities for infant children.

Children report being scared during their journey to Nauru and terrified of returning to Afghanistan or Iraq. They talk about the fear of drowning or being attacked by sharks while on their way to Australia. They worry about their fathers who cannot sleep and are getting more and more anxious about the future.

³ Villawood IDC currently houses 573 detainees, many of who are not asylum seekers, and Baxter IDF has 219 detainees.

Many of these children have spent the majority of their lives either in refugee camps or in transit – some are spending their formative years in detention in Nauru.

One of these, 'A', was 13 years old when he fled Afghanistan by himself. He is now 17 or 18 years old. He has been hospitalised in Nauru after experiencing severe leg and kidney pain and has had tests done on his kidneys.



There are as many children detained on Nauru than all the Australian detention centres combined.

There are 36 women on Nauru, all of them Afghan or Iraqi. They are able to use separate facilities including rooms where they are able to meet and care for their children. However, it is

difficult for the women to maintain any sense of distance from unrelated men and some of the younger unmarried women in particular are uncomfortable, feeling the camp personnel are unwilling or unable to ensure their privacy. One group of four teenage sisters is especially worried about this.

'I' is a 42-year-old Iraqi mother and former English teacher. She has two sons, six and 11 years old. She is going blind, reads by closing her right eye and holding the paper close to her left, and is largely confined to her room.

She recently wrote: "What's the benefit from my life. Death is much better for me and not live for one day blind. I am a mother with two sons and they are still young, and I know and feel that they're in need for me in everything but I find I can't do anything for them... What shall I do? What can I do? Even patience is lost."

Her 50-year-old husband, who takes care of all the daily tasks of cleaning, looking after the children and fetching food and water, suffers from diabetes, is insulin dependant and suffers from depression and back problems.



The women look after their children in separate facilities. Some worry that they cannot afford to buy the things their children need.

Medical concerns – blind, sick, wounded, hunger strikers and suicidal

Detainees report numerous serious medical conditions, some as a result of their time on Nauru, some exasperated by their prolonged detention. These include:

- At least one outbreak of dengue fever in March 2003
- Reports of malaria
- A man ('J', see below) with an amputated leg and bleeding stump who suffered for months before received medical attention, currently hospitalised after passing out while on hunger strike
- A woman who continues to suffer from a back injury sustained while being brought aboard a naval vessel during a rescue on the high seas
- A mother ('I', see above) of two children who is going blind (cause unknown)
- A 60-year-old man complaining of urethra infection
- Numerous complaints about loss of vision, dental problems unresolved for months, previously broken limbs needing attention
- Attempted suicides (the most recent on Saturday 6 December 2003) and countless other symptoms of post-traumatic stress syndrome

Some of the detainees work as volunteers in the IOM clinic, which have four (soon five) doctors, one of which has 'psychiatrist-type qualifications'. There was an Arabic-speaking physician employed for a time and an Afghan nurse was expected in December

Many of the detainees say the medical staff are unable to help them – merely giving them aspirin, B complex vitamin tablets, or, for those suffering depression, sleeping tablets.

Water treated by a desalination plant is supplied to the detainees for up to six hours a day for washing clothes, and for use in the bathrooms and toilets. Drinking water is available but limited and detainees queue to fill containers.

The management and staff at the camp have different sources of water – shipped in from Australia and Fiji.

The detainees insist there is not enough water and that the bathrooms and toilets reek of raw sewage and attract disease-carrying mosquitoes. When it rains they take showers in the rain and collect water however they can. They claim to be suffering a variety of ailments as a result.



John Hodges, Chair of the Immigration Detention Advisory Group, made it clear that his concerns about the quality and availability of water were known to the Department of Immigration after visiting Nauru in March 2002. Little seems to have changed since then.

This girl is queuing for drinking water, now available only three hours a day.

After IOM altered the arrangements for the deliver of water to the toilets, they were able to be flushed for one hour at a time, with a two-hour period during which no water was available. Detainees complained the situation is getting worse.

One detainee wrote in November: "There's only three hours a day we have salty water for toilets and for shower, that's not enough indeed. The toilets are smelling from a long way away that it made more various mosquitoes in there that's impossible to use. Three hours of drinking water is not sufficient for all people. People are constantly protesting but there's no one to listen to our voice."



"The medical facilities are dreadful, the doctor won't come unless it's an emergency."

Another detainee, 'J' claims to be from Paktia, Afghanistan.

One of J's legs has been amputated. He hobbles around the camp on crutches. He cannot go to the toilet without assistance. He was transported to Melbourne in July 2003 where a new prosthesis was fitted but he was sent back to Nauru prematurely – the prosthesis does not fit and has damaged his stump, which regularly

bleeds, requiring attention.

'J' has one eye, one leg and a prosthesis that doesn't fit. It's difficult to understand how could be expected to survive in his Taliban controlled homeland.

The responsible IOM officer

has said that J will either be sent to Australia to have his prosthesis adjusted or an Australian will be sent to Nauru to fix the problem but at this stage nothing has happened.

J has also lost the sight in one of his eyes. It is claimed that this was the result of an explosion while he was in Afghanistan and that it got worse when he was lost at sea en route to Australia. There are concerns that his bad eye could suffer further problems, leading to the loss of the eyeball problems. The Australian government would like to send him back to Afghanistan. His home, Paktia, has been named as being under threat, or de facto control, by Taliban elements.

The Hunger Strikers

At 9.00am on 10 December, 2003, International Human Rights Day, nine detainees began a hunger strike and four of them sewed their lips together in a desperate attempt to protest their situation. By 16 December there were 25 involved in the protest, some of them passing out and urinating blood with six, including Jarnil Khan, requiring hospitalisation.

IOM were reported to be treating the hunger strikers consistent with the World Medical Association Declaration on Hunger Strikers⁴, which requires qualified doctors to keep the strikers informed of the foreseeable consequences of their actions and treat them (or not) according to their expressed wishes. When the strikers lose consciousness, the doctors sometime have to choose between acting in accordance with the wishes of their patients, and acting in order to preserve lives.

⁴ See www.wma.net/e/policy/h31

The Australian government refused to comment or enter into any negotiations and at the time of publication there was little sign of a resolution. The Shadow Minister for Immigration Stephen Smith called for intervention by the Immigration Detention Advisory Group⁵, who brokered a deal with hunger strikers in the Woomera Detention Centre in 2002.

Management and staffing – intimidation and resentment

The centre is managed by the International Organisation of Migration (IOM), contracted by the Australian Government. The Chief of Mission is Cy Winter, an international staff member. The Manager of the Camp is Matthew Batfua, former Nauruan Chief Secretary.

Recently, the detainees have expressed alarm by a change in camp staffing. Work previously done by detainees (who were paid \$70-80 per month which could be used to send faxes or emails) is now being done by Nauru locals.

Experienced IOM staff members are also being replaced by Nauru locals. Nauru's economy is in a state of virtual collapse. Most people employed in Nauru are not being paid and the detention facilities are now one of the country's largest sources of income.

In fact, out of a total population of just over 12,000 there are only 300 people in paid employment *in the entire country*. IOM employs 120 Nauruans in the camp or as surf life savers / escorts. It has stated it will employ local staff over international staff where it can.

Detainees are concerned that the Nauru staff do not understand their cultural practices, why, how and under what circumstances they were forced to flee their homelands, and may be resentful of the camp population.

They don't understand the arbitrary regulations and are worried about reporting incidents to camp management as they fear reprisals if they make complaints.

The detainees have also asked for legal advice about what they can ask for and what they can expect. They report having been stripped naked and contracting dengue fever while incarcerated in Nauru jail.

In November, one detainee wrote about the Nauru staff: "Many times we're asking politely and humbly from them for something, instead we hear impolitely and see wrong actions on them. They are working in the kitchen but they do not know about any kind of sanitations. Moreover, they threaten us to annihilate outside the camp that some of our friends are scaring to go outside for internet. Many times we protest but the authorities did not take any action yet.

"Unfortunately the authorities who in charge of here don't want to take justly action on our problems. Instead they just grinned and laughing. Therefore we are passing the worst moment of our life and completely lose our dignities."

Complaints against camp staff have been heard by IOM, who claim to have taken action to address them.

All detainees are currently in 'Topside' camp. Stateside camp is unoccupied but detainees have recently reported work being done to 'renovate' it and IOM have confirmed there are no plans to close Stateside.

⁵ It should be noted this group has no formal responsibility for the off-shore centres and has never visited Nauru.

Returns / Removals - between the devil and the deep blue sea.

Of the 284 people on Nauru, there are between 20-30 who have voluntarily (or with the incentive of a re-integration package) decided to return.

This leaves 254-264 people who are stuck in limbo. They are refusing to return home voluntarily and IOM has stated it is not going to return them against their wishes. There are at present few options for moving these people and they are effectively stuck in Nauru indefinitely.

Some of the detainees have complained that the interpreters and other staff have been openly discriminatory against ethnic groups within the Afghan population, essentially targeting the Hazara.

Others report being frustrated at the lack of information and advice, and the persistent obstruction and intimidation by DIMIA officials.

Hazara refugees in Australia with similar claims to those in Nauru are at present being required to reprove their refugee status with reference to the changed situation in Afghanistan. It is accepted by decision makers that at least some of these have legitimate claims for protection based upon their (perceived or actual) association with Hazara political organizations and/or recent attacks on members of their families for the same reason. It has also been accepted that remnants of the Taliban are operating in parts of Afghanistan, including Ghazni (the home of many of the Hazaras) and that it is not possible for these people to safely relocate to different parts of Afghanistan, lacking the family or ethnic networks necessary for survival.

On 15 December, UNHCR reportedly were considering reopening the cases of some of the Afghans in Nauru, reassessing their status in light of the changed situation.

IOM reports receiving updated information from UNHCR about the situation in Afghanistan in English, Dari and Arabic. This is printed and distributed to the detainees.

IOM requires all those leaving sign forms indicating their informed consent. Some of the returnees do not have identity documents (a source of great concern for the returnees who fear being cast adrift upon return if they cannot prove their nationality and identity); all of them have travel documents provided by Afghanistan.

IOM claims to act as a 'travel agent' in these matters – arranging the flight and documentation and accompanying returnees to assist in their travel and repatriation.

Upon return, the returnees have access to the Jangalak Training Centre, Kabul, for up to six weeks. This centre is funded by Australia and other governments and is run jointly by IOM and the Afghan Ministry for Refugees and Returns. They receive training in work skills such as farming, carpentry and computing.

IOM also arranges onward travel to the town or city the returnees wish to return to.

Returnees from Nauru report being unable to find their families, and many of them head more or less straight away for Pakistan.

Recommendations – Time to Act

National Nauru Summit, Public Statement, Melbourne, 21 November 2003

Major organisations met in Melbourne 21 November 2003 to seek ways to resolve the plight of the 305 people still detained under Australian policy on Nauru.

The meeting called on the Australian and international community to press the Australian Government for:

- **a halt of the so-called ‘voluntary return’ of people to Afghanistan;**
- **immediate relocation to Australia of those requiring medical attention; and of the four with refugee status;**
- **immediate settlement in the Australian community of the children with their families and of those with family in Australia;**
- **immediate access to the camps for the international media, for a delegation from welfare organisations, and for legal advisors;**
- **action from international agencies and non-government organisations to assist in finding further ‘third-country’ settlement options for the detainees;**
- **the establishment of a high level joint government/non-government/UNHCR task force to oversee an independent investigation into the current situation in Nauru and the prospect for swift humanitarian settlement of the people there; and**
- **the implementation of the all-party endorsed Senate Committee Report on Australia’s ‘Pacific Strategy’ recommendation calling for the end of the Pacific Solution.**

Organisations involved are: Rural Australians for Refugees; ChilOut; Spare Rooms for Refugees; the National Council of Churches; the Hazara Ethnic Society of Australia; the Refugee Council of Australia; Oxfam / Community Aid Abroad; Justice for Asylum Seeker Alliance Victoria; and the Australian Council of Trade Unions.

Notes on this briefing paper:

Photos in this paper may be reproduced, crediting **Nauruwire.org**. The information in this report has been compiled from official sources as well as from correspondence between detainees on Nauru and people in Australia. All attempts by community representatives or media to visit Nauru have been frustrated by the Australian and Nauruan Governments acting in concert, so we have had to rely on the correspondence between detainees and Australians, principally through the Rural Australians for Refugees network.

The people in Nauru Topside Camp have been able to communicate with people in Australia by email, fax and by phone. It is expensive so correspondents from Australia send money to Nauru. Detainees can phone Australia when they are allowed in to the town. They can use Telstra phone cards sent from Australia but they are charged a connection fee of \$5 when they use these. There is some talk of getting a phone set up in the camps with IOM and the detainees sharing the costs

A Just Australia

A Just Australia is a national human rights campaign working for just refugee programs. Launched in February 2002, it has over one hundred Organisational Supporters, 10,000 individual supporters, and over seventy distinguished Australians as Patrons. Governed by a Board comprising organisational representatives and individuals from each State, it is a not-for-profit organisation incorporated in NSW. A full list of Board, Patrons and Organisational Supporters can be found at www.ajustaustralia.com

Our work is coordinated by a small national secretariat based in Sydney, and carried out through the efforts of members of its Board, Executive, Patrons and other Supporters. Funding is primarily (73%) from thousands of private donations, (21%) from foundations and the balance from fund raising activities. It spends funds raised on public education campaigns, coordination of organisations, direct support grants, and administration.

The views expressed in this document are those of *A Just Australia*, developed through consultation with our supporters, but we do not purport to speak for all of them. We are confident that these views are widely shared.

For further information: Howard Glenn, National Director, A Just Australia
PO Box 559 Surry Hills NSW 2010
Ph (02) 9310 3900
howard.glenn@justrefugeeprogams.com.au
www.ajustaustralia.com