



# Factsheet

## Offshore Processing on Manus Island and Nauru: A Synthesis of Reports by UNHCR and Amnesty International



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### Manus Island

In August 2012, the Gillard Labor Government passed legislation reinstating offshore processing. On 21 November 2012, the first group of asylum seekers was transferred to Manus Island. UNHCR visited the processing centre on Manus Island in January, June and October 2013, and Amnesty International visited the processing centre in November 2013. Their findings are outlined below.

#### Physical conditions

The Manus Island processing centre is located at a PNG defence force base, about 40 minutes' drive from the main town of Lorengau.<sup>1</sup> The centre is divided into 'compounds' which house asylum seekers, each compound being patrolled by security guards.<sup>2</sup> When entering and leaving each compound, asylum seekers must sign in and out, and must always be accompanied by a guard.<sup>3</sup> During UNHCR's visit in January, the processing centre was described as 'temporary', having been established 'pending more permanent accommodation'.<sup>4</sup> However, it was later made known to UNHCR, during its visit in October, that a new processing centre, which was under construction at a site near Lorengau, was not intended to house all asylum seekers transferred to Manus Island, but only families and children, and perhaps also recognised refugees.<sup>5</sup>

In January, UNHCR found that asylum seekers were being held in 'harsh' conditions on Manus Island, where the 'hot and humid weather made the temporary accommodation very uncomfortable'.<sup>6</sup> Single adult males were held in 'four metre by four metre canvas tents', each housing five men.<sup>7</sup> Some of the men were living in conditions described by UNHCR as 'deplorable'.<sup>8</sup> Families were held in "dongas", similar to shipping containers, which are around three metres by three metres.<sup>9</sup> Parents expressed concern that 'their children could hear threats from some single adult males of self-harm, angry voices and discussions, and the general noise from the neighbouring compound' (which, at the time of UNHCR's visit, was housing a group of single adult males who were protesting).<sup>10</sup>

Although some improvements were observed by UNHCR during its second visit in June, the physical conditions of the processing centre remained 'harsh' and 'essentially unchanged' since its visit in January.<sup>11</sup> By October, asylum seekers were no longer being housed in tents, but rather 'hard-walled structures'.<sup>12</sup> However, by this time, the number of asylum seekers had swelled to 1093 (from 302 in June),<sup>13</sup> following the announcement of the Regional Resettlement Arrangement between Australia and PNG on 19 July 2013. Amnesty International reported that in November 2013, the processing centre housed just over 1,100 asylum seekers.<sup>14</sup> They were allocated across the three main compounds, known as Delta, Foxtrot and Oscar.<sup>15</sup> A new compound, known as Mike, was being constructed and close to completion at the time of Amnesty International's visit.<sup>16</sup>

Asylum seekers expressed a number of concerns about their living conditions, including overcrowding, lack of privacy, and extreme heat and humidity.<sup>17</sup> Amnesty International expressed particular concern about the 'P Dorm' in Foxtrot Compound, which 'stood out as the worst accommodation in the facility'.<sup>18</sup>

'P Dorm is a hangar-shaped World War II-era building approximately 40 metres long and four to five metres wide, with a low, curved corrugated metal roof. It sleeps 112 men on 56 sets of bunk beds arranged with no more than 20 centimetres between each. Two large free-standing fans were in use when we visited at the front of the room, but there was no air flow to the back of the building. The smell is overwhelmingly bad and the heat is stifling. There are no windows. Asylum seekers reported finding snakes in the room and flooding when it rained.'<sup>19</sup>

The discomfort caused by crowded conditions is exacerbated by the tropical climate on Manus Island, where the temperature lies between 30 and 40 degrees Celsius, humidity is high, and the weather can vary from 'intense sunshine' to 'heavy downpours'.<sup>20</sup> According to Amnesty International, there is little protection from the elements:

'Asylum seekers reported spending between one and five hours a day queuing for meals, for the canteen, for toilets and showers, and while waiting to be collected at the gates for interviews and medical appointments. There is almost no shade to protect people from the sun, heat, or rain, particularly in Oscar Compound ...

When it rains, the camp smells strongly of sewage, particularly in Foxtrot Compound and near the entrance to the detention centre. Some detainees expressed concern at not having shoes or umbrellas, particularly when the weather is bad and it rains.'<sup>21</sup>

Asylum seekers also expressed distress about being given insufficient access to phone and internet facilities to contact their family overseas.<sup>22</sup>

## **Health care**

The adequacy of health care facilities on Manus Island is also a major concern. In January 2013, UNHCR reported:

'A large number of asylum-seekers who spoke to UNHCR expressed concern about the amount of time they had to wait for an appointment, and other disputes regarding appropriate treatment. Due to restrictions on freedom of movement, asylum-seekers need to be transported from their compound to the clinic by G4S, and some asylum-seekers raised concerns that they are unable to directly approach the clinic when health issues arise. Some complained that "to get a Panadol for a headache" you had to make a request and wait up to three days (by which time the headache was gone).'<sup>23</sup>

Little seems to have improved. In October 2013, asylum seekers expressed concern to UNHCR about:

- 'a) their deteriorating physical as well as mental health;
- b) the limited medical services available;
- c) respiratory concerns that were exacerbated due to the hot and humid conditions;
- d) the time it took to access medical treatment; and
- e) the limited medication they were issued with.'<sup>24</sup>

In November 2013, Amnesty International reported that it was 'concerned that the medical facility within the camp is unable to cope with the growing demand for health and mental health services'.<sup>25</sup> Asylum seekers expressed a number of concerns:

'A number of detainees raised concerns that sometimes it takes between three and 10 days to receive a medical appointment after submitting a request [for an appointment]. Some felt that they needed to make several requests in order to be taken seriously and many complained that water and paracetamol was common treatment. The lack of ability

to self-administer paracetamol for headaches or antiseptic cream for minor cuts means asylum seekers ... often have to seek many appointments for even basic medical care. One doctor commented on the absurdity of requiring people to return to medical appointments several times to receive medication.<sup>26</sup>

Medical staff on Manus Island also expressed concern about the adequacy of health care at the Manus Island processing centre. According to Amnesty International, medical staff 'expressed frustration at the lack of response from Australian authorities to basic requests which would improve health and sanitation within the camp'.<sup>27</sup> They also 'expressed frustration that when certain conditions could not be treated in the centre, requests for transfer had been ignored'.<sup>28</sup> Moreover, medical personnel were 'clearly frustrated that people are deprived of activities or mental stimulation, which is escalating mental health problems within the detention centre'.<sup>29</sup>

## **Detention**

Harsh physical conditions aside, the arbitrary nature of the detention of asylum seekers on Manus Island is disquieting. According to UNHCR:

'The current PNG policy and practice of detaining all asylum-seekers at the closed [processing centre], on a mandatory and open-ended basis without an assessment as to the necessity and proportionality of the purpose of such detention in the individual case, and without being brought promptly before a judicial or other independent authority for review of that decision amounts, in UNHCR's assessment, to arbitrary detention that is inconsistent with international law.'<sup>30</sup>

Amnesty International similarly reported:

'Asylum seekers are detained in the absence of any individualised assessment of the need for detention, with no definite date for their release, apparently without any framework in Papua New Guinea for their detention, and no clear means to seek review of the lawfulness of their detention. The result is arbitrary detention, prohibited by customary international law and by treaties to which both Australia and Papua New Guinea are party.'<sup>31</sup>

## **RSD**

From the perspective of asylum seekers on Manus Island, there seems to be no end in sight to their plight. Although the transfer of asylum seekers to Manus Island commenced in October 2012, the processing of their refugee claims had not yet started at the time of UNHCR's visit in January 2013, and there was moreover no indication of when such processing would start.<sup>32</sup> This was causing significant distress among asylum seekers:

'Asylum-seekers expressed varying degrees of confusion to UNHCR over the processing arrangements that would apply to them in PNG. Most advised that the information they received upon arrival about how and when the process would begin was limited and confusing, and many expressed frustration that no one at the Centre would provide them with adequate answers.'<sup>33</sup>

In June 2013, UNHCR welcomed the commencement of RSD processing on Manus Island.<sup>34</sup> However, in June as well as October, asylum seekers continued to express confusion and anxiety about the processing arrangements that would apply to them.<sup>35</sup> Such concerns were also reported by asylum seekers to Amnesty International:

'By far the most frequent complaint, and the one detainees almost universally regarded as the most serious, was that they have been left in uncertainty – about the timetable for Refugee Status Determination hearings and decisions on those hearings, about how long they would remain in detention, about where they would live and work in Papua New Guinea if they were accepted as refugees, about the culture and other aspects of life in Papua New Guinea, about their fate in every respect. Virtually all have family members – parents, spouses or partners, and/or children – in the countries from which they fled, and many expressed anguish at the prospect of being detained indefinitely and remaining powerless to safeguard their families' well-being.'<sup>36</sup>

Contributing to this uncertainty is the questionable capacity of PNG officials to undertake fair and timely refugee status determination on Manus Island. In October 2013, UNHCR expressed concern that 'there is no clear and adequate legal or regulatory framework for conducting RSD in PNG'.<sup>37</sup> Moreover, UNHCR reported:

'UNHCR has serious concerns about the RSD capacity and capability currently available to the Government of PNG to process, in an efficient and timely manner, the asylum-seekers who have arrived, and will continue to arrive, at the [processing centre]. In this regard, UNHCR notes with concern that as of 28 October 2013, of the 1,093 asylum-seekers who were at the [processing centre] during UNHCR's visit, only about 160 had been able to lodge applications for asylum and only 55 had received RSD interviews.'<sup>38</sup>

## Children

During UNHCR's visit in January, there were 34 children on Manus Island.<sup>39</sup> UNHCR expressed particular concern about their welfare:

'Asylum-seekers and service providers expressed concerns to UNHCR that the on-going restrictions on freedom of movement may have a long-term impact on the psychosocial health and development of the children. Some service providers report that children are showing signs of the trauma of both their boat journey to Australia and the on-going detention on Manus Island, as well as the worries and stresses being expressed by their parents "rubbing off" on them and causing additional anxiety in the children.'<sup>40</sup>

By October, UNHCR found that children and families had been transferred back to Australia, although there were plans to move them back to Manus Island in 2014, once construction of the new processing centre had been completed.<sup>41</sup> UNHCR expressed its 'firm view that children and families should not be transferred to PNG'.<sup>42</sup>

Amnesty International reported that the Manus Island processing centre 'housed at least three children under the age of 18 until just before our visit in mid-November 2013, reportedly as the result of an administrative error'.<sup>43</sup> They were kept in a separate area of the processing centre.<sup>44</sup> Two were sent to Christmas Island on 9 November 2013, and the third was transferred to the general population when he was determined by the Department of Immigration to have turned 18 (although he said that he would not be 18 for another year).<sup>45</sup> Amnesty International also met with three other asylum seekers who had been determined by the Department of Immigration to be over 18, although they said that they were between 15 and 17 years of age.<sup>46</sup> According to Amnesty International:

'The treatment of their cases raises serious concerns about the age assessment procedures employed by Australia's Department of Immigration and Border Protection (DIBP). Particularly since early September, with the introduction of a new rule that asylum seekers must be transferred to Papua New Guinea within 48 hours of arrival on Christmas Island, initial assessments are made within a short time frame and thus appear to rely heavily on observations of physical appearance.'<sup>47</sup>

Amnesty International also expressed concern that children were not being given the benefit of the doubt by the Department of Immigration, contrary to international standards.<sup>48</sup> Poor age assessments are problematic because they may have the effect of depriving children of the special care and treatment which is required to be accorded to them under international law.

### **Return-oriented environment**

Asylum seekers on Manus Island are given the option of returning to their country of origin. Although UNHCR expressed its support for assisted voluntary returns, it also questioned whether asylum seekers' decisions to return to their home country could be characterised as truly 'voluntary', given the 'pervasive climate [on Manus Island] which places an emphasis on promoting return'.<sup>49</sup>

'When responding to asylum-seekers concerns and complaints, some asylum-seekers reported that they are told that they can return if they are dissatisfied. In particular, one asylum-seeker shared with UNHCR a letter received from a service provider agency advising that: *'if you are not pleased with the current processing arrangement, we can put you in touch with IOM [International Organization for Migration] who may assist you with return to your country of origin'*.<sup>50</sup>

One asylum seeker on Manus Island reportedly told Amnesty International:

'Every day, I hear about returning 70 times a day for the last four months. On top of that, every gathering we get told to return or you will stay in PNG'.<sup>51</sup>

Such pressure to return may result in *refoulement*. According to UNHCR:

'[S]ome asylum-seekers at the [processing centre] who may be *bona fide* refugees, or in need of complementary protection, may contemplate a return to their country of origin as a result of the combined uncertainty around processing in PNG, the prospect of lengthy delays in accessing a permanent solution, the harsh conditions, and the prospect of settling in PNG where there are high levels of insecurity and significant challenges around local integration'.<sup>52</sup>

### **Durable solutions**

Both UNHCR and Amnesty International expressed concern about the obstacles to the successful resettlement of refugees in PNG. According to UNHCR, 'sustainable integration of non-Melanesian refugees in the socio-economic and cultural life of PNG will raise formidable challenges and protection concerns'.<sup>53</sup>

One issue is that homosexuality is criminalised in PNG. According to Amnesty International:

'Gay men expressed considerable fear about resettlement in Papua New Guinea, where same-sex sexual conduct is criminalised and police abuse against gay and transgender people is common. Several of the men with whom we spoke were apprehensive about disclosing their sexual orientation during their Refugee Status Determination interviews even when it was a basis for their refugee claim. Their fears were even more pronounced because detention centre staff have warned them that any consensual sexual conduct between detainees will be reported to Papua New Guinea police for prosecution'.<sup>54</sup>

Other issues relate to religion, access to education and employment, and the availability of social support in PNG. According to UNHCR:

'[T]he vast majority of PNG citizens are Christians, meaning that there is likely to be little community understanding of Islam and few places of worship available to Muslims. UNHCR also notes that currently, non-Melanesian refugees in PNG are unable to access State education and employment. Even if these barriers are overcome, in addition to finding employment, the PNG "wantok" system of kinship and affiliation is not likely to provide any real measure of security for non-Melanesian refugees from outside the region. In PNG society, challenging economic conditions and a lack of support for the recognition of overseas qualifications is expected to make attainment of meaningful employment extremely difficult for refugees in PNG.'<sup>55</sup>

## Conclusion

In October 2013, UNHCR reported:

'Overall, UNHCR was deeply troubled to observe that the current policies, operational approaches and harsh physical conditions at the [processing centre] do not comply with international standards and in particular:

- a) constitute arbitrary and mandatory detention under international law;
- b) do not provide a fair, efficient and expeditious system for assessing refugee claims;
- c) do not provide safe and humane conditions of treatment in detention; and
- d) do not provide for adequate and timely solutions for refugees'<sup>56</sup>

In November 2013, Amnesty International reported:

'The combined effect of the conditions of detention on Manus Island, the open-ended nature of that detention, and the uncertainty about their fates to which detainees are subjected amounts to cruel, inhuman, and degrading treatment or punishment. Moreover, some conditions of detention, particularly the housing of detainees in P Dorm, on their own violate the prohibition on torture and other ill-treatment.'<sup>57</sup>



## NAURU

The transfer of asylum seekers to Nauru commenced in September 2012. Amnesty International visited the processing centre on Nauru in November 2012, and UNHCR visited the processing centre in December 2012, March and October 2013. Their findings are examined below.

### Physical conditions

The processing centre on Nauru is located in the centre of Nauru on a phosphate plateau, away from the coast, where most of the Nauruan population resides.<sup>58</sup> In late 2012, both Amnesty International and UNHCR reported that asylum seekers were being housed in tents serving as temporary accommodation pending the construction of more permanent facilities on Nauru. UNHCR described the conditions as 'harsh, with little natural shelter from the heat during the day, which is exacerbated by all the challenges arising from residing in a construction zone, including significant noise and dust'.<sup>59</sup> Amnesty International reported the processing centre to be:

'totally inappropriate and ill-equipped, with 387 men cramped into 5 rows of leaking tents, suffering from physical and mental ailments – creating a climate of anguish as the repressively hot monsoon season begins'.<sup>60</sup>

In March 2013, UNHCR noted 'a significant improvement to conditions as a result of the construction of the more permanent purpose-built accommodation which was more suitable for the climatic conditions, and which replaced the original tents seen at the time of UNHCR's December 2012 visit'.<sup>61</sup>

However, due to riots which took place on 19 July 2013, substantial damage was caused to the buildings on Nauru. During its visit in October 2013, UNHCR reported that the purpose-built accommodation was 'largely destroyed'.<sup>62</sup> Single adult men were being held in tent compounds, with no fans, little privacy, and insufficient toilet and shower facilities.<sup>63</sup> Families, children and single adult women were being held in vinyl marquees, each housing several families, with individual family areas separated by vinyl partitions.<sup>64</sup> UNHCR reported that these were 'cramped conditions, with very little privacy, in very hot conditions, with some asylum-seekers sleeping on mattresses on the ground'.<sup>65</sup>

According to UNHCR:

'[T]he conditions at the [processing centre], coupled with the protracted period spent there by some asylum-seekers, raise serious issues about their compatibility with international human rights law, including the prohibition against torture and cruel, inhuman or degrading treatment (article 7, ICCPR), the right to humane conditions in detention (article 10, ICCPR) and the right to family life and privacy (article 17, ICCPR)'.<sup>66</sup>

### Health care

In December 2012, UNHCR found that there were 'limited facilities in Nauru to manage medical health issues'.<sup>67</sup> Health facilities continue to be limited on Nauru. During UNHCR's visit in October 2013, asylum seekers raised concerns about a number of issues with UNHCR, including:

'a) lack of adequate medical facilities, including for heart conditions, dental issues and, in one case, to address a metal plate embedded in one person's leg;

- b) hygiene issues – many complained of skin conditions and other infections, including parasites and lice;
- c) lack of a gynaecologist for the women;
- d) lack of access to x-rays and other medical equipment; and
- e) limited access to medication.<sup>68</sup>

Adequacy of medical facilities aside, it is problematic that the detention environment itself is contributing to mental health problems among asylum seekers. During its visit in November 2012, Amnesty International reported:

‘Nine men in the camp are confirmed to be on hunger strike, many more claim they are on one. One hunger striker, Omid, has not eaten for over 40 days. He told the [Amnesty International] delegation that he has lost 19 kilograms but that *“my psychological condition is even worse than my physical one”*. Many of the men stated that they felt their only option was starting or returning to a hunger strike, or attempt self-harm or suicide. During the visit one man tried to hang himself from a tent pole. The man who pulled him down told Amnesty International that he had lost hope for any justice from Australia after hearing the news that post-13 August, asylum seekers would be released into the Australian community.’<sup>69</sup>

In October 2013, UNHCR found that:

‘the morale of asylum-seekers [is] extremely low as a result of uncertainty over and delays in processing and their futures, combined with the harsh conditions within the mandatory detention framework currently prevailing’.<sup>70</sup>

Such observations are supported by views expressed by medical and security staff, who informed UNHCR that:

‘the sense of injustice [being transferred to Nauru, while other asylum seekers were not], along with the hot and crowded detention conditions, a sense of isolation and abandonment, and a lack of information and clarity about their processing and future prospects, has led to widespread depression’.<sup>71</sup>

## **Detention**

Both Amnesty International and UNHCR have reported that asylum seekers are subject to arbitrary detention on Manus Island, contrary to international law.<sup>72</sup> UNHCR found that:

‘The current Nauru policy and practice of detaining all asylum-seekers at the closed [processing centre] on a mandatory and open-ended basis, without an individualized assessment as to the necessity, reasonableness and proportionality of the purpose of such detention amounts to arbitrary detention that is inconsistent with international law.’<sup>73</sup>

Amnesty International expressed similar views and further found that:

‘the combination of no refugee processing, implementation of the “no advantage rule” and harsh detention conditions, amounts to a clear penalty for seeking asylum by boat. This contravenes article 31 of the 1951 UN Refugee Convention.’<sup>74</sup>

## **RSD**

Processing of refugee claims on Manus Island only commenced in March 2013, although asylum seekers had been sent there from September 2012.<sup>75</sup> Although acknowledging that



the legal framework for refugee status determination in Nauru was 'sound',<sup>76</sup> UNHCR expressed concern about delays in processing during its visit in October 2013:

'UNHCR considers the delays in processing and handing down decisions for asylum-seekers, some who have been on Nauru since September 2012, to be unacceptable. It is of deep concern that only one claim for refugee status has been finally determined in the 14 months since asylum-seekers were initially transferred to the [processing centre], and this was in an exceptional case of an unaccompanied minor who was being transferred back to Australia.'<sup>77</sup>

## Children

During UNHCR's visit in October 2013, there were 95 children detained at Nauru.<sup>78</sup> UNHCR expressed significant concern about this:

'At the time of UNHCR's visit, children were in closed detention, in difficult conditions, without access to adequate educational and recreational facilities, and with a lack of a durable solution within a reasonable timeframe.

On the basis of the harsh conditions at the [processing centre], UNHCR's view is that the current facilities and arrangements in place are inappropriate for the support and protection of children. Any transfer of [unaccompanied and separated children] would be highly inappropriate.'<sup>79</sup>

According to UNHCR, 'no child, whether an unaccompanied child or within a family group, should be transferred from Australia to Nauru.'<sup>80</sup>

## Return-oriented environment

Both Amnesty International and UNHCR, although supporting the right of asylum seekers to voluntarily return to their home countries, expressed their concern about pressures on asylum seekers to return home, because of the conditions on Nauru.

UNHCR expressed its deep concern about a 'pervasive climate [on Nauru] which places an overt emphasis on promoting return'.<sup>81</sup> Problematically, this could lead to *refoulement*:

'[S]ome asylum-seekers at the [processing centre] who may be *bona fide* refugees, or in need of complementary protection, may contemplate a return to their country of origin as a result of the combined uncertainty around processes in Nauru, the prospect of lengthy delays in accessing a permanent solution, the harsh conditions, and the lack of the prospect of a durable solution.'<sup>82</sup>

According to Amnesty International:

'A number of men reported that they were considering returning home, despite still fearing for their safety. At least one man stated that he may have to return in order to protect his family, but would be forced to flee again this time taking his family with him.'<sup>83</sup>

## Durable solutions

On 19 July 2013, the Australian Government announced its policy that asylum seekers arriving by boat would not be settled in Australia if found to be refugees.

UNHCR has expressed concern about the resulting uncertainty about durable solutions for asylum seekers on Nauru who arrived after 19 July 2013:

'The 3 August [Memorandum of Understanding between Australia and Nauru] envisages that some refugees may be able to settle in Nauru, although it is not clear from the formal arrangements whether Nauru is committed, or even capable of, offering long term and durable solutions to those to whom it owes protection under the 1951 Refugee Convention.'<sup>84</sup>

The capacity of Nauru to accommodate refugees is questionable. According to UNHCR:

'The current socio-economic and demographic identity in Nauru makes it very unlikely that recognized refugees will be able to find a sustainable, long term solution in Nauru itself.'<sup>85</sup>

## Conclusion

Following its visit to Nauru in October 2013, UNHCR reported:

'[C]urrent policies, conditions and operational approaches at the [processing centre] do not comply with international standards and in particular:

- a) constitute arbitrary and mandatory detention under international law;
- b) despite a sound legal framework, do not provide a fair, efficient and expeditious system for assessing refugee claims;
- c) do not provide safe and humane conditions of treatment in detention; and
- d) do not provide for adequate and timely solutions for refugees.'<sup>86</sup>

<sup>1</sup> Amnesty International, *This is Breaking People: Human Rights Violations at Australia's Asylum Seeker Processing Centre on Manus Island, Papua New Guinea* (2013) 36  
<[http://www.amnesty.org.au/images/uploads/about/Amnesty\\_International\\_Manus\\_Island\\_report.pdf](http://www.amnesty.org.au/images/uploads/about/Amnesty_International_Manus_Island_report.pdf)>

<sup>2</sup> Amnesty International, above n 1, 36; UNHCR, *Monitoring Visit to Manus Island, Papua New Guinea, 23–25 October 2013* (26 November 2013) (*October Visit*) 15  
<<http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Manus%20Island%20PNG%2023-25%20October%202013.pdf>>.

<sup>3</sup> Amnesty International, above n 1, 48.

<sup>4</sup> UNHCR, *Mission to Manus Island, Papua New Guinea, 15–17 January 2013* (4 February 2013) (*January Visit*) 5 (n 1) <<http://unhcr.org.au/unhcr/images/2013-02-04%20Manus%20Island%20Report%20Final.pdf>>.

<sup>5</sup> Amnesty International, above n 1, 19.

<sup>6</sup> UNHCR, *January Visit*, above n 4, 14.

<sup>7</sup> UNHCR, *January Visit*, above n 4, 15.

<sup>8</sup> UNHCR, *January Visit*, above n 4, 15.

<sup>9</sup> UNHCR, *January Visit*, above n 4, 14.

<sup>10</sup> UNHCR, *January Visit*, above n 4, 14.

<sup>11</sup> UNHCR, *Monitoring Visit to Manus Island, Papua New Guinea, 11–13 June 2013* (12 July 2013) (*June Visit*) 10 <[http://unhcr.org.au/unhcr/files/2013-07-12\\_Manus\\_Island\\_Report\\_Final%281%29.pdf?\\_ga=1.90162780.636001340.1361407032](http://unhcr.org.au/unhcr/files/2013-07-12_Manus_Island_Report_Final%281%29.pdf?_ga=1.90162780.636001340.1361407032)>.

<sup>12</sup> UNHCR, *October Visit*, above n 2, 17.

<sup>13</sup> UNHCR, *October Visit*, above n 2, 18.

<sup>14</sup> Amnesty International, above n 1, 37.

<sup>15</sup> Amnesty International, above n 1, 37.

<sup>16</sup> Amnesty International, above n 1, 39.

<sup>17</sup> Amnesty International, above n 1, 18–19; Amnesty International, above n 1, 36–47.

- <sup>18</sup> Amnesty International, above n 1, 39.
- <sup>19</sup> Amnesty International, above n 1, 39.
- <sup>20</sup> Amnesty International, above n 1, 40.
- <sup>21</sup> Amnesty International, above n 1, 40–1.
- <sup>22</sup> Amnesty International, above n 1, 44–5; UNHCR, *October Visit*, above n 2, 20.
- <sup>23</sup> UNHCR, *January Visit*, above n 4, 19.
- <sup>24</sup> UNHCR, *October Visit*, above n 2, 23.
- <sup>25</sup> Amnesty International, above n 1, 52.
- <sup>26</sup> Amnesty International, above n 1, 54 (footnotes omitted).
- <sup>27</sup> Amnesty International, above n 1, 52.
- <sup>28</sup> Amnesty International, above n 1, 53.
- <sup>29</sup> Amnesty International, above n 1, 53.
- <sup>30</sup> UNHCR, *October Visit*, above n 2, 17. See also UNHCR, *June Visit*, above n 11, 12; UNHCR, *January Visit*, above n 4, 13–14.
- <sup>31</sup> Amnesty International, above n 1, 3–4.
- <sup>32</sup> UNHCR, *January Visit*, above n 4, 8.
- <sup>33</sup> UNHCR, *January Visit*, above n 4, 8.
- <sup>34</sup> UNHCR, *June Visit*, above n 11, 1.
- <sup>35</sup> UNHCR, *June Visit*, above n 11, 8; UNHCR, *October Visit*, above n 2, 10.
- <sup>36</sup> Amnesty International, above n 1, 8.
- <sup>37</sup> UNHCR, *October Visit*, above n 2, 1.
- <sup>38</sup> UNHCR, *October Visit*, above n 2, 8.
- <sup>39</sup> UNHCR, *January Visit*, above n 4, 16.
- <sup>40</sup> UNHCR, *January Visit*, above n 4, 17.
- <sup>41</sup> UNHCR, *October Visit*, above n 2, 17–19.
- <sup>42</sup> UNHCR, *October Visit*, above n 2, 19.
- <sup>43</sup> Amnesty International, above n 1, 7.
- <sup>44</sup> Amnesty International, above n 1, 7.
- <sup>45</sup> Amnesty International, above n 1, 77.
- <sup>46</sup> Amnesty International, above n 1, 8.
- <sup>47</sup> Amnesty International, above n 1, 8.
- <sup>48</sup> Amnesty International, above n 1, 8.
- <sup>49</sup> UNHCR, *October Visit*, above n 2, 24. See also UNHCR, *June Visit*, above n 11, 16–17.
- <sup>50</sup> UNHCR, *October Visit*, above n 2, 24.
- <sup>51</sup> Amnesty International, above n 1, 66.
- <sup>52</sup> UNHCR, *October Visit*, above n 2, 24.
- <sup>53</sup> UNHCR, *October Visit*, above n 2, 3.
- <sup>54</sup> Amnesty International, above n 1, 7.
- <sup>55</sup> UNHCR, *October Visit*, above n 2, 26.
- <sup>56</sup> UNHCR, *October Visit*, above n 2, 1.
- <sup>57</sup> Amnesty International, above n 1, 4.
- <sup>58</sup> UNHCR, *Monitoring Visit to the Republic of Nauru, 7–9 October 2013* (26 November 2013) (*October Visit*) 13 <<http://unhcr.org.au/unhcr/images/2013-11-26%20Report%20of%20UNHCR%20Visit%20to%20Nauru%20of%207-9%20October%202013.pdf>>.
- <sup>59</sup> UNHCR, *Mission to the Republic of Nauru, 3–5 December 2012* (14 December 2012) (*December 2012 Visit*) 9 <[http://unhcr.org.au/unhcr/images/Amended%20footnote%202012-12-14%20nauru%20monitoring%20report%20final\\_2.pdf](http://unhcr.org.au/unhcr/images/Amended%20footnote%202012-12-14%20nauru%20monitoring%20report%20final_2.pdf)>.
- <sup>60</sup> Amnesty International, *Media Release & Nauru Brief* (23 November 2012) <<http://www.amnesty.org.au/images/uploads/news/NauruOffshoreProcessingFacilityReview2012.pdf>>
- <sup>61</sup> UNHCR, *October Visit*, above n 58, 5.
- <sup>62</sup> UNHCR, *October Visit*, above n 58, 13.
- <sup>63</sup> UNHCR, *October Visit*, above n 58, 14–5.
- <sup>64</sup> UNHCR, *October Visit*, above n 58, 16.
- <sup>65</sup> UNHCR, *October Visit*, above n 58, 16.
- <sup>66</sup> UNHCR, *October Visit*, above n 58, 16 (footnotes omitted).
- <sup>67</sup> UNHCR, *December 2012 Visit*, above n 59.
- <sup>68</sup> UNHCR, *October Visit*, above n 58, 21.
- <sup>69</sup> Amnesty International, above n 60.

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- <sup>70</sup> UNHCR, *October Visit*, above n 58, 21.  
<sup>71</sup> UNHCR, *October Visit*, above n 58, 20.  
<sup>72</sup> Amnesty International, above n 60; UNHCR, *October Visit*, above n 58, 13.  
<sup>73</sup> UNHCR, *October Visit*, above n 58, 2.  
<sup>74</sup> Amnesty International, above n 60.  
<sup>75</sup> UNHCR, *October Visit*, above n 58, 8.  
<sup>76</sup> UNHCR, *October Visit*, above n 58, 7.  
<sup>77</sup> UNHCR, *October Visit*, above n 58, 9.  
<sup>78</sup> UNHCR, *October Visit*, above n 58, 18.  
<sup>79</sup> UNHCR, *October Visit*, above n 58, 20.  
<sup>80</sup> UNHCR, *October Visit*, above n 58, 2.  
<sup>81</sup> UNHCR, *October Visit*, above n 58, 25.  
<sup>82</sup> UNHCR, *October Visit*, above n 58, 25.  
<sup>83</sup> Amnesty International, above n 60.  
<sup>84</sup> UNHCR, *October Visit*, above n 58, 23.  
<sup>85</sup> UNHCR, *October Visit*, above n 58, 24.  
<sup>86</sup> UNHCR, *October Visit*, above n 58, 1.