

Howard told Melbourne radio 3AW on Jan. 25. Former Australian Human Rights Commissioner, Chris Sidoti told the *New Citizen* on Jan. 31 that in fact, this was an admission that the policy was illegal. "Mr Howard's statement in fact confirmed what the Government, or succession of Governments, have denied for the last ten years," he charged. "For ten years I, and others, have been saying that these policies are aimed at deterrent, and the Government has always denied that, because to detain people for the benefit of deterrent is a clear violation of international law."

As a deterrent, the policy encourages deliberate brutality: "It is like making women's refugees worse than the homes where they suffered violence in order to stem the multitude of women who may seek protection," Paul Valent, a psychiatrist and past president of the Australasian Society for Traumatic Stress Studies, wrote in the Feb. 1, 2002 *Herald Sun*. Another psychiatrist, Zachary Steel, bluntly told the *New Citizen*, "One wonders why they haven't suggested gas chambers, because that would really send a deterrent message.... Like, where do you stop?"

The policy is blatantly racist. A little known fact is that there are a further 60,000 illegal immigrants in Australia, outside of the 4,000 or so mainly Afghani, Iraqi, and Iranian asylum seekers in the detention centres. Most of these are visa overstayers, who by law are also required to be detained, and then deported. More than 10,000 of these are British and American, yet only a fraction of those nationalities are detained, and neither nationality rank in the top ten nationalities that are detained.

The policy is also completely unnecessary. In terms of national refugee policies, the evidence clearly shows that Australia has the harshest policy, for virtually the least problem; in fact, the nation ranks 41st in the world as a refugee destination. The United Nations High Commission for Refugees (UNHCR) reports that in 2000, Australia hosted 16,700 refugees, compared to Britain's 87,000, Germany's 180,000; Thailand's 217,000, the United States' 481,500, and Pakistan's 2,019,000.

For this special report, the *New Citizen* interviewed Chris Sidoti, the former Human Rights Commissioner and head of the Human Rights and Equal Opportunity Commission until 2000, who visited detention centres many times in his Government-appointed capacity; Zachary Steel, a psychiatrist with extensive involvement with asylum seekers at the Villawood Detention Centre in Sydney; and Maqsood Alshams, an asylum seeker who was detained at Villawood for 16 months who fled to Australia after receiving death threats in Bangladesh, where he was a foreign correspondent and political adviser. The purpose of this report is to give readers a sensual insight into the brutal conditions that innocent fellow human beings are subjected to in modern-day Australia, to explode the myth that "it can't happen here".

### No "Fair Go" in Visa Applications

Philip Ruddock's Department of Immigration and Multicultural Affairs (DIMA) deliberately hinders asylum seekers in their application for protection visas. New asylum seekers spend more than a month segregated from the main detainee population at detention centres, which DIMA claims is for "health and quarantine" reasons. During this time, detainees have no access by phone or mail to any person or group in Australia, no TV, radio, newspapers, magazine or books, no contact with other detainees, and only one phone call, but to their home country. In his 1998-1999 "Immigration Detention" report, Human Rights Commissioner Christ Sidoti charged that this practice of "separation detention" was a deliberate attempt to ensure that new asylum seekers did not discover the most important rule in Australia's refugee law, which is that in order to qualify for a protection

visa, asylum seekers must apply within 45 days of being in Australia illegally. Separation detention was "to ensure new arrivals do not learn, as they would from other detainees, of their right to make an application for a protection visa, to request legal assistance and advice and to request access to their consular representative and hence to minimise the chance of new arrivals making such applications and requests so that their expeditious removal from Australia is more likely," Sidoti said.

Beyond that first hurdle, the great majority of protection visa applications are rejected. In 1999-2000, out of 12,713 applications DIMA received, just 2,458 visas were granted, 1,684 after normal processing, 679 upon appeal to the Refugee Review Tribunal (RRT), and 76 through ministerial discretion. The reasons for rejecting many of these applications are inexplicable, in the light of established Australian foreign policy. For example, Dr. Aamer Sultan is a Villawood detainee who fled Iraq after being involved in the U.S.-sponsored Shi'ite Muslim uprising against Saddam Hussein in southern Iraq, which Australia also fully supported. Dr. Sultan's application was rejected in April 2000, and he has been at Villawood for the past two and a half years. Because Australia has sanctions against Iraq, and there are no flights there from Australia, Sultan cannot be returned, and is therefore being detained indefinitely. He cannot even get word back to his family, who have no way of knowing if he is alive. Dr. Sultan's case featured on ABC TV's *Four Corners* program on Aug. 13, 2001. When *Four Corners* asked Minister Ruddock how comfortable he was sending someone back to "Saddam Hussein's Iraq?", Ruddock replied, "I am very comfortable about sending anybody back who is found under our system not to be a refugee."

Although quickly aware of the virtual hopelessness of their attempts to get a visa, asylum seekers face the further frustration of being kept deliberately uninformed about the progress of their application. "Immigration Detention" reports the consternation this lack of information causes detainees. "There is a lot of gap between Immigration and the community here," a Villawood detainee said. "There is no trust in the Department. The department should brief them about the process and what's happening to them." Another detainee, from the Maribyrnong detention centre in Melbourne said, "Things are not explained. They don't say how long it will take or what will happen next. My lawyer talks to me frequently but he doesn't know either what's happening."

The September 2001 Border Protection laws further dashed refugees' hopes by removing their right to appeal the decisions of the Refugee Review Tribunal to the federal court. This decision puts refugees entirely at the mercy of DIMA, and places DIMA above judicial scrutiny. The new laws also mandated that the lucky refugees who did receive visas would no longer be granted permanent residence but only temporary protection visas. Chris Sidoti explained that this status entitled refugees to the bare minimum of Government support, and excludes Medicare, English classes, and family reunion. "The policy seems to be deliberately designed to prevent integration with the community, to prevent people establishing normal productive relationships with the rest of Australian society, but to keep them in a semi-permanent state of insecurity, uncertainty, and lack of family support."

### Detention Centre Conditions: "Worse than Prison"

All seven of Australia's operating detention centres are terribly overcrowded. This causes acute problems in the management of these centres. The conditions in one of the best centres, Villawood,



Above: Woomera detainees (with one prostrate on razor wire) plead, "Release us, or send us back." Woomera formerly housed our once-proud space program. Right: Former Human Rights Commissioner Chris Sidoti. Photos: AAP Images. Woomera/Rob Hutchison. Sidoti/Tim Cole

were described to the *New Citizen* by Maqsood Alshams:

"It's worse than a medium security prison. I mean, in a prison, people have minimum rights as human beings, being punished and serving sentences for crimes they have committed. But in detention centres, none of the people have any rights, under the *Citizenship Act*, or any other Act. People are treated like animals. No one knows what crime they have committed, and when their sentences will end."

Both the Human Rights Commissioner in 1999, and the federal Ombudsman in 2001, were highly critical of the conditions and management of the detention centres. Their reports contain many firsthand and anecdotal accounts of conditions that paint a picture of the conditions:

\* Villawood Detention Centre in Sydney, built for 72 people, contains 346. Villawood "Stage 1 is so overcrowded that it has become a chicken farm, therefore drama and problems happen each day," stated a detainees' petition in 1998.

\* Before May 1999, all bathrooms at the Port Hedland IRPC were unisex but there were no doors on the shower cubicles. "The bathroom and toilets are not kept very clean," a Port Hedland detainee said. "All the accommodation is combined with men and women using the same bathrooms and toilets." "You guys are coming today so they cleaned the bathrooms three times and sprayed with perfume," a Maribyrnong detainee told the Human Rights Commission. "This should be done all the time." At Villawood Stage One, 90 men share three toilets, which was reduced to two toilets for a whole weekend when one got blocked.

\* Many detainees complained about the food situation, mainly "not good and not enough". In most centres, detainees eat at 5.30pm, and then there is no food for more than twelve hours until morning. Some detainees complained about the lack of time to eat, as well: "Half an hour for 60 or 70 detainees is not enough. You spend 20 minutes in the queue," said a Maribyrnong detainee. Another Maribyrnong detainee reported, "Lunch today is only the third barbecue. It's because you guys are here. Why can't they have it more often? Organising the barbecue today is deceptive, as if it's something they do all the time."

\* The Human Rights Commission criticised the "observation room" at Perth IDC. The purpose of this room is solitary confinement. One detainee reported, "Solitary is very bad. There is no toilet there. To go to the toilet we have to knock on the door. Sometime there is no answer. I have pissed myself many times." "I was shut in

there six hours until about lunch-time, without access to a toilet," another Perth resident reported. "I knocked several times. The excuse was they looked at the camera and saw me sleeping and after that they had escorts on and were short staffed."

\* The detention centres are also used to detain actual criminals who are being deported for committing crimes in Australia. These people mix with the asylum seeker population. "Criminals also stay with us," a Maribyrnong refugee said. "Management is treating even the refugees as criminals. They put us in the same place. They put extra security here. Otherwise they do not need it. Always they are counting people." "The security here is for a criminal or a killer," a Perth detainee reported. "Detainees here are friendly people and harsh treatment can really affect them." "It's run like a gaol with ID number, belt when being escorted (which is humiliating), van with bars and uniformed officers," another Perth detainee said. Detainees also reported constant "musters"—gathering all detainees in one place that no one is allowed to leave until they are all counted—three to six times a day, including odd hours of the night.

"I haven't been into a detention centre since I finished with the Commission in August 2000," said Chris Sidoti, who compiled these anecdotes. "But, having visited them regularly during the 5 years prior to that, I have no doubt that the situation has deteriorated since then."

### Australasian Correctional Management

The conditions at the detention centres are largely due to the fact that they are run "for profit". Intriguingly, DIMA describe their \$100 million contract with ACM as a "strategic alliance". One of the conditions of the contract that is known, and not suppressed by the Government's "commercial confidentiality" excuse, is that ACM do not incur any penalty for breach of care, but they do incur a financial penalty for every detainee who escapes. The Human Rights Commission blames this "imbalance" for the heavy-handed security at detention centres, including the night musters, curfews, and solitary confinement, that further traumatise detainees.

As a former detainee, Maqsood Alshams is convinced ACM's contract must be highly profitable. "I can see how they make 90 per cent profit on everything," he said. "The facilities are provided by DIMA, ACM don't have to pay rent for them, they get them free and house the people there. *The detainees are not met with their medical, psychological, and physical needs, so there is no cost.*" He



charged that under ACM detention centres have become overcrowded, for further profits. Maqsood said that when he started to speak out about detention centre conditions, he was threatened by DIMA. "When I started talking against the system, and the inhuman condition of the detention centres, they asked me to pay back my detention cost per day, or \$63,000."

There is a severe shortage of interpreters at detention centres, a budget saving by ACM. Consequently, there is a huge amount of tension between detainees and their management, solely because of an inability to communicate. A Perth IDC detainee reported, "A matter that is disturbing is that when they deport people they don't do it with an interpreter. They come and arrest people at any time, even in beds, like criminals. This is a kind of torture."

Even more disturbing are reports that detainees are subjected to the personal vindictiveness of officers. "The ACM should not break their own rule and harassing the people here. That's drive us to lose control of our emotions," a Villawood detainee reported. A Port Hedland detainee said, "ACM will treat us not good when they're in a bad temper. It depends on the mood of the officer at the time." An independent observer, psychiatrist Zachary Steel, was scathing about ACM staff behaviour. "I've seen this happening over and over again: individual staff provoking asylum seekers by name calling, or saying that they are not wanted. I've even witnessed this at Villawood ... they are escalating a situation, rather than trying to resolve it." The federal Ombudsman also expressed concern about the "cultural or attitudinal problems with some ACM staff", including "racial abuse, insensitivity and inappropriate comments, as well as a heavy-handed approach ... the inappropriate use of force, unnecessary 'trashing' of rooms for no apparent reason and the alleged harassment of detainees by some ACM staff..."

### Medical and Psychological Health Care

One of the Human Rights Commission's criticisms of detention centres was the "possibly inappropriate