

The Unknown Story of Cornelia Rau: Robert Manne

In May 1998, while taking a four-month holiday from her job at Qantas, with time on her hands and showing the first signs of mental illness, Cornelia Rau had the misfortune of becoming involved with a Sydney sect called Kenja. This marked the turning point in her life, the disaster from which all else flowed. No one can know whether disaster would have come anyhow, some other way.

Cornelia was the younger daughter of Edgar and Veronika, a solid middle-class German couple from the Baltic city of Hamburg. Edgar Rau first brought his family to Sydney in 1967 to establish an Australian branch office of the pharmaceutical company for which he worked. In 1979 the family returned to Hamburg. After two years Edgar took his wife and Cornelia, by now in her mid-teens, on company business to Indonesia. In 1983, after Edgar left the company, the Raus settled, this time permanently, in Sydney. Cornelia was a warm and vivacious but troubled and restless young woman. She completed a diploma in leisure and recreation and began work as a flight attendant in 1993. She remained close to the family.

The sect which attracted Cornelia was established in 1982 by a charismatic World War II veteran, Ken Dyers, and a failed actress, Jan Hamilton. Kenja was formed from the first letters of their Christian names; they later discovered that in Japanese it meant wisdom. At the core of Kenja was a piece of Scientology-derived pseudo-psychological hocus-pocus called Energy Conversion. It embraced the idea of combating inner blockages to spontaneity through participation, on a regular basis and at a considerable cost (presently \$130 a session), in two-way meditations. Dyers, or a “meditation consultant”, would lock into prolonged eye contact with a client – called “holding a person still” – and, after listening to their secrets, supposedly reach and unwrap the deepest recesses of the soul. In addition to the Energy Conversion sessions, members were expected to attend expensive workshops (about \$50). They took part in eisteddfods and sporting events, in singing, dancing and – in order to renew contact with the spirit of the innocent child in all of us – what Jan called Klowning.

Kenja created for its members an ersatz community. The state of mind to which all aspired was called “havingness”. Nothing said in Kenja was confidential; information was centrally controlled. Those who left were thought of as failures and known as “security risks”. Inside Kenja, despite the leader’s occasional bursts of rage and his mania for control, Ken Dyers’ wisdom, authority and goodness were the unquestionable postulates. No one dared ask where the money went.

By the time of Cornelia’s involvement, Kenja had already attained considerable notoriety. In November 1992, a Liberal parliamentarian in the New South Wales upper house, Stephen Mutch, brought the sect to public attention after two constituents came to him with the story of their daughter’s recruitment. Mutch described Kenja as “a sinister organisation designed to fill the pockets and stroke the egos” of Dyers and Hamilton. Kenja promised to offer its followers “unique insights into the meaning of life”. Dyers claimed, Mutch said, to possess “God-like knowledge”. In reality he was a “seedy conman” and “a liar, a cheat and a bully”. Having raised the question of Kenja in the NSW parliament, Mutch now became the recipient of a great deal of testimony about Kenja from the already long list of its victims. In April 1993 he returned to his theme, on this occasion speaking for more than three hours.

Mutch claimed that “recruits are required to confess and write down their darkest secrets” which were later “used to blackmail them if they attempt to leave the group”. He claimed that

former Kenja members saw Dyers as a threatening presence who “promotes himself as [an] ... expert in the use of violence”. The sect, he claimed, preyed upon psychologically vulnerable young people, especially from the educated middle class. He read into Hansard written evidence from former members who claimed that Kenja deliberately and systematically severed links between members and their families and required them to deliver sizeable parts of their income to the sect. One former member described the one-on-one Energy Conversion sessions like this: “His eyes would be looking into your eyes ... you’d think he’s reading your mind and he knows what your thoughts are.” Several wrote about the unhealthy dependency relationship that had developed with “Ken”.

One young man, Michael Beaver, who had been inside Kenja between 1988 and 1990, informed Mutch that he was now “a diagnosed schizophrenic who had been hospitalised five times due to Kenja”. Beaver had heard of four other people who suffered severe psychological difficulties following time inside. “What right has this unqualified man, Ken Dyers, got to screw people’s minds up the way he does?” Shortly after writing this letter Beaver killed himself. A number of ex-Kenja women spoke of Dyers’ sexual predations. Bev Garlick sent Mutch a diary entry containing details of Dyers’ fondling of breasts during a collective workshop. Another anonymous informant wrote of her seduction. “During our weekly sessions, Ken became more and more interested in exploring the sexual hang-ups he felt I had. This involved more touching in the genital area, mutually ... This escalated to oral sex on my part ...” Dyers suggested Energy Conversion lying down. “This led to sex and he thanked me for it.”

Shortly after Mutch had presented his evidence, Dyers was charged with sexual offences against four girls between the ages of eight and 15, including unlawful sexual intercourse and digital penetration. At his first trial – where one of the accusers claimed Dyers had offered her cough lollies after oral sex to destroy the germs, and another that he had offered to solve the problem of her virginity – he was acquitted of some charges while others remained unresolved. At his second trial he was found guilty of indecent assault. An appeal in 2000 failed. A second appeal to the High Court in 2002 succeeded on technical grounds. The director of public prosecutions decided against a third trial. By now the case had dragged through the courts for almost ten years.

It seems clear that some of those involved with Kenja were equipped to survive the mind games, the creation of dependency, the undertone of violence and the sometimes sexually charged meditation therapy. It is equally clear that others, including Cornelia Rau, were not.

Cornelia was closely involved with Kenja for five months in 1998. During that time her family watched Cornelia grow both moody and remote. As her sister Christine explained to me, their parents became increasingly concerned about the amount of time Cornelia was spending with Kenja and the money it cost. Kenja members moved into Cornelia’s flat. Cornelia became infatuated with a Kenja man, Michael. She became obsessed about the threat to her wellbeing posed by a female friend of Michael’s known as Alison. (Four years later Cornelia actually moved out of her Rose Bay flat to get away from the evil spirit Alison had cast.) Cornelia attended a Kenja eisteddfod held in Melbourne on October 3 and 4. On October 6 she was picked up in Sydney by the police, driving erratically. She was taken to a hospital where the first diagnosis of psychosis was made. When the family visited her in hospital a physical scuffle took place. Cornelia tried to flush her mother’s handbag down the toilet.

What precisely had taken place inside Kenja and on that fateful Melbourne weekend of October 1998? In April 2005, when the case of Cornelia Rau had moved from the privacy of family tragedy to the centre of the national stage, an anonymous letter was sent to a large number of interested parties. It was written by a well-informed former senior member of Kenja, who had witnessed Cornelia's experiences at first hand.

On arrival at Kenja, Cornelia was, according to the anonymous correspondent, "a functioning human being with difficulties". On departure, she was "a seriously troubled non-functioning human being". At first she was afforded "special attention and plenty of acknowledgment". Like all others she participated in Kenja's meditation sessions. At this time Cornelia was also deeply affected by the courtship of a young man, which she took to be a love affair and which led her to believe in the existence of a "three-way love tryst". The courtship was, the correspondent claimed, standard Kenja technique, designed to keep sexually insecure and romantically lonely young people coming back. For the typical recruit, such as Cornelia, who lacked what was called "self-validation", all this attention was like a "fairy tale". It bound her to the group. It "intoxicated" her with the feeling of "importance". Cornelia, at this stage, did not know how the fairy tale would end.

Another standard Kenja technique was known as the "confront". These "confronts" involved "unveiling an individual's innermost secrets and feelings in a public forum without prior warning". The purpose was to make the member even more psychologically reliant on the approval of the leader or the group. At Melbourne, on the basis of the secrets he had discovered during the one-on-one meditation sessions, Dyers "publicly berated her for failing to come up to his expectations". Others remembered that she was described as artistically untalented, for Cornelia a particularly bitter blow, or burdened by an evil spirit. It was during this "confront" that Cornelia's mind broke apart. "After the humiliation she actually walked out of her life. Over the following day she became an embarrassment to the leadership as she was talking incoherently and staring into middle space. On the evening of the ballroom dancing night, she was transported to an airplane at Tullamarine ... and told not to come back to Kenja ... She was found driving on the wrong side of the road three days later in Sydney."

This is the most persuasive narrative I have seen about the psychic breakdown of Cornelia Rau. Those who spoke to her six years later, even after her ordeal at the hands of the Australian government as a suspected illegal immigrant, were aware of how obsessed she still was with Kenja. Cornelia repeatedly claimed that she had been sexually assaulted while at Kenja. When 60 Minutes asked her why she had refused to give her real name to immigration authorities, she spoke of her fear of being captured by the sect. In an email, Christine describes the impact of her sister's Kenja experience like this: "In Cornelia's case they managed to focus on a few cracks in her psyche and split them wide open, leaving her defenceless." She has in her mind the image of a stonemason's chisel.

Cornelia never recovered. At first she was diagnosed with "bipolar disorder", later with "schizo affective bipolar", finally with "chronic schizophrenia". In February 1999, after the first psychosis, she tried to resume work with Qantas. But her career slowly collapsed. In September, on arrival back in Australia from a crisis-filled trip to Europe, Cornelia's parents managed to convince Queensland authorities to apprehend her at Brisbane airport before she boarded a flight to Indonesia. Cornelia assaulted and bit members of the federal police. She was committed to a mental hospital for four weeks. On a later occasion she was apprehended after leaping from a moving train in Italy. On another the family had to ask Hamburg police for help. Throughout these years she passed from one medical crisis to another. Cornelia

resisted drugs and hospitalisation. She frequently went missing. “Over the past seven years,” Christine wrote in February 2005, “we and our parents, Eddie and Veronika, have helplessly watched Cornelia deteriorate into a secretive, suspicious, frightened and unpredictable person whose behaviour was at times bizarre.” The sense of chaos, pain, fear and anger that the Raus experienced during these tempestuous years will be unsurprising to the thousands of families who have battled with the serious mental illness of one of their members.

During 2003 Cornelia began careful plans to escape from Australia and the hospitalisation and medicalisation she detested. In July 2003 she attempted to obtain a German passport under a false identity. The attempt failed. At the beginning of 2004 the family arranged for her placement in a psychiatric hospital. Due to the scarcity of beds, Cornelia moved between Royal North Shore and Manly. On February 19, following a hearing at the Magistrate’s Court, from which she demanded that her parents be absent, Cornelia was required to stay in Manly Hospital for the next six weeks. She seems now to have resumed preparations for her escape. On March 1 she was issued with a European passport. On March 17, one day before she was due to be released from Manly Hospital on a community treatment order requiring fortnightly appearances at a clinic for injected medications, and after almost clearing out her bank account, she absconded. Shortly after, accompanied by an unknown older man, Cornelia was spotted at Coffs Harbour by an old Qantas colleague, David Livingstone. He noticed her blank stare.

On March 29, now alone, Cornelia was observed in Hann River at Cape York, Queensland, sitting by the side of the road. Next day she got a lift to Coen, where she was offered a free bed for the night. The Coen constable, James Foy, was called. Cornelia told him she was a German tourist, alternatively Anna Brotmeyer or Anna Schmidt. Foy contacted the Department of Immigration (DIMIA) compliance officer at Cairns, John Wisegibber. He could discover no record of Anna’s arrival in Australia. On the following morning, when she was already 15 kilometres out of Coen and walking north, Cornelia was invited, as they say, to accompany Constable Foy to the police station. Anna continued with inconsistent stories about both her name and the length of time she had been in Australia – either two weeks or, alternatively, two years. She produced a Norwegian passport she had stolen and a wallet containing \$2,300. Foy received instructions from DIMIA to exercise the power accorded him under the Migration Act and to detain Anna as a suspected unlawful non-citizen. He was instructed to drive her to the Cairns watch-house.

In Cairns, interviewed by Wisegibber and other DIMIA people, Anna first provided two separate names and two variations, then settled on Anna Schmidt, the daughter of Veronika and Siegfried. She explained that the money was given to her by her parents three years ago. She had not seen them since. The Brotmeyers, it turned out, were “friends from overseas”. Anna now recalled that she had been in Australia for 18 months or two years. The DIMIA officers called upon the honorary German consul in Cairns, Iris Indorato, to help. She spoke to Anna for two hours in German and discovered that she had made it to Australia by walking across China, hiring a Russian people smuggler for 1,000 euros, then being delivered by boat from Indonesia to a place near Darwin off the Australian coast. She might just as well have claimed she had come from Mars. Not surprisingly, Indorato formed the impression that she was not at all well. On April 4 Anna was given one last chance by DIMIA at Cairns to provide reliable information. When that failed she was flown to Brisbane and, because there is no immigration detention centre in Queensland, conveyed to the women’s prison at Wacol.

I have seen vivid eyewitness testimony of Anna's induction. She was brought into the prison by two officers of a wonderfully named company called Global Expertise in Outsourcing. One was male and one was female. Anna was staring into space, hugging herself. When told she would have to wear prison clothes she protested. Part of the conversation of the male escort to the prison clerk was overheard. "She's not all there that one. She has some mental issues we think. Good luck." What was self-evident to two escort guards would remain obscure to scores of public servants, doctors, psychologists and psychiatrists over the following ten months.

We arrive now at the overwhelming question. How did a mentally ill Australian resident, who had provided police and immigration officials with a series of false names and fanciful tales about the circumstances surrounding her arrival in Australia as a German tourist, end up, within a week of her apprehension, in detention in a Brisbane jail? The pre-liminary legal answer, supported by the Commonwealth government, goes something like this. Section 189 of the Migration Act obliges the officers it empowers to detain anyone about whom they entertain what is called a "reasonable suspicion" that she is an "unlawful non-citizen". How, then, explain that this woman was destined to spend six months in this jail and a further four months in a special-purpose detention centre? The government's preliminary answer continues like this. Section 196 says that unlawful non-citizens can only be released from detention after being granted a valid visa or in the course of removal or deportation from Australia. During the course of the ten months no grounds arose to grant a visa; no circumstances that permitted deportation. How long, then, could this woman be detained?

Here the preliminary answer is clear. On the basis of a High Court decision of 2003, in the al-Kateb case, even if Cornelia Rau was willing to leave Australia – as indeed she most certainly was – in the absence of a country willing to offer her a visa she could be lawfully detained for the remainder of her life. Or, as the government solicitor put it in the relevant case, until Hell itself froze over. Although the government's thinking was full of legal holes, it was the combination of sections 189 and 196 of the Migration Act and the government's victory in the al-Kateb case that provided the foundation for Cornelia's ten-month detention.

The strange truth is that if Cornelia Rau had been picked up in north Queensland on suspicion of a serious criminal offence, rather than as a suspected unlawful non-citizen, she would have been afforded far greater protection. As a suspected serious criminal, facing long-term imprisonment, she would have become entangled at once in a thicket of laws and legal procedures, some going back several hundred years – habeas corpus; presumption of innocence; intricate rules of evidence; the right to an appearance in a court; the right to legal representation; the right to silence; the right to a trial before a jury of peers; the right to plead innocence on grounds of mental health; the right to appeal, and so on. As a suspected non-citizen, Cornelia was, by contrast, almost a non-judicial being, with virtually no legal protections or legal rights. In order for her to be incarcerated, in theory for the remainder of her life, all the law required was that a junior official with authority under the Migration Act form a reasonable suspicion that Cornelia had no right to be on Australian soil. Even though the officer might be ignorant of the law or generally untrained, there was no system or process for the decision to be overseen by a court or ever to be reviewed. At one point the astonished official investigator into this case, Mick Palmer, broke out of his customary sobriety and spoke momentarily from the heart. "Cornelia Rau might have been considered a non-citizen but she was not a non-person."

The strangeness of the circumstance surrounding Cornelia's detention in April 2004 is not exhausted yet. There is no department of the Australian government where suspicion of the stories people tell about themselves is more pervasive than it is in DIMIA. Because DIMIA is predisposed to suspect all those who want to stay in Australia of telling lies, the officers of its onshore protection branch routinely subject the stories of asylum seekers to the most rigorous of tests. Even the smallest inconsistency can prove lethal to a claim. And yet when it came to the case of Cornelia, her inconsistencies and her fantasy tales do not appear to have caused the DIMIA officials who dealt with her in Cairns or Brisbane the smallest doubt that she was telling the truth about the unlawfulness of her presence in Australia. Why? The answer to this puzzle is simple. Distrust of asylum seekers' stories is almost universal in DIMIA because the asylum seekers hope to stay. Trust of Anna proved easy because she hoped to leave, and because the only consequence of that trust was to deprive her of her liberty.

When Anna was moved into the Brisbane women's prison she went, as did all new inmates, into a medium-level security area known as Secure 1. It is possible to re-construct her behaviour and her state of mind from the secret notes delivered to the Palmer inquiry by the Queensland government – which I have been able to read – and, even more importantly, from the detailed eyewitness accounts of three fellow prisoners whose testimony I have seen.

Anna struck all those who encountered her in prison as both troubled and extremely odd. She had two main sources of entertainment. One was to pace around a tennis court, literally for hours on end. Sometimes when she got into trouble with the guards they would forbid her going there. She would then pace around the small enclosed prison yard, which drove her fellow inmates crazy. Anna's other source of entertainment was the daily newspaper, which she would pore over for hours. One of her first serious run-ins with authority occurred when she refused to return to her area of the prison while begging some prisoners in a separate section for a paper. Her cell was strewn with papers and pictures she cut out, especially of members of the royal family. When the female guard most hostile to her cleaned the papers out of her cell, Anna retrieved them from the bin. For her defiance, she was locked in her cell.

Defiance was, in fact, extremely common. At the daily name call Anna would refuse to answer to the name of Brotmeyer, insisting that her real name was Schmidt. To get her off the tennis court or into or out of her cell, physical force was almost routinely applied. On one occasion she was chased off the tennis court by a passing riot squad. On three occasions she was "breached" on disciplinary grounds. The longer she was in prison the more time she spent in virtual solitary confinement in a Detention Unit cell.

Anna's relations with fellow prisoners were often tense. The most common complaints about Anna concerned her bodily hygiene. She was incontinent, a clear warning sign of mental illness. After several weeks in prison she began to refuse to shower. On June 4 a member of the nursing staff came to Anna to discuss these delicate matters, without much noticeable effect. For some reason Anna hoarded food in her cell. Once, putrid sandwich meat was discovered under her mattress. An even greater threat arose when the prisoners observed the way she handled food during the period of her menstruation. On September 19 she was returned for the fourth time to the punitive Detention Unit of the prison for her protection. Anna was observed sobbing inconsolably, completely unaware of what she had done to deserve treatment such as this.

Often Anna's defiance of the prison guards would inconvenience her fellow inmates. She would, for example, deny everyone access to the designated toilet cell by locking herself in.

On occasions she would stare vacantly at prisoners whom she sat near, or even follow them round obsessively. Her mood would shift uncertainly from sweetness to ominous blackness. At best she irritated other prisoners; at worst they felt unsettled or threatened by her presence. There were frequent scuffles involving Anna. In her illness, she was simply incapable of gauging her effect on others or of understanding the prison culture. As a consequence, she was at risk of serious harm. Among the inmates there was talk of knifing her. In the environment into which she had been thrown, Anna clearly needed physical protection. Luckily, one of her fellow inmates took Anna under her wing. She was strongly encouraged to do so by the guards. As they explained, if anything untoward were to happen to an immigration prisoner everyone would be “in deep shit”.

For the first four months of her imprisonment, the doctors and psychologists who examined her from time to time thought Anna was behaving oddly but did not believe her to be mentally ill. It was only in late July that her case was taken up by two sympathetic members of the Prison Mental Health Unit, Tamara Smith and Robert Pedley. They concluded that Anna’s behaviour had deteriorated noticeably since an earlier assessment of May 19. On August 10 Anna was seen by the visiting prison psychiatrist, Dr Dominique Hannah. Anna’s behaviour seemed to her so bizarre that she thought it likely she was suffering “psychotic disorder”. A thorough assessment at Princess Alexandra Hospital was arranged. Accompanied by two immigration officers, Anna was involuntarily dispatched there between August 20 and 26. She was seen by four separate psychiatrists. The doctors did not receive prison file notes. Two were under the impression that following their assessment Anna would be deported to Germany. During her time in hospital Anna remained “well groomed”. To try to avoid medication she pretended to be pregnant. The final verdict came from a Dr Schneider: “Ms Brotmeyer was displaying some odd behaviour [but] she did not fulfil any diagnostic criteria for a mental illness.” Anna was returned to prison. From her point of view she had, once more, escaped.

I asked Debbie Kilroy, the remarkable founder of a Brisbane women’s prison support network called Sisters Inside, whether she was surprised by Dr Schneider’s assessment. She almost laughed. Prisoners were almost never assigned the rare treasure of a psychiatric bed. Prisons were full of people far more mentally disturbed than Anna. The worst cases were taken to a place where Anna never went, the prison’s Crisis Support Unit. To reveal to me the kind of cases housed there, she told me the story of a woman who had slashed her abdomen in order to remove her bowel.

What was going on in Anna’s mind during her time in the Brisbane jail? She was obviously distressed about her imprisonment, explaining to anyone who would listen that she had done nothing wrong. She was even more obviously distressed about being sent to the punishment cells of the Detention Unit. Prison notes record her there as tearful, aggressive and bewildered. There is clear evidence that while she was in the Brisbane prison Anna was fully aware of her true identity. On one occasion she told a fellow inmate, in strictest confidence, that her name was Cornelia Rau. It must have been obvious to her that in order to be released all she had to do was tell the authorities her true name. But, as she understood, to reveal her identity would lead her back to mental hospital and to a life of medicalisation. It was to avoid precisely such a fate that, some months before, she had made her carefully planned escape from Sydney.

In some ways it is more difficult to reconstruct the thinking of Anna’s case officer during her six-month imprisonment in Brisbane, Ben Stonely, than it is to reconstruct hers. Virtually all

the clearly written instructions for the protection of unlawful non-citizens in a situation like Anna's were ignored. According to the Migration Series Instruction 244, because of the risks to the "personal security" of unlawful non-citizens if detained in a jail, such detention was to be regarded as "a last resort", used only "until alternative arrangements are made". There is absolutely no evidence that these instructions were even understood, let alone followed. Anna Brotmeyer alias Schmidt languished in the Brisbane prison for a full six months, altogether undisturbed. The same instruction makes clear that it is the duty of the DIMIA officer in charge of a detainee's case to maintain weekly contact with the prison and to visit the detainee at least once a month. There is no written record to show that Stonely spoke to the prison about Anna at all. Mick Palmer concluded that Stonely was not even aware that Anna had been placed in the Detention Unit on five separate occasions. Between the date of her admission and the date of her removal, Stonely visited Anna only three times.

There was in fact an even more serious dereliction of duty than this. Migration Instruction Series 234 requires that "officers should regularly review the need for continued detention, and for maintaining the form of detention". Throughout the period of Anna's six-month incarceration in Brisbane her case was never reviewed. After the initial imprisonment, Stonely never again considered whether Anna's detention was necessary. According to Palmer, the case never even came to the attention of his direct superior. On one occasion, on July 19, it did come, as a matter of routine after the lapse of 30 days, to the so-called Detention Review Committee in Canberra. Palmer was again astonished when he learned that, despite its name, it was not at all the purpose of this committee to decide whether continued detention was lawful or appropriate, much less whether it was humane or just. The committee's job was merely to discover why deportation had not yet occurred.

The only interest DIMIA showed in Anna's case was over the question of her identity and the circumstances preventing her deportation. Yet even interest in this was half-hearted at best. Although a woman who had not been charged with committing a crime was languishing in prison, it took Stonely three weeks before he got round to making contact with the Queensland Police Missing Persons Unit, and ten weeks before he brought the case to the attention of the DIMIA officer at the Australian embassy in Berlin, requesting that they approach the German government for any information it might have on the whereabouts of a missing German citizen named either Anna Brotmeyer or Anna Schmidt. He never stirred his stumps with requests for information from other Queensland government agencies.

As early as April 2004 checks had revealed that no Anna Brotmeyer or Schmidt had entered Australia. By July checks had revealed that Germany had no record of any Anna Brotmeyer or Anna Schmidt unaccounted for. Everyone who was interested knew that Anna was extremely unwell. Everyone who spoke with her knew that her command of English was excellent. And yet the thought that she might not be who she said she was – an overstaying German tourist – seems never to have crossed anyone's mind.

How is the disparity between the seriousness of Anna's situation – indefinite imprisonment – and the indifference and thoughtlessness of the DIMIA officials in charge of her case to be explained? The answer is not complex. Ever since 1992, but especially since 1999, the incarceration for months or years of thousands of innocent people seeking asylum in Australia had been, for DIMIA officers, the most mundane work. As Mick Palmer understood it, the wrongful imprisonment of Cornelia Rau was not the responsibility of junior officials like Ben Stonely. Instead he blamed something he called the DIMIA culture. Cultures,

however, do not arise by magic. Palmer presumably believed his terms of reference did not allow him to investigate why such a culture had formed or where true responsibility for it lay.

In late September, DIMIA decided to move Anna from prison to the Baxter Immigration Detention Centre in the South Australian desert, managed by a private corporation called Global Solutions. Her deportation had proved more difficult than DIMIA had hoped. She had now to be regarded as a long-term detainee. In the Brisbane women's prison something peculiar occurred. Anna was informed that she was about to be deported to Germany. In preparation for this deportation, she was moved from the Detention Unit to the Health Centre. Anna was clearly very excited. The handwritten prison note for September 28 records her buoyant mood: "0330 hrs. Awoke & dressed & was ready to leave. Requesting door opened. Says 'My time is up. It's time to go. People are waiting outside for me.' Either sat on end of bed or @ door, repeatedly requesting above." Her escape plan, it seemed, had worked.

As it turned out, the news was false. Anna was returned to the Detention Unit in despair. On September 30, Stonely dropped off the paperwork for her transfer to Baxter. Anna refused to sign the papers. On October 6, sedated and under restraint, she was transported to the aircraft that flew her onto Baxter.

For several years, before Anna arrived at Baxter, the responsible ministers in the Howard government had been in denial on the question of detainees and mental health. In August 2001 secret film of a six-year-old Iranian, Shayan Badraie, in a state of catatonia, was shown on national TV. The boy had witnessed horrifying scenes in Sydney's Villawood detention centre. Philip Ruddock, the then immigration minister, claimed that his condition might as easily be explained by the fact that his father had remarried when he was young. Time and again, Ruddock denied that detainees were suffering unusual levels of depression. If they experienced difficulties, he explained, their pre-detention experiences were just as likely the cause. And anyhow, for the tiny minority who did suffer psychological problems, more than adequate professional services were at hand.

Following the case of Shayan, an Alliance of Health Professionals – including Professor Derek Silove, Dr Louise Newman, Dr Michael Dudley and Zachary Steele – was formed. Although the government did not permit studies of the mental health of detainees, and did not conduct any study of its own, this group was determined that some forms of research would nevertheless be pursued. Observation pieces were written. Studies were conducted among former detainees. Most ingeniously, a method for assessing the impact of long-term detention on almost an entire cohort of families of a single ethnic group in the same desert camp was devised. As one of the authors, Zachary Steele, explained to me, the standard questionnaire had to be smuggled into and out of the camp. Follow-up interviews had to be conducted by phone. Research methods like this are usually needed only in a police state.

In October 2004 Baxter held almost all Australia's long-term detainees, among them the 140 or so asylum seekers from Afghanistan, Iran and Iraq whose refugee claims had failed. These people had been imprisoned in detention centres in Australia for several years. Almost all were by now profoundly depressed. As the DIMIA manager at Baxter, Kay Kannis, revealed to the Federal Court in early 2005, the majority of them took powerful anti-depressant medications. Some had completely lost their minds. The recently retired Baxter psychiatrist, Dr Howard Gorton, told *Four Corners*: "The people I saw and treated at Baxter were the most damaged people I've seen in my whole psychiatric career. Up until that time, I'd never met an adult-onset bed-wetter. I'd never met someone with psychological blindness. And

there were also a few physically crippled people who believed they were unable to walk, and this was probably psychological too.”

Independent psychiatrists were effectively prohibited from seeing Baxter detainees except in one special situation – if an opinion was required in a legal case. The independent psychiatrist with most experience of Baxter inmates is Dr Jon Jureidini, who reckons he has seen between 15 and 25. To many of these people he administered the standard test for measuring depression, the Hamilton Rating Scale. When we met, he explained to me that a patient scoring 24 was thought to be suffering from severe depression. Every Baxter detainee he had seen scored 39 or higher.

To try to explain the severity of the situation at Baxter and the level of officially sanctioned neglect, Jureidini told me a story of a woman he had visited some time before. “She hadn’t walked for two months. Her husband carried her to the shower and she crawled to the toilet ... When I went to see her, from the moment she stirred and knew I was there, she started to scream and she screamed for the whole time I was in there. It was only about ten minutes because I couldn’t stand it any longer and I knew I wouldn’t be able to stop her. And then she screamed for another ten or 15 minutes afterwards ... We eventually got her transferred down to Glenside [a psychiatric hospital] and she had fractures of her ribs from osteoporosis, from malnutrition. She was anaemic and the physician who saw her said she was lucky she wasn’t dead. She hadn’t been in the light for six months. She had a baby. Initially she wouldn’t let the baby away from her. It was dazzled by the light ... And this was somebody who’d been judged by the psychologist or health services as being in the right place and as being adequately managed.”

It was into such a world that Anna came. Even though severe mental illness was commonplace, her condition stood out. At Baxter the long-term detainees suffered mainly from profound depression. They were tired of life; they could barely sleep and had vivid nightmares when they did; their bodies shook; they experienced uncontrollable fits of rage and terrifying panic attacks. By contrast, Anna was in the grip of a florid psychosis. She paced frantically; she stared blankly; she sat in the dirt; she had dispensed with personal hygiene; she had lost all inhibition and modesty; often she cried; sometimes she screamed; she was gentle with fellow detainees but often verbally and physically aggressive with the guards. Most inmates and regular visitors to Baxter recognised, almost at a glance, that there was something very seriously wrong with Anna.

This was not, at first, the official view. After her two initial meetings with the Baxter psychologist, Adam Micallef, on October 6 and 14, Anna was assessed as having “behavioural problems” and “a personality disorder” but not to be mentally ill. Such a view was soon popular among most of the Baxter guards. They believed she was “playing up”. To explain her strangeness, a story quickly took hold among this group: before arriving at Baxter she had lived with Aborigines in north Queensland, sniffing petrol.

The brand new, hi-tech detention centre where Anna now found herself was an almost perfect fulfilment of Jeremy Bentham’s “panopticon” dream. Baxter had more than 70 surveillance cameras. As Kay Kannis explained, she could sit in her office, flick between three video screens and take in almost the entire scene. For the better management of its inmates, Baxter was divided into three types of residency. Well-behaved detainees lived in what was called the Blue Compound. Ill-behaved detainees were sent to what was called the Management Unit, which comprised bare cells where the inmates were confined for up to 20 hours,

sleeping on a mattress on a concrete floor under the gaze of a surveillance camera and under a dim light that was switched on 24 hours a day. Between the Blue Compound and the Management Unit was an intermediate form of residency known as Red Gum, or Red One, which was organised according to the psychological principles of behavioural modification.

The philosophy of Red One was expressed officially like this: “Consistent good behaviour is rewarded by progression onto further stages of opportunity, with the goal being the return to normal compound routine.” On their moral journey to Blue Compound, Red One residents had to pass through four stages. In the first stage detainees were permitted four hours out of their cell per day, one outgoing telephone call and two changes of clothing, but no stereo or TV. By the time they reached stage four, they were allowed out of their cells between 8 a.m. and 11 p.m., permitted five changes of clothing, unlimited phone calls, one electric item and a stereo with eight CDs. From stage three detainees could win “merit points”. Merit points were awarded for participation in what was called “Meaningful Activity” – but only “if the meaningful activity is completed to an acceptable standard”. I have met some of the highly intelligent and fiercely proud men who have languished in Baxter. Nothing was more humiliating to their dignity than Global Solution’s Red One “behavioural realignment” plan.

Anna began at Baxter in Blue Compound. She lasted there only ten days. Because she wandered into the rooms of other detainees, made sexual advances to males and appeared at her window naked, she was quickly sent to Red One on a behavioural plan. Unsurprisingly for someone in her condition, it failed to work. Apart from two miserable stretches in the near solitary confinement of the Management Unit, Anna was in Red One for most of her time at Baxter. The sweetness of her spirit was obvious to many of the detainees, who looked after her as best they could. Some of the guards were friendly. One, who was devastated by the experience of Baxter, told a young Australian woman, in a Port Augusta pub, that after every shift he sought to bring Anna’s plight to the attention of his superiors. Other guards treated her with studied cruelty and mocking contempt. A Tanzanian detainee, Kasian Wilolo, told me that because no one ever visited or phoned Anna she became a kind of non-person in their eyes. Both physically and verbally, Anna often fought back. When I visited Baxter, a number of detainees claimed that certain guards spied on Anna through the eye-hole into the cell when she was naked or taking a shower.

How is it possible that a woman as obviously mentally ill as Anna was left in prison-like conditions for four months? The company that ran Baxter employed one psychiatrist, under contract. During the entire time Anna was in Baxter, Dr Andrew Frukacz visited the detention centre only once, on November 6. Frukacz thought she might be suffering from schizophrenia. He recommended outside assessment. Over the next ten days the Baxter psychologist, Micallef, made a fitful attempt for this to be arranged. No sense of urgency was communicated. On November 12, after a chat with Micallef, a Glenside psychiatrist formed the view that Anna’s problems were probably behavioural. On November 17, without informing Baxter, Anna’s name was removed from the Glenside assessment waiting list. For the next six weeks the issue of Anna’s mental health was not raised.

What efforts, then, were made to solve the mystery of her identity? Moving forward at what Mick Palmer described as its characteristically glacial pace, DIMIA asked through the German consulate in Melbourne that another check be made for a missing German citizen, either Anna Brotmeyer or Anna Schmidt. Anna’s photo was sent. DIMIA did not manage to meet the consulate’s request for Anna’s fingerprints. Nothing was discovered. On January 20, the German consulate told DIMIA that in their opinion Anna was, most likely, a longstanding

Australian resident who had migrated with her parents as a child. Four days later they advised DIMIA that as there was no ground for believing Anna to be a German citizen, under international law they must formally withdraw from the case.

It was not only the German consulate that believed Anna to be an Australian. On October 20 a DIMIA public servant asked her the question point blank. Anna did not respond. More importantly, on November 24, a DIMIA official at Baxter, Troy Sokoloff, sent his colleagues a memorandum concerning the situation of those detainees presently in Management Unit. Wedged between the discussions of one detainee who claimed he wanted to stay in Management Unit for ten years, and of another who had tried to strangle himself with an electric cord, Sokoloff wrote: "GSL Case Management also suggested that they believe Anna may be an Australian citizen and they recommend that missing persons be checked with the AFP and other investigations be made to check this." The memorandum was circulated to the DIMIA manager, Kay Kannis, and to Annette Keenan at DIMIA in Canberra. At the time the memo was sent a nationwide missing person search for Cornelia Rau was underway. It is not impossible that Anna's case manager had read the description of Cornelia published in the latest edition of Adelaide's *Sunday Mail*. Perhaps the penny had dropped.

How, then, did DIMIA at Baxter and in Canberra respond to the memorandum suggesting that they had been responsible for locking up an Australian citizen for the past eight months? It seems scarcely credible, and yet it seems to be true, that the memorandum was not regarded as sufficiently serious to prompt action of any kind.

For the past five years the indefinite detention of unlawful non-citizens not guilty of any crime had been one of DIMIA's more routine tasks. Among the department's public servants a condition of moral inertia had set in. It is possible that the memorandum of November 24 was deliberately covered up. It is far more likely, however, that it was quickly perused by a number of bored public servants and then quietly filed away. Even if Baxter inmate No. BX8311 was an Australian citizen or resident, so what?

In early December 2004, three Iranian asylum seekers who had been detained in Australia for four years or more climbed onto the roof of the gymnasium at the Baxter detention centre and refused to come down. The men were burned by the sun, froze at night and experienced a torrential thunderstorm. Other long-term detainees sewed their lips together or joined a hunger strike. Australian public opinion had become so accustomed to scenes like this that the strike was barely reported. On December 18 the three men were persuaded to come down.

Two Adelaide women, a lawyer and a migration agent, were by now fighting for the release of the mentally ill Baxter detainees. The lawyer, Claire O'Connor, began an action in the Federal Court merely to compel DIMIA to have one of the most disturbed Iranians, Abdoul Hamidi, given appropriate psychiatric care. The Commonwealth vigorously opposed; the action was unsuccessful. At the same time the migration agent, Libby Hogarth, was attempting to secure visas for nine of her clients. She arranged for two psychiatrists, Louise Newman and Michael Dudley, and Adelaide GP Malcolm Richards to visit Baxter to prepare independent reports. The three arrived at the end of December. Although the paperwork had been approved by a junior office worker, when the purpose of their visit became clear obstacles emerged.

Despite this, Newman and Dudley were able to conduct detailed interviews. I have been shown two of the reports. They are of the men who had been on the Baxter roof. Both were

suffering from what was called severe major depression. One man, who had recently tried to cut his neck and had recurrent nightmares about killing his sister, felt as if “he was split into two people with one watching what the other is doing”. The other, who was devoid of all energy or interest in life, displayed clear psychotic symptoms. “He feels that everything in his life is like a film, and often touches things to see if they are real ... He feels that the TV and the radio speak to him ... and that people are out to harm him. He hears voices outside his head in his ears. One tells him that he is worthless and should end his life, and another tells him not to do it.”

In the course of the interviews, three of the men asked Louise Newman if she was going to see someone they called Anna. “They told me she had been totally out of control, screaming incoherently, rolling around on the ground, eating dirt, smearing faeces and totally disturbed.” But as Anna was in no fit state to ask for legal help, she was not on Libby Hogarth’s list.

Between them Newman and Dudley interviewed eight men. There was some reluctance to allow them to see the ninth. Eventually, however, he was produced. Michael Dudley told me that when he saw this man he was shocked. He was “totally immobile – mute and rocking and catatonic”. The doctors were so alarmed that they decided to commit the man – who was given the name “John Williams” – to Glenside psychiatric hospital at once. Even though the one Baxter psychiatrist had not visited since November 6 and was not due again until mid-February; even though the three doctors had met eight very seriously mentally ill detainees inside an environment they regarded as “toxic”; even though they had seen one detainee who was completely catatonic – DIMIA was now furious, not with GSL for its mismanagement, but with the three doctors for their interference and their impudence. The department sent fierce letters to the relevant associations complaining about the unprofessional conduct of Newman, Dudley and Richards.

Four days after the doctors’ visit, and after six weeks of neglect, Adam Micallef returned to the case of Anna. He asked Glenside for advice. He said the case was urgent. The Baxter GP offered him support. He expressed the view that Anna might be suffering from schizophrenia. At Glenside there was strong resistance to the idea of treating Baxter patients. It was not only that beds were scarce. Patients arriving in wards accompanied by uniformed guards were generally regarded as harmful and disruptive. The Glenside psychiatrist advised against committal.

It was not long before stories about Anna reached no less a figure than the director of South Australian Mental Health, Dr Jonathan Phillips. He was furious with what he heard. On January 24 he threatened that unless something was done soon he would go to Baxter himself to see Anna and conduct his own assessment. It was now the turn of the director of South Australia’s Rural and Remote Mental Health Service, Dr Fiona Kelly, to be angry. In January she recommended dealing with the case of Anna according to established procedures. A week of muddle now ensued. Anna was, not surprisingly, unhelpful. Two phone meetings between the Baxter GP and a Glenside psychiatrist fell through. By February 2 a final decision to commit Anna to Glenside for assessment had not yet been made.

Since November 2004 one of the more active of the asylum seeker advocates, Pamela Curr, had become increasingly alarmed at the stories she heard about the desperately ill young German woman, Anna. Curr contacted the German consulate, DIMIA, the ombudsman, the Immigration Detention Advisory Group – anyone she could think of – demanding action. She

circulated information about Anna on the asylum seeker websites. A Fairfax journalist, Andra Jackson, became curious. On January 31, in *The Age* and *The Sydney Morning Herald*, the strange story of Anna finally reached the press.

For ten months DIMIA had not bothered to enlist the media's help in the search for Anna's identity. DIMIA had not even circulated her photo. Yet, as it turned out, one newspaper article was all that was required. In early February the Raus were on holiday. A family friend sent them the article. Could the mysterious young German woman be Cornelia? At 2 p.m. on February 3, Veronika Rau contacted the Manly police. They contacted Baxter. A photo of Anna was emailed to the police and by them to the Raus. It was Cornelia. After 6 p.m. Veronika spoke to Kay Kannis. She was told there was no need to visit Baxter. Her daughter would be released at once and flown to Adelaide by the Royal Flying Doctor Service the following day. At 4 p.m. the papers for the committal of Anna to Glenside had been signed. The signature followed hard upon the Manly police request for a photo of Anna.

After four months of lethargy on the Anna front, there was now a sudden urgency. Baxter guards entered Anna's cell while she was showering. They threw a sheet over her and dragged her out, kicking and screaming. Five months later, Cornelia Rau described what happened to her like this. "I was suddenly transported to a mental institution and the circumstances were very strange. About five people in large clothing came into my room at night while I was having a shower and I hardly had a chance to turn off the tap. I was nude and hardly could get something on to cover myself. They were harsh and forceful. Then they slipped me onto an ambulance stretcher-bed. It was so foul. I didn't know what was going on ..."

What was the urgency about? The answer seems clear. The next day's media was certain to report on the strange case of Cornelia Rau. When that happened, it was vital that she be "a former detainee".

The wrongful ten-month incarceration of Cornelia Rau was instantly a big media story. Even some of the Howard government's most reliable defenders were straining at the leash. On February 11 Alan Jones told his TV audience: "We end the week with the nation surely reeling in the wake of the Cornelia Rau fiasco." John Howard is the master of conceding just enough but not too much. And three days after Cornelia's release from Baxter, Howard announced that a former head of the federal police, Mick Palmer, would conduct an independent but non-judicial inquiry.

In the six months following the liberation of Cornelia Rau the moral legitimacy of Australia's policy of mandatory detention was shaken. In the Federal Court in May, in a case brought on by Claire O'Connor, Justice Finn found that the Commonwealth had failed comprehensively to fulfil its duty of care with regard to two mentally ill detainees at Baxter. At the same time a federal Liberal backbencher, Petro Georgiou, mounted a skilful and successful revolt which obliged the prime minister to promise that all children would be released from detention and that at the end of two years – *two years* – all cases of continuing detention would be subject to review by the Commonwealth ombudsman. Two hundred cases of wrongful detention were now belatedly discovered. In one, a crippled Australian citizen, Vivian Solon, had been brutally deported to the Philippines. During these months most of the long-term detainees – including the seven-year record-holder Peter Qasim – were quietly released. And in late July, an inquiry announced that in 2004 five detainees being transported from Maribyrnong had

suffered serious human rights abuse at the hands of their GSL guards, and that following the abuse two senior GSL managers had blatantly lied.

In politics, the precise relationship between cause and effect is usually unclear. Some of the things that happened in the six months following the release of Cornelia Rau would certainly have happened anyway. Some, most likely, would not. What is clear, however, is that the case of Cornelia Rau shaped public opinion about the treatment of asylum seekers in a way no previous episode had. The Cornelia Rau affair taught the public that the lazy trust it had placed in government – not to inflict on innocents serious harm – was unwarranted. It was able to do this, as almost everyone immediately understood, because the person who had suffered false imprisonment and neglect was not a swarthy, dark-skinned, Islamic outsider. She was “one of us”. If, in February 2005, it had been discovered that a mentally ill Australian woman of Iranian descent had been wrongfully imprisoned, the transformative effect on public opinion would almost certainly have been immeasurably less.

The most important political consequence of the Cornelia Rau affair was the report of the Palmer inquiry itself. According to Palmer, the two main sections of the immigration department that had been responsible in recent years for depriving thousands of people of their liberty – detention and compliance – were staffed by basically untrained officers ignorant even of their own department’s instructions and rules. The detention and compliance sections were dominated by what Palmer called an “assumption culture”. If someone was locked up it was assumed their incarceration remained legal. If someone showed signs of deep depression it was assumed that was normal. If someone criticised policies or practices it was assumed they were driven by political agendas and ought to be ignored. Even though the department deprived people of their liberty it had no sense of urgency. Officers were not encouraged to use “common sense”. Routinised procedures had in all circumstances to be obeyed. The department was, as a consequence, “process rich and outcome poor”. No one took responsibility for individual cases. Everyone saw themselves as a “bit player”. In the face of criticism, the instinct was to be “self-protective and defensive”. The department was incapable of “self-criticism”. Its culture was one of “denial and self-justification”. Such problems were by no means found only in the lower ranks. The rot began at the top.

In the history of the Australian Commonwealth, there has never been a more devastating assessment of the work of a major department of state than the one contained in the Palmer report.

Only two elements were odd. The responsibility in this mess of the immigration minister, Amanda Vanstone, was not discussed. For the department’s failings only its secretary Bill Farmer, before being moved sideways to the Indonesian ambassadorship, formally shouldered blame. Upon the release of the Palmer report, the prime minister rejected calls for the replacement of Vanstone. Apparently, in our system of government, a minister does not have to resign even when systemic and disastrous failings in the department for which they are responsible are revealed. In the constitutional history of Australia, the Howard government’s behaviour following the Palmer inquiry will be seen to mark the formal end of the Westminster principle of ministerial responsibility.

An even odder feature of the Palmer report was its failure to discuss the relationship between the diseased culture of the immigration department and the policy which had given rise to the disease – mandatory, unreviewable and indefinite detention of asylum seekers, whose only crime was to have appealed to Australia for help. It was as if, to deploy an admittedly

extreme analogy, an independent inquiry into the Gulag Archipelago should have criticised fiercely the “culture” of the Ministry of the Interior without mentioning that this same culture had some connection with the policy of turning supposed class enemies of the revolution into slave labourers of the Soviet state.

There was one person for whom the findings of the Palmer inquiry seemed entirely irrelevant: Cornelia Rau. Public opinion saw her movement from the Baxter detention centre to the Glenside psychiatric hospital as the righting of a wrong. Cornelia saw it merely as the continuation of her oppression. Five months after her transfer to Glenside, she sent a rambling 15-page handwritten letter to two journalists at the *Adelaide Advertiser*. The letter is dominated by a single question. How can the continued incarceration of a healthy and fun-loving woman be justified or explained? Locked inside the prison of her illness, Cornelia could not understand that the people who loved her most were those who were most insistent that she remain under psychiatric care and take the medicines prescribed.

Mental illness should never be sentimentalised. It is frightening and uncharming. Yet the humanity of the afflicted must also never be forgotten. Towards the end of Cornelia’s letter a passage concerning freedom takes us to the very heart of her private tragedy. “If I had a pet,” she writes, “I’d like a possum that lives outside and just pops into the garden every now and then.” She simply did not understand why, like her imagined possum, she could not be free.

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