

## Chapter 5

### Sequence of events leading up to and during the incident of 16 February to 18 February 2014

#### Introduction

5.1 The terms of reference for the inquiry require the committee to examine the chronology of events relating to the incident at the Manus Island Regional Processing Centre from 16 February to 18 February 2014. In considering these events, the committee has relied both on the evidence presented to it as well as the Cornall Review of the incident. The committee has also been particularly mindful of the need to avoid any interference with the investigation and prosecution of the criminal offences associated with these events: these are properly matters for the Royal Papua New Guinea Constabulary (PNG Police) and the Papua New Guinean courts. As a result, while the committee received evidence regarding the criminal culpability of particular individuals, it has deliberately avoided discussion of those issues in this report.

#### Overview of events leading up to and during the incident from 16 to 18 February 2014

5.2 The following timeline of events leading up to and during the incident at Manus Island Regional Processing Centre (RPC) from 16 to 18 February 2014 is a summary and has been drawn together from various sources. The factors and events that directly contributed to the incident are discussed in greater detail later in this chapter and chapter 8.

Date	Event
December 2013	Rumours circulated in the Manus Island RPC that there would be an amnesty in offshore processing at Christmas resulting in asylum seekers being transferred to Australia. <sup>1</sup>
15 December 2013	G4S submitted a further proposal for improved security lighting and fencing to the department. <sup>2</sup> The department entered a contract for security works including improved fencing in December. <sup>3</sup>

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1 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, 23 May 2014, pp 30-31.

2 This followed an earlier proposal submitted on 13 October 2013.

3 Mr Martin Bowles PSM, Secretary, Department of Immigration and Border Protection, *Committee Hansard*, 10 June 2014, pp 7 and 17. The Secretary noted that these infrastructure improvements were also recommendations of the Force Protection Review. See also: Document tabled by Lieutenant General Angus Campbell DSC, *Joint Agency Taskforce - Operation Sovereign Borders Manus OPC Force Protection Review* (tabled 11 July 2014).

Date	Event
2 January 2014	G4S submitted a security risk assessment advocating the 'erection of more robust fencing, installation of [closed circuit television] and improved security lighting' to department. <sup>4</sup>
26 January 2014	Protests started at the RPC, initially localised to Oscar compound. The protests were described as peaceful and ad hoc. <sup>5</sup> From this day onwards, protests occurred on a daily basis, becoming more organised and involving more compounds within the RPC.
30 January 2014	G4S requested an additional 30 guards. The request was approved by the department. <sup>6</sup>
1 February 2014	G4S requested an additional 100 guards. The department sought additional information about this request but it was ultimately approved. <sup>7</sup>
2 February 2014	G4S contacted the department urging it to open discussions with asylum seekers on refugee status determination (RSD). <sup>8</sup>
4 February 2014	G4S sent a briefing note to Mr Martin Bowles PSM, Secretary of the department, requesting urgent reinstatement of RSD, and expedited action in relation to outstanding security issues previously raised by G4S with the department. <sup>9</sup>
5 February 2014	A meeting between asylum seekers and the department occurs at the RPC during which asylum seekers issue the department with a series of questions, seeking answers within 12 days. <sup>10</sup>
6/7 February 2014	G4S sent letters to the Secretary of the department and the Minister for Immigration and Border Protection outlining concerns about the handover to Transfield Services and other issues relating to the RPC. <sup>11</sup>
16 February 2014	During the afternoon, a meeting between asylum seekers, the

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4 *Submission 29*, p. 4.

5 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 32-33.

6 *Submission 29*, p. 4.

7 *Submission 29*, p. 4; Mr Martin Bowles PSM, Department of Immigration and Border Protection, *Committee Hansard*, 10 June 2014, pp 10-11.

8 *Submission 29*, p. 4.

9 *Submission 29*, pp 4 and Attachment 8.

10 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 33.

11 *Submission 29*, pp 4 and Attachments 19 and 20.

Date	Event
	department and PNG immigration officials took place to respond to the questions put to the department on 5 February 2014. <sup>12</sup>
	During the evening, 35 asylum seekers escaped from Oscar compound. All were captured and returned by G4S guards with the assistance of the PNG Police and other locals. Eight asylum seekers were detained in the custody of PNG Police (they were returned to the RPC several days later). <sup>13</sup>
	Violent rioting occurred in Oscar compound. G4S guards and other locals entered Oscar compound. <sup>14</sup>
	More than 200 asylum seekers engaged in protesting in Foxtrot and Mike compounds. The G4S Incident Response Team (IRT) was deployed to prevent protesting asylum seekers in Foxtrot compound entering Mike compound. <sup>15</sup>
	Approximately 25 asylum seekers and five G4S staff were injured during these protests and required medical treatment. <sup>16</sup>
17 February 2014	On the morning of 17 February, the Australian Minister for Immigration and Border Protection issued a media release confirming that 'there was a disturbance at the Manus Island centre last night.' The Minister later held a press conference at which he provided further details. <sup>17</sup>
	During the morning, G4S and other service providers made contingency plans, including an assessment of available capacity in

12 Mr Mark Cormack, Deputy Secretary, Department of Immigration and Border Protection, *Committee Hansard*, 10 June 2014, p. 20; Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 36-39.

13 G4S, *Submission 29*, p. 17.

14 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 44.

15 G4S, *Submission 29*, p. 17; Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 44-45.

16 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 45.

17 The Hon Scott Morrison MP, Minister for Immigration and Border Protection, 'Incident on Manus Island', *Media release*, 17 February 2014, at: [www.minister.immi.gov.au/media/sm/2014/sm211827.htm](http://www.minister.immi.gov.au/media/sm/2014/sm211827.htm) (accessed 9 September 2014); 'Manus Island incident, Navy mistreatment allegations, Operation Sovereign Borders', *Press Conference*, 17 February 2014, at: [www.minister.immi.gov.au/media/sm/2014/sm211855.htm](http://www.minister.immi.gov.au/media/sm/2014/sm211855.htm) (accessed 22 October 2014).

Date	Event
	the medical centre, in preparation for further possible disturbances at the RPC. <sup>18</sup>
	Tension started to mount in Mike compound from approximately 1.45 pm. <sup>19</sup>
	Protest activity commenced in Oscar compound at around 4.45 pm. <sup>20</sup>
	All non-essential staff were removed from the RPC by approximately 5.15 pm. <sup>21</sup>
	At approximately 5.35 pm, some asylum seekers not engaged in the protests were moved from Oscar compound to Bravo and Charlie compounds. <sup>22</sup>
	From approximately 9.30 pm protest activity increased.
	Shortly after 9.30 pm the generator supplying power to Mike compound failed. <sup>23</sup>
	At around 9.45 pm the PNG Police mobile squad with a dog team is deployed in the 'Green Zone' (the area between Mike and Foxtrot compounds). <sup>24</sup>
	The G4S IRT is deployed to assist G4S staff located in the Green Zone who were subjected to rock and other missile attack. The staff were extracted at 9.59 pm. <sup>25</sup>
	At around 10.00 pm the IRT withdrew from the Green Zone. <sup>26</sup>
	Protestors destroyed the fence between Mike and Foxtrot compounds at 10.05 pm, enabling protestors from these two compounds to

18 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 48.

19 G4S, *Submission 29*, Attachment 4, p. 1.

20 G4S, *Submission 29*, Attachment 4, p. 2.

21 G4S, *Submission 29*, Attachment 4, p. 3.

22 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 50; Mr Kevin Pye, G4S, *Committee Hansard*, 10 June 2014, p. 39.

23 G4S, *Submission 29*, p. 18.

24 G4S, *Submission 29*, Attachment 4, p. 6; Mr Mark Cormack, Department of Immigration and Border Protection, *Committee Hansard*, 11 July 2014, p. 36.

25 G4S, *Submission 29*, p. 18.

26 G4S, *Submission 29*, p. 18.

Date	Event
	<p>combine.<sup>27</sup></p> <p>At 10.37 pm the IRT withdrew completely from Mike compound.<sup>28</sup></p> <p>Between 11.00pm and 11.30 pm, injured asylum seekers including Mr Reza Barati were brought to the triage point established by IHMS at the Bibby Progress.</p> <p>At around 11.15 pm, the IRT entered Foxtrot compound to enable approximately 400 asylum seekers who were not involved in the protesting to evacuate to an oval.<sup>29</sup></p> <p>Gunshots were heard from 11.22 pm. It was alleged that about the same time, PNG Police officers and other PNG locals entered Mike compound and began fighting with rioting asylum seekers.<sup>30</sup></p>
18 February 2014	<p>G4S re-established control of the RPC at approximately 1.00 am.<sup>31</sup></p> <p>Mr Barati died enroute to Lorengau hospital after departing from the Bibby in an ambulance at approximately 2.00 am.</p> <p>Investigations by PNG Police into the events of 17 February commenced.</p> <p>At 11.00 am AEDT the Minister for Immigration and Border Protection issued a statement in relation to the incident at Manus Island RPC on 17 February. The minister stated that he was advised 'that during the events PNG Police did not enter the centre and that their activities related only to dealing with transferees who breached the external perimeter'.<sup>32</sup></p>
21 February 2014	<p>The Minister for Immigration and Border Protection announced an independent review of the incident by Mr Robert Cornall AO, a former Secretary of the Attorney-General's Department.<sup>33</sup></p>

27 G4S, *Submission 29*, p. 18.

28 G4S, *Submission 29*, p. 18.

29 G4S, *Submission 29*, p. 19.

30 G4S, *Submission 29*, p. 19 and Attachment 4, p. 11.

31 G4S, *Submission 29*, Attachment 4, pp 12-4.

32 The Hon Scott Morrison MP, Minister for Immigration and Border Protection, 'Statement on further incident at Manus Island OPC', *Media release*, 18 February 2014, at: <http://www.minister.immi.gov.au/media/sm/2014/sm211867.htm> (accessed 9 September 2014).

33 The Hon Scott Morrison MP, Minister for Immigration and Border Protection, 'Manus Island incident, Operation Sovereign Borders, joint review', *Press conference*, 21 February 2014, at: [www.minister.immi.gov.au/media/sm/2014/sm212027.htm](http://www.minister.immi.gov.au/media/sm/2014/sm212027.htm) (accessed 10 September 2014).

Date	Event
22 February 2014	The Minister for Immigration and Border Protection issued a media release confirming that 'the majority of the riotous behaviour...and the response to that behaviour to restore order to the centre, took place within the perimeter of the centre'. <sup>34</sup>

## Events leading up to 16 February 2014

### *Build-up of protest activity in January 2014*

5.3 During late 2013, rumours circulated amongst asylum seekers at the Manus Island RPC that there would be an amnesty in offshore processing at Christmas resulting in asylum seekers being transferred to Australia.<sup>35</sup>

5.4 The Cornall Review noted that the Manus Island RPC remained calm over the Christmas period and early January 2014.<sup>36</sup> This view was confirmed in the evidence provided to the committee by the G4S Deputy General Manager of the Manus Island RPC, Mr John McCaffery:

...prior to the commencement of the peaceful protest on 26 January, over Christmas it had been extremely quiet. There had been a very good relationship between the transferees and the other stakeholders. The transferees had put together collections to give to the local school and the local hospital. At that stage, I left the island. I was there over Christmas and New Year's and I left about the 8th or 9th.<sup>37</sup>

5.5 However, towards the end of January there was a further rumour about a possible amnesty and a build-up in tensions in the centre.<sup>38</sup> Mr Chris Manning, Managing Director of Immigration Services for G4S Australia explained:

...on 30 January, the intelligence suggested that we were entering a new phase in the mood of the centre. There was, for the first time, in that current range of protests, active intelligence coming through that there was a threat of violent action—pushing down fences, setting fires and generally causing

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34 The Hon Scott Morrison MP, Minister for Immigration and Border Protection, 'Manus Island Update', *Media release*, 22 February 2014, at: [www.minister.immi.gov.au/media/sm/2014/sm212031.htm](http://www.minister.immi.gov.au/media/sm/2014/sm212031.htm) (accessed 9 September 2014).

35 Mr Kenneth Douglas, First Assistant Secretary, Department of Immigration and Border Protection, *Committee Hansard*, 10 June 2014, p. 11; Mr Mark Cormack, Department of Immigration and Border Protection, *Committee Hansard*, 11 July 2014, p. 19; Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 30-31.

36 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 32. See also Mr Robert Cornall AO, *Committee Hansard*, 12 June 2014, p. 10.

37 *Committee Hansard*, 10 June 2014, p. 45.

38 Mr Martin Bowles PSM, Department of Immigration and Border Protection, *Committee Hansard*, 10 June 2014, p. 11.

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violent unrest. That is the time at which we escalated the level of communication to secretary and ministerial level.<sup>39</sup>

### ***Requests for additional security staff***

5.6 The build-up in protest activity led G4S to request on 30 January 2014 approval from the department to engage 30 additional guards. Mr Manning, G4S, explained this request:

The reason we asked for 30 in the first place was that 30 January was the first day that intelligence suggested that the hitherto peaceful protests were likely to escalate to violence, pushing down fences or lighting fires. That is what triggered the request for additional guards.<sup>40</sup>

5.7 The department agreed to this request straight away.<sup>41</sup>

5.8 On 1 February 2014, G4S emailed the department requesting an additional 100 guards. Mr Manning, G4S, indicated that this request had been foreshadowed with the department when the 30 additional guards were requested:

I made it clear in the initial response that 30 was just the first stage. The reason I did that is that it was easy to get 30 extra guards across from Port Moresby because they were almost immediately available. It was a kind of first-stage response—an immediate response—to the growing tensions, threat of violence at the centre. When we made that request [I indicated] that I may be coming to them ...for an additional 100, because that is what I felt was needed, we would not have been able to muster 100 extra staff at that kind of notice. That is why it came across as a staged approach...

It was a preliminary move... We were also obviously hoping that we would see some progress in terms of improved communication with transferees, because that is really what they were seeking, as other emails attest to. So I did not want to activate the extra 100, when it would not necessarily have been necessary.<sup>42</sup>

5.9 G4S submitted that the department initially rejected this request.<sup>43</sup> However, the evidence from the department suggested that this was more an issue of the department seeking additional information about the request before agreeing to the

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39 *Committee Hansard*, 10 June 2014, p. 53. See also: Mr Martin Bowles PSM, Department of Immigration and Border Protection, *Committee Hansard*, 10 June 2014, p. 10; Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 5.

40 Mr Chris Manning, G4S, *Committee Hansard*, 10 June 2014, p. 44.

41 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 74.

42 *Committee Hansard*, 10 June 2014, p. 44. See also *Submission 29*, Attachment 16.

43 *Submission 29*, p. 4 and Attachment 7.

further 100 guards.<sup>44</sup> The Secretary of the department noted that the additional 130 staff were in place by 4 February 2014.<sup>45</sup>

### ***Tensions related to the refugee status determination process***

5.10 In early February, G4S raised its concerns with the department about escalating tensions in the Manus Island RPC and suggested how they might be defused. On 2 February 2014, Mr McCaffery, G4S, emailed the department's centre coordinator, Mr Anthony Kneipp, urging the department to open discussions with detainees in relation to the refugee status determination process. Mr McCaffery stated that the protest action was fundamentally about communication from the department and PNG Immigration and Citizenship Services Authority (ICSA) regarding what was happening in relation to the asylum seekers' applications for resettlement:

...I do not believe any amount of [programs and activities] or excursions will reduce the Transferees ardour [sic] for a response to the simple question of when will they get out of here.<sup>46</sup>

5.11 Similarly, Mr Sven Straub, Acting Managing Director, Southern Pacific Region, G4S sent a detailed briefing note to the Secretary of the department on 4 February 2014 requesting urgent reinstatement of refugee status determination processes and requesting expedited action on outstanding security issues previously raised with the department. The briefing note noted reliable intelligence suggesting that 'a serious event, including setting fires and pushing down fences for the purposes of escaping, is likely to take place in the next few days.'<sup>47</sup> In addition, Mr Straub advised the Secretary that:

We have repeatedly asked the Island Immigration Staff (both Australian and PNG) to engage with Transferees to little avail, although a series of Q&A sessions has now been agreed. G4S has raised this issue with DIBP. This situation is similar to that which prevailed in terms of stalled processing and general frustration with over-crowding on Christmas Island in March 2011 prior to a breakdown of order there. In short, it is our view that the situation could be easily defused if transferees can be provided reassurance on timelines for processing of their claims and if PNG ICSA commenced processing claims again.<sup>48</sup>

5.12 A meeting was held on 5 February between asylum seekers and the department during which asylum seekers provided the department with a series of

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44 Mr Martin Bowles PSM, *Committee Hansard*, 10 June 2014, pp 10-1.

45 Mr Martin Bowles PSM, *Committee Hansard*, 10 June 2014, p. 10. See also *Committee Hansard*, 10 June 2014, p. 29.

46 *Submission 29*, Attachment 12. See also Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 74-75.

47 *Submission 29*, Attachment 8, p. 3.

48 *Submission 29*, Attachment 8, p. 3. See also Miss Elizabeth Cruikshank, Regional Processing Centre Contract Manager, Salvation Army, *Committee Hansard*, 11 June 2014, p. 27; Salvation Army, *Submission 34*, Annexure A, [p.1] and Annexure B, [p.1].



questions and requested official answers within 12 days.<sup>49</sup> An officer of the department described the purpose of the meeting:

As a result of the rising tensions within the centre, there were a series of consultations and discussions involving the PNG immigration authorities, the welfare providers and G4S to, in many ways, articulate and specifically put down the concerns they had.<sup>50</sup>

5.13 The department and PNG ICSA agreed to answer the questions put by the asylum seeker representatives within 12 days.<sup>51</sup> In addition, six Claims Assistance Provider Scheme (CAPS) personnel were deployed to Manus Island on 6 February 2014 to deliver group advice sessions and individual advice to asylum seekers.<sup>52</sup> Mr Nicholas Adler, Registered Migration Agent, Playfair Visa and Migration Services, explained how he understood the role of the CAPS personnel:

Our job was to provide information sessions to inform as many people as possible in the centre about the process that they were going to engage in, if they had not already engaged in it, and to conduct a full schedule of interviews to begin the RSD process for a number of clients. We would do three interviews per day per person. ...So there were 18 clients having their applications prepared and lodged per day.<sup>53</sup>

5.14 In response to a question from the committee, Mr Adler confirmed that the CAPS personnel were not given any information regarding the timeframe for the RSD process nor about the resettlement process which might follow a determination that a client was a refugee.<sup>54</sup> He told the committee:

Resettlement was clearly not part of our remit and we were very careful not to engage in that subject because it was not part of our role. Our role was restricted to the RSD process. Resettlement can only occur when someone has been determined to be a refugee. Our role was to help in that assessment process. If there were a positive outcome, resettlement would be another question. I am aware that this was an important issue for our clients. Of course people were wanting information on this. But there was no reliable information available. There was a lot of conflicting information

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49 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 33.

50 Mr Mark Cormack, Department of Immigration and Border Protection, *Committee Hansard*, 10 June 2014, p. 20.

51 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 33.

52 Mr Mark Cormack, Department of Immigration and Border Protection, *Committee Hansard*, 10 June 2014, p. 13; Mrs Petra Playfair, Managing Partner, Playfair Visa and Migration Services, *Committee Hansard*, 11 June 2014, p. 43.

53 *Committee Hansard*, 11 June 2014, p. 45. See also Miss Elizabeth Thompson, *Committee Hansard*, 12 June 2014, p. 22.

54 *Committee Hansard*, 11 June 2014, pp 45-6. See also Miss Elizabeth Thompson, *Committee Hansard*, 12 June 2014, pp 24 and 26-8.

circulating and a lot of rumour—unsubstantiated rumour and conflicting rumour.<sup>55</sup>

5.15 Miss Elizabeth Thompson, who worked as a CAPS officer on Manus Island in August 2013 and February 2014, told the committee that there was a change in the RSD process between her first and second deployment to the island. She gave evidence that the department advised the CAPS providers during a phone hook-up on 5 February 2014 that there was no plan to proceed to the RSD interview to enable the completion of the refugee status determination:

...usually on a deployment like this you would have the CAPS...interview and then, a couple of weeks down the track, you would organise the schedule, ideally, so that for the person I do the CAPS interview with I also go to RSD...It was clear from the initial schedule we received in August that that was the plan for what should happen. We had a schedule that said, 'You'll do this and in a week's time you'll do the RSD.' So I would take a person through both the CAPS and RSD stages...By the second deployment, there was no suggestion that we would do CAPS then RSD. It was just CAPS, and that was made very clear on 5 February.<sup>56</sup>

5.16 It was Miss Thompson's view that the process of considering claims to refugee status was being made up on the run in response to events:

It became very clear to me that there was not actually a documented process to take people through and that it was hard to provide information or claims assistance to someone. For example...if someone has what you might consider to be a weak convention claim it is impossible for that person to weigh up the pros and cons and the risks to themselves of either continuing with the process or deciding to take the risks associated with returning home if they do not know where they will end up, whether they will have work rights-<sup>57</sup>

5.17 Miss Thompson's evidence was that the department intended that the deployment of CAPS providers would help to reduce the protests at the Manus Island RPC:

...[a departmental officer] made it clear that there were protests going on and they really wanted us to get onto the island because they thought that might stop the protests. I think the idea was to get something happening to calm things down.<sup>58</sup>

5.18 If that was the intention of the department it did not come to pass: instead protest activity increased during the period asylum seekers were awaiting responses to

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55 *Committee Hansard*, 11 June 2014, p. 46.

56 *Committee Hansard*, 12 June 2014, p. 23. See also pp 27 and 30.

57 *Committee Hansard*, 12 June 2014, p. 26. See also p. 29.

58 *Committee Hansard*, 12 June 2014, p. 23.

the questions posed at the 5 February meeting.<sup>59</sup> A G4S Safety and Security Officer described these protests:

The clients in Oscar, Foxtrot, Delta and Mike were doing protests of one hour a night...They were quite peaceful. The protesting consisted of chanting and singing mainly expressing that they wanted freedom, and they wanted to be processed quicker and get to Australia.<sup>60</sup>

5.19 The committee was also provided with some video footage of these protests which supported this assessment.<sup>61</sup> However, Mr Kevin Pye, Regional Managing Director of the Manus Island RPC for G4S, noted that intelligence reports were suggesting that there was an increasing risk of violent protest:

In the two weeks leading up to the riots, we received increased intelligence reporting of threats of violent protest over the period of 16 to 18 February. That coincided with the program for the delivery of answers to the community leaders from the department and PNG immigration. Because of this increased risk of unrest we conducted extensive preparations at both project level and communications at corporate level with the department.<sup>62</sup>

#### ***Issues regarding possible deployment of the PNG Police mobile squad***

5.20 On 10 February 2014, Mr McCaffery of G4S emailed Mr Kneipp of the department raising his concerns about various issues related to deployment of the PNG Police mobile squad in the event of an incident at the Manus Island RPC including whether the squad was adequately equipped and trained in relation to crowd control utilising non-lethal force. He specifically raised concerns that the escalation of force which would occur if the squad was deployed would be 'quick' and could result in very serious injuries or the death of protestors.<sup>63</sup> Mr Pye, G4S, explained these concerns in more detail:

When we started looking at the potential use of the mobile squad to assist the centre, which would have been in the December-January period, it was self-evident to us on the ground that because of how they were dressed, because of how they were trained...they did not have what you would call a conventional riot force capability—first defensive force and then escalating

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59 Ms Elizabeth Thompson, *Submission 19*, Appendix 2, p. 44; Mr Nicholas Adler, Playfair Visa and Migration Services, *Committee Hansard*, 11 June 2014, p. 50; Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 33-4.

60 Mr Andrew Wilkie MP (submission on behalf of a G4S Safety and Security Officer), *Submission 4*, pp 9-10. See also Mr Christopher Iacono, *Committee Hansard*, 12 June 2014, p. 33.

61 Mr Andrew Wilkie MP, *Submission 4*, Appendices 9 and 10.

62 *Committee Hansard*, 10 June 2014, p. 38. See also Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 33.

63 Email from Mr John McCaffery, G4S, to Mr Anthony Kneipp, DIBP, dated 10 February 2014 (tabled 10 June 2014).

use of force, as described in using non-lethal capsicum or other things. They stood in uniforms and had weapons.<sup>64</sup>

5.21 The department described how it responded to the concerns related to possible deployment of the PNG Police mobile squad raised by G4S including through the briefing note to the Secretary of 4 February 2014 and the email to Mr Kneipp of 10 February 2014:

The department raised concerns about the PNG Mobile Squad with the relevant PNG authorities on multiple occasions as appropriate, including in response to Mr McCaffery's email of 10 February 2014. In some instances, positive changes were realised through ongoing stakeholder engagement on these matters.<sup>65</sup>

### **Meeting on the afternoon of 16 February 2014**

5.22 On the afternoon of 16 February, a meeting was held involving asylum seekers representing all four compounds, departmental officials and PNG immigration officials so that answers could be provided to the questions put by the asylum seekers on 5 February. The department explained the context in which the meeting occurred:

The meeting was held as part of a commitment that had been given to a representative group of the transferees to respond to a series of questions that they had submitted 10 or 11 days earlier. ...This was a planned meeting. It was in response to a commitment that was given by the PNG immigration people to get back to the transferees with some specific answers to their questions.<sup>66</sup>

5.23 The department gave evidence that a PNG immigration official had carriage of the meeting and, with assistance from interpreters, he provided responses on behalf of the PNG Government to the concerns raised by the asylum seekers:

The questions were crafted by the transferees. The answers were provided by the PNG immigration authority. We provided advice, because some of the questions were technical in nature. We assisted them to formulate the answers. Those answers were then agreed on by PNG ICSA and delivered by the senior PNG ICSA official.<sup>67</sup>

5.24 The Salvation Army submission described the meeting in more detail:

...it was a big meeting with around 70 transferee representatives from all four compounds and interpreters. It was reported to [The Salvation Army] management through their representative at the meeting, the Centre

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64 *Committee Hansard*, 10 June 2014, pp 44-5. See also Mr Steven Kilburn, *Committee Hansard*, 11 June 2014, p. 16.

65 Department of Immigration and Border Protection, *Answers to questions taken on notice at a public hearing on 10 June 2014* (received 9 July 2014), [p. 11].

66 Mr Mark Cormack, Department of Immigration and Border Protection, *Committee Hansard*, 10 June 2014, p. 20.

67 Mr Mark Cormack, Department of Immigration and Border Protection, *Committee Hansard*, 10 June 2014, p.21.

Manager, Jeffrey Kiangali, spoke softly and it was difficult to hear him. He changed the agreed messages in some ways and he was misunderstood or misinterpreted.<sup>68</sup>

5.25 The central message of the meeting was that the processing of refugee claims was likely to take a long time, possibly up to four years, and that the other option available to the asylum seekers was to return to their home country or to another country where they held residency rights.<sup>69</sup> Amnesty International described what the asylum seekers were told at the meeting:

In the meeting, no new information was given to the asylum seekers and their questions were not answered. They were told that they would never be settled in Australia and that if they wished to settle in a third country, they would receive no support from Australia or PNG to do this. They were not told when they would be processed, released or resettled in PNG.<sup>70</sup>

5.26 Mr Darren Boyd, Regional Managing Director Southern Pacific, G4S, submitted that the meeting was the trigger for riots later that day:

The riots were then triggered when the PNG immigration officials presented to the transferees, but failed to confirm a timeline for processing of refugee applications, suggesting the transferees may need to wait in the centre for several years before receiving determinations.<sup>71</sup>

5.27 The Secretary of the department disputed the view that the lack of information about the likely timing for completion of the refugee status determinations was the key contributing factor leading to the riots on 16 February.<sup>72</sup> He argued that delays in delivering refugee status determination outcomes were a contributing factor but that there were a range of issues at play:

It is a contributing factor, but if you read the [Cornall] report it talks about anger at being brought to Papua New Guinea, it talks about anger that they are not going to be resettled in Australia, it talks about the processing of refugee status determinations, it talks about anger and frustration about uncertainty of their future, and it talks about frustration about lack of information.<sup>73</sup>

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68 *Submission 34*, Annexure B [p.1]. See also Miss Elizabeth Cruikshank, Regional Processing Centre Contract Manager, Salvation Army, *Committee Hansard*, 11 June 2014, p. 27.

69 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 5 and 36-40.

70 *Submission 22*, p. 5. Amnesty International stated that accounts in its submission reflected information obtained from detainees and contracted staff. See also: Ms Kate Schuetze, Pacific Researcher, Amnesty International, *Committee Hansard*, 12 June 2014, p. 56; Miss Elizabeth Thompson, *Submission 19*, Appendices 1 and 2, pp 43 and 44.

71 *Committee Hansard*, 10 June 2014, p. 37. See also: Mr Pye, G4S, *Committee Hansard*, 10 June 2014, p. 55; Mr Andrew Wilkie MP, *Submission 4*, pp 4 and 10; Amnesty International, *Submission 22*, p. 5; Mr Steven Kilburn, *Committee Hansard*, 11 June 2014, p. 7.

72 Mr Martin Bowles PSM, *Committee Hansard*, 10 June 2014, p. 29.

73 Mr Martin Bowles PSM, *Committee Hansard*, 10 June 2014, p. 30.

## Protests and breakout of asylum seekers on 16 February 2014

### *Protest in Oscar compound*

5.28 After the meeting between asylum seekers, the department and PNG immigration officials, protesting occurred in Oscar compound and some asylum seekers broke out of the compound. As they were returned to Oscar compound, some PNG G4S guards and other locals entered the compound and violent clashes occurred. Mr Kevin Pye, Regional Managing Director Manus Island Detention Centre, G4S described these events to the committee:

On the afternoon of 16 February, subsequent to the breakup of the meeting between PNG immigration, the department and the community leaders, there was a breakout from Oscar. Some 35 transferees exited through an open gate onto Route Pugwash. They were quickly rounded up and brought back in or came back into the compound under their own volition. Unfortunately, during that re-entry process some locals in this area entered the compound behind them—chased them back in. Some G4S PNG national staff, plus these additional locals, commenced fighting with the Oscar compound transferees. This was quelled by the intervention of our expatriate staff and other national staff. The ruckus in Oscar compound set off chants and rioting or protests in both Mike and Foxtrot compounds. This consisted of both obscene and threatening chants towards the local community who were gathered out [t]here.<sup>74</sup>

5.29 Mr Manning, G4S, argued this incident illustrated a deficiency in the security infrastructure at Manus Island RPC:

That particular egress of 35 transferees from this centre relates directly to the lack of a proper security infrastructure. The opportunity to exit through that gate was because a vehicle was being driven in to deliver meals. In a normal immigration facility, which would have been more secure, you would have had an airlock or a sally port or something like that and there would not have been the opportunity for people to escape the centre and then put themselves at risk from local intervention by the mobile squad. That is another example of where the security infrastructure did not provide appropriate protection to the transferees.<sup>75</sup>

5.30 A G4S Safety and Security Officer described the confrontations in Oscar compound between asylum seekers and PNG G4S guards which occurred during this incident:

I noticed clients had started to arm themselves with weapons in the form of metal bed support bars. Anything that was a solid object they grabbed to defend themselves - metal, wood, bins, anything. PNG guards were trying

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74 *Committee Hansard*, 10 June 2014, p. 38. See also: Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 5-6, 42-44 and 77; Mr Steven Kilburn, *Submission 18*, pp 7-8; Mr Steven Kilburn, *Committee Hansard*, 11 June 2014, pp 12-13; Mr Andrew Wilkie MP, *Submission 4*, p. 4; Amnesty International, *Submission 22*, p. 5.

75 *Committee Hansard*, 10 June 2014, p. 55.

to attack the clients. The PNG guards dragged out a metal bunk bed and started to pull it apart to make their own weapons. Most clients started to run back to their accommodation and barricade themselves in. Expat G4S guards were trying to keep the clients inside their accommodation and stop the PNG guards going in and beating...the clients.<sup>76</sup>

5.31 This G4S officer explained, that despite a lack of protective equipment, some G4S expatriate staff did their best to prevent the clashes between PNG guards and asylum seekers:

The expat guards were like mediators in the middle. We were without weapons or protection and looking back I think we were quite lucky we did not suffer any serious injuries. At one point two clients snuck behind the PNG guards. When they were eventually seen, five to six PNG guards dragged each client to the ground with head shots - as in head punches, knee thrusts. Once on the ground, the PNG guards started to kick the clients in the head, torso, legs and back. Another expat guard and I ran to assist the clients. We had to jump on the clients to stop the PNG guards kicking them. Initially the PNG guards didn't stop kicking. I remember being struck many times but my adrenalin level was quite high so I didn't feel pain until later that night.<sup>77</sup>

### ***Protests in Foxtrot and Mike compounds***

5.32 There were also protests in Foxtrot and Mike compounds, reportedly involving chanting directed at local staff and stone throwing between asylum seekers and locals outside the perimeter fences.<sup>78</sup> The G4S incident response team (IRT) was deployed to prevent protesting asylum seekers in Foxtrot compound from entering Mike compound and was ultimately successful in forcing people back into the Foxtrot compound.<sup>79</sup>

### ***Injuries and arrests***

5.33 Approximately 25 detainees and five G4S staff sustained injuries requiring medical treatment as a result of the protests on 16 February 2014.<sup>80</sup> The injuries included fractures, severe concussion, deep scalp lacerations and one man whose

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76 Mr Andrew Wilkie MP, *Submission 4*, p. 5.

77 Mr Andrew Wilkie MP, *Submission 4*, pp 4-5.

78 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, May 2014, pp 44-45; Mr Steven Kilburn, *Submission 18*, pp 8-9; Amnesty International, *Submission 22*, p. 5.

79 Mr Kevin Pye, G4S, *Committee Hansard*, 10 June 2014, p. 38; Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 44; Mr Steven Kilburn, *Submission 18*, p. 9; Ms Elizabeth Thompson, *Submission 19*, Appendix 1, p. 43.

80 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 44 and 45. See also, Mr Steven Kilburn, *Submission 18*, p. 8.

throat was slashed though this injury was not as serious as it first appeared.<sup>81</sup> A G4S Safety and Security Officer described assisting this man:

I noticed one expat security officer physically holding up a client at the gate's entrance. The client had his throat slashed. I ran straight to the client. We tried to put him on the ground to give him medical treatment. He would not go on the ground so we had to kick his legs out. We ripped his shirt off and put it round his neck as he was starting to bleed out. He went white in the face and I believe that if we'd waited for medical staff we would have lost him so we carried him straight to IHMS.<sup>82</sup>

5.34 Eight asylum seekers were detained by PNG Police as a result of incidents which occurred during these protests and charged with criminal offences.<sup>83</sup>

## Events of 17 and 18 February 2014

### *Actions taken during the day of 17 February*

5.35 On 17 February 2014, G4S and other service providers undertook contingency planning, including assessing available capacity in the medical centre, in preparation for further possible disturbances that evening.<sup>84</sup> G4S staff sought to remove rocks and other projectiles which had been thrown into the compounds the previous evening.<sup>85</sup> In addition, all PNG staff of the service providers were withdrawn from the compounds.<sup>86</sup> Mr Steven Kilburn, who was employed as a Safety and Security Officer with G4S at the Manus Island RPC, noted that:

There was a large number of local G4S guards on the roadway outside the compound because they had been removed from the compounds due to threats of violence. There was also a large number of PNG staff from Spick & Span, Eurest as well as PNG locals dressed in civilian clothes on the roadway outside the [Manus Island] RPC. Some were armed with sticks and metal bars and other weapons.

The transferees had armed themselves. They had broken metal braces off the beds, tied them together with sheets and had sharpened them up on concrete; we had seen them doing that during the day. It was too dangerous for Australian guards to enter the compounds and remove the weapons. The IRT did sweeps through the compound to try and remove weapons.

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81 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 5- 6 and 46-47.

82 Mr Andrew Wilkie MP, *Submission 4*, p. 4.

83 Amnesty International, *Submission 22*, p. 6; Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 5- 6 and 44-47.

84 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 6 and 48.

85 Mr Kevin Pye and Mr John McCaffery, G4S, *Committee Hansard*, 10 June 2014, p. 62.

86 Mr Kevin Pye, G4S, *Committee Hansard*, 10 June 2014, pp 38-9. See also Amnesty International, *Submission 22*, p. 6; Miss Elizabeth Cruikshank, Regional Processing Centre Contract Manager, Salvation Army, *Committee Hansard*, 11 June 2014, pp 38-9.



PNG locals had also been stockpiling weapons outside the [Manus Island] RPC and during the day Australian staff had been removing as many weapons as possible.<sup>87</sup>

5.36 Mr Kilburn gave evidence that G4S staff were told to advise asylum seekers that if G4S had to leave the RPC then their safety could not be guaranteed:

We were told to let the transferees know that if it kicked off again and there was a riot again, if it got to the point where we had to leave, that was it. We could not guarantee their safety—which is true. We could not guarantee their safety if we were forced to leave because of fears for our own safety.

That would not have taken much, because we had nothing. We had no protective equipment, no weapons...and we were stretched for staff. We were so short of people it was ridiculous...<sup>88</sup>

### *Events of the night of 17 February*

5.37 The night of 17 February 2014 saw the most serious events unfold at the Manus Island RPC. The situation on the ground was monitored by the Emergency Control Organisation (ECO), a group consisting of G4S staff and representatives from the department, the Salvation Army and IHMS, who met in the administration building at the centre.<sup>89</sup> G4S staff in the ECO were responsible for maintaining a log of events as they unfolded.<sup>90</sup>

### *Build-up of protest activity*

5.38 Tension began to build up in Mike compound from around 1.45pm and protest activity commenced in Oscar compound at approximately 4.45pm.<sup>91</sup> All non-essential service provider staff were removed from the centre by approximately 5.15pm.<sup>92</sup> In addition, some non-protesting asylum seekers were moved from Oscar to Bravo and Charlie compounds at approximately 5.35pm.<sup>93</sup>

87 *Submission 18*, pp 10-11. See also *Committee Hansard*, 11 June 2014, p. 13.

88 *Committee Hansard*, 11 June 2014, p. 12. See also p.13.

89 G4S, *Answers to written questions on notice* (received 28 November 2014), p. 1. G4S noted that the ECO was stood down briefly during the worst of the riots during the night.

90 G4S, *Answers to written questions on notice* (received 28 November 2014), p. 1.

91 G4S, *Submission 29*, Attachment 4, pp 1-2; 'SitRep#7 - Cat 3 – Critical Disturbance - Manus OPC – 16 February 2014 as at 1820 hours AEDST Monday 17 February 2014', *Additional Information provided by the Department of Immigration and Border Protection – incident reports* (received 6 June 2014), [p. 9].

92 Mr Kevin Pye, G4S, *Committee Hansard*, 10 June 2014, p. 39; Mr Robert Cornall AO, *Committee Hansard*, 12 June 2014, p. 15; Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 49. See also Ms Sharon Callister, Chief Executive Officer, Humanitarian Mission Services, Salvation Army, *Committee Hansard*, 11 June 2014, p. 20; Name withheld, *Submission 37*, [p. 2].

93 Mr Kevin Pye, G4S, *Committee Hansard*, 10 June 2014, p. 39; Mr Andrew Wilkie MP, *Submission 4*, p. 8; Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 50.

5.39 Protest activities increased just after 9.30pm.<sup>94</sup> A G4S Safety and Security Officer described what he saw from Golf 2 (the main gate into Mike compound):

After the evening meal, the tension at the Centre escalated and I saw many transferees running around with items of clothing wrapped around their faces in the form of balaclavas.<sup>95</sup>

5.40 Shortly after this, the generator providing power to Mike compound failed.<sup>96</sup> While it is not clear what caused the power failure, as the generator is located on the other side of the road to Mike compound, it seems unlikely that asylum seekers turned the power off.<sup>97</sup> Power failed and was restored a few times in Mike and Foxtrot compounds over the next hour.<sup>98</sup>

5.41 The PNG Police mobile squad with a dog team was deployed into the 'Green Zone' (the area between Mike and Foxtrot compounds) at 9.44pm.<sup>99</sup> The department stated that the deployment of the dog squad was 'a matter that was ultimately authorised and determined through G4S and the PNG police'.<sup>100</sup> However, G4S gave evidence that the deployment of the dog squad was requested by the department.<sup>101</sup> Mr Pye, G4S, explained the rationale for this decision:

That was done as a show of force, essentially. It was into the neutral zone; it was not into the compounds; it was in between the two compounds. This mobile squad was the first one to arrive with dogs and we wanted to make sure that the transferees understood there were dogs in the area so they were not to come outside because there were dogs. So it was a display. It was not meant to intimidate them or do anything else. It was meant to display. But they were quickly withdrawn as missiles were thrown at them.<sup>102</sup>

5.42 Mr Kilburn stated that the dog squad also walked past Oscar compound and that this was intended to deter further protest activity:

The intention, I believe, was a show of force to try to demonstrate to the transferees: we have got more resources here tonight, there are more police

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94 G4S, *Submission 29*, Attachment 4, pp 5-6.

95 Name withheld, *Submission 35*, [p. 1].

96 G4S, *Submission 29*, Attachment 4, p. 6. See also Mr Steven Kilburn, *Submission 18*, p. 13; Name withheld, *Submission 35*, [p. 1].

97 Mr Robert Cornall AO, *Committee Hansard*, 12 June 2014, p. 4; Mr Steven Kilburn, *Committee Hansard*, 11 June 2014, p. 15.

98 G4S, *Submission 29*, Attachment 4, pp 6-8.

99 Mr Kevin Pye, G4S, *Committee Hansard*, 10 June 2014, p. 39; Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 51.

100 Mr Mark Cormack, Department of Immigration and Border Protection, *Committee Hansard*, 11 July 2014, p. 36.

101 Mr Chris Manning and Mr Kevin Pye, G4S, *Committee Hansard*, 10 June 2014, pp 47-8; *Submission 29*, p. 18.

102 *Committee Hansard*, 10 June 2014, p. 47. See also Mr Steven Kilburn, *Submission 18*, p.12; *Committee Hansard*, 11 June 2014, p. 14.

here tonight, it is a lot more serious; think before you do anything because we have now got all this extra force in here to deal with anything that goes on. So, yes, the dog squad did walk through and it did create quite a ruckus as they walked past Oscar compound. They stopped at the front of Oscar compound. A lot of the transferees were at the fence. The dogs started barking. The guys kicked the fence.<sup>103</sup>

5.43 The G4S IRT was deployed to assist G4S staff located in the Green Zone who were facing rocks and missiles being thrown by asylum seekers. These staff were extracted and the IRT withdrew from the Green Zone at about 10.00pm 'under heavy attack' from asylum seekers.<sup>104</sup> Amnesty International gave evidence that several asylum seekers stated that people outside the centre started throwing rocks at them, not the other way round.<sup>105</sup> Mr McCaffery, G4S, described the intensity of the rioting:

At this stage, I was looking into the compound, observing violence of transferee on transferee. There was a hail of missiles of all sorts, from metal poles, pieces of glass and rocks that were the size of my fist and greater. I remember at one stage looking into the night sky and seeing the sky completely filled with missiles. That would ebb and flow through the evening, through the hours that we were there, from times when it was that level of violence to a lesser degree of stones being thrown.<sup>106</sup>

5.44 Protesters destroyed the fences between Mike and Foxtrot compounds at 10.05pm, allowing protesters from these two compounds to link up.<sup>107</sup> Mr McCaffery gave evidence that, at this point, there was violence between asylum seekers which resulted in injuries.<sup>108</sup>

5.45 At 10.37pm the IRT withdrew completely from Mike compound.<sup>109</sup> At around 11.15pm, the IRT entered Foxtrot compound to allow approximately 400 non-protesting transferees to evacuate to the naval base soccer oval.<sup>110</sup> Mr Cornall AO gave a more detailed description of what he concluded had occurred at this point:

...the incident response team, led by a leader called Amy, entered Foxtrot compound during the course of the night of the 17th and pushed their way

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103 *Committee Hansard*, 11 June 2014, p. 14.

104 Mr Kevin Pye, G4S, *Committee Hansard*, 10 June 2014, p. 39; G4S, *Submission 29*, p. 18 and Attachment 4, pp 6-8.

105 Ms Kate Schuetze, Amnesty International, *Committee Hansard*, 12 June 2014, p. 56.

106 *Committee Hansard*, 10 June 2014, p. 46. See also Mr Steven Kilburn, *Submission 18*, p.12; *Committee Hansard*, 11 June 2014, p. 15.

107 Mr Kevin Pye, G4S, *Committee Hansard*, 10 June 2014, p. 39. See also Mr Steven Kilburn, *Submission 18*, pp 12 and 13.

108 *Committee Hansard*, 10 June 2014, p. 58.

109 Name withheld, *Submission 35*, [p. 2]; G4S, *Submission 29*, Attachment 4, p. 10.

110 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 7; G4S, *Submission 29*, Attachment 4, p. 11. See also Name withheld, *Submission 33*, [p. 6]; Mr Martin Bowles PSM, Department of Immigration and Border Protection, *Committee Hansard*, 10 June 2014, p. 9.

progressively, in three stages, to where the fence line had been between Foxtrot and Mike compounds. As they reached each of those forward points, the transferees who wanted to be taken away from the chaotic situation were taken out behind them. Then they moved forward to the next point and more transferees were taken out.<sup>111</sup>

### *Involvement of PNG Police*

5.46 According to media reports, Deputy Commissioner Simon Kauba of the PNG Police has stated that PNG Police did not enter the Manus Island RPC either before or during the unrest on 17 February.<sup>112</sup> However, the committee received convincing evidence that members of the PNG Police mobile squad did enter Mike compound and that as they did so they discharged their firearms.<sup>113</sup>

5.47 More specifically, gunshots were heard from 11.22pm and G4S stated that at this point the PNG Police mobile squad and other PNG nationals (including some G4S staff members) entered Mike compound and began fighting with rioting asylum seekers.<sup>114</sup> Mr Boyd of G4S told the committee:

This small-arms fire signalled the break-in of the police and the local community. They forced in from the north and from the south, and in fact one of the photos you saw was the fence that was forced by the police and local communities coming in left and right. They commenced fighting with the transferees in [Mike] compound. These were Mike and Foxtrot transferees. This was witnessed by the IRT who was here. At this time this reinforced IRT who had been operating now for two hours had been hit with rocks, sticks and everything else that the transferees could throw at them. Some of those national staff members broke ranks and moved in to join the fracas.<sup>115</sup>

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111 *Committee Hansard*, 12 June 2014, p. 8.

112 ABC News, 'PNG police slam Australian report into riots at the Manus Island detention centre' at: [www.abc.net.au/news/2014-05-28/manus-riot-png-police-respond-to-report/5485116](http://www.abc.net.au/news/2014-05-28/manus-riot-png-police-respond-to-report/5485116) (accessed 15 September 2014).

113 Mr Darren Boyd, G4S, *Committee Hansard*, 10 June 2014, p. 38; Mr Chris Manning, G4S, *Committee Hansard*, 10 June 2014, p. 52; Mr Steven Kilburn, *Committee Hansard*, 11 June 2014, p. 15. See also Mr Robert Cornall AO, *Committee Hansard*, 12 June 2014, p. 4; Ms Sophie Nicolle, Government Relations Advisor, Amnesty International, *Committee Hansard*, 12 June 2014, p. 50; Mr Mark Cormack, Department of Immigration and Border Protection, *Committee Hansard*, 11 July 2014, p. 47.

114 *Submission 29*, pp 1 and 19. See also Name withheld, *Submission 35*, [p. 2]; Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 54, 57-8, 77 and 79. Some evidence to the committee suggested that gunshots were heard from 8.00pm onwards: see Amnesty International, *Submission 22*, p. 6.

115 Mr Darren Boyd, G4S, *Committee Hansard*, 10 June 2014, p. 40. See also Mr Robert Cornall AO, *Committee Hansard*, 12 June 2014, p. 8; Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 6-7, 58-9 and 79.

5.48 The committee received photographs of some of the bullet holes in Mike compound.<sup>116</sup> Mr Cornall AO noted that several of the bullet holes he observed during an inspection of Mike compound 'were at about chest level for a man of medium height.'<sup>117</sup> A G4S Safety and Security Officer estimated that:

Approximately 20 to 40 shots were fired from different locations in the vicinity of Mike Compound.<sup>118</sup>

5.49 Correspondence between G4S and the department indicates that on the night of 17 February, the PNG police force present at the centre was 46 officers, comprising 36 mobile squad members and ten dog squad members (with four dogs).<sup>119</sup>

5.50 There was some confusion at the time amongst G4S officers and other service provider staff about whether the PNG Police mobile squad had been asked to take over responsibility for restoring order inside Mike compound.<sup>120</sup> Mr Kilburn recalled that:

A message was given over the radio that there are non-combatants in the mess hall, that we had to withdraw the IRT and we could not guarantee their safety. The Police needed to do whatever they needed to do to ensure the safety of those people. The PNG police were then in charge and shortly after I heard the first shots. There were a number of what sounded like shotgun blasts and then some automatic weapon fire. A message come over the radio saying they're firing warning shots in the air, and not to panic, because the sound of gunshots had caused panic amongst the transferees in the other compounds.<sup>121</sup>

5.51 Similarly, another G4S Safety and Security Officer, submitted that:

It came over the radio the compound had been handed over to the PNG police, XXX asked for the last to be repeated and again I heard that all staff was to fall back to Golf 1 as PNG police has been given command of Mike compound.<sup>122</sup>

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116 Mr Andrew Wilkie MP, *Submission 4*, Appendices 4 to 8.

117 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 61. See also Mr Daniel Webb, Director of Legal Advocacy, Human Rights Law Centre, *Committee Hansard*, 12 June 2014, p. 58.

118 Mr Andrew Wilkie MP, *Submission 4*, p. 7. See also Amnesty International, *Submission 22*, p. 7; Name withheld, *Submission 33*, [pp 3 and 6].

119 Email correspondence, *Additional Information provided by the Department of Immigration and Border Protection – communications*, received 6 June 2014, [p. 121].

120 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, p. 53. See also Mr Andrew Wilkie MP, *Submission 4*, p. 7; Miss Elizabeth Cruikshank, Regional Processing Centre Contract Manager, Salvation Army, *Committee Hansard*, 11 June 2014, p. 40; Mr Mark Cormack, Department of Immigration and Border Protection, *Committee Hansard*, 11 July 2014, p. 47.

121 *Submission 18*, p. 13. See also *Committee Hansard*, 11 June 2014, p. 15.

122 Name withheld, *Submission 35*, [p. 2].

5.52 However, Mr Boyd gave evidence that G4S did not request the PNG Police to enter the compound:

The reaction of the PNG police, locals and some staff seems to have been a response to racist and obscene taunts by transferees directed at PNG locals, as well as the barrage of rocks and other projectiles from within the centre. At no stage did G4S request or invite the PNG police to enter the centre whilst the riots were taking place.<sup>123</sup>

5.53 Some G4S staff, at considerable personal risk, sought to protect asylum seekers from attack.<sup>124</sup> Mr Pye of G4S told the committee:

A number of others, both national and expat, moved in because they could see what was happening, and uncommanded commenced, basically, rescue activity. These nationals and expats, at great risk to their own lives, intervened in the fighting. What they did was form a circle with their own bodies and shields, and they started pulling transferees into that to protect them from the police and the nationals. When the circle was full, they formed a human corridor, where they escorted them down to the dining room. Over 306 people were put in the dining room and guarded against what was going on outside.<sup>125</sup>

#### *Attack on Mr Barati*

5.54 In terms of the specific attack on Mr Reza Barati, Amnesty International submitted that:

Numerous witness reports state that he was attacked using fists, feet and bats by a group of G4S staff and at least one local staff member employed by The Salvation Army. Several eyewitnesses reported that one attacker picked up a large rock and hit [Mr Barati] on the head with it several times.<sup>126</sup>

5.55 A G4S Safety and Security Officer who witnessed the attack on Mr Barati provided a quite similar account:

...I looked up on the top floor of MA6 and saw a transferee on his hands and knees and then saw a national IRT member kick the transferee in the face. He fell down onto the floor. Whilst he was attempting to get to his hands and knees, another national IRT member ran up and also kicked him in the face, again sending the transferee the floor face first. I then saw a male PNG national come in from the other side of the accommodation

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123 Mr Darren Boyd, G4S, *Committee Hansard*, 10 June 2014, p. 38. See also Mr Kevin Pye, G4S, *Committee Hansard*, 10 June 2014, p.41; G4S, *Submission 29*, Supplementary submission, pp 2-3.

124 Mr Steven Kilburn, *Submission 18*, p. 15.

125 Mr Kevin Pye, G4S, *Committee Hansard*, 10 June 2014, p. 40. See also Name withheld, *Submission 35*, [p. 3]; Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 55-6.

126 *Submission 22*, p. 7. See also Name withheld, *Submission 37*, [p. 3]; Mr Robert Cornall AO, *Committee Hansard*, 12 June 2014, p. 5.

block... During this time a transferee was helping the transferee who had been kicked in the face by grabbing him by the waist and putting his hand up (as if to say no don't hit him) towards the [PNG] national... The transferee who had been kicked in the face was still on his hands and knees facing downwards when I saw the national raise his arms above his head, he was holding the piece of wood that I had seen him with earlier. He brought this down on the back of the transferee's head.<sup>127</sup>

5.56 G4S submitted that it had re-established control of the Centre by shortly after 1.00am on 18 February 2014.<sup>128</sup>

### ***Treatment of injuries***

5.57 At least 51 asylum seekers sustained injuries, some of them serious, between 16 and 18 February 2014. Mr Barati sustained the most grievous injury and died a few hours after he was attacked. Other serious injuries included one asylum seeker who lost an eye and another who had a gunshot wound in the buttocks. There were also injuries to at least 18 staff members including one serious injury.<sup>129</sup> An officer of the department described the injuries:

There were: lacerations and abrasions, fractures, soft tissue injuries, contusions, sprains, dental trauma, ligament injuries, gunshot wounds to one person, head injury, an eye enucleation and haematomas. Treatment that was provided was appropriate to the nature and extent of each injury.<sup>130</sup>

5.58 On 17 February 2014, IHMS had evacuated to the Bibby Progress vessel and set up a makeshift triage point there to deal with injured detainees, who started arriving between 11.00pm and 11.30pm.<sup>131</sup> Mr Pye of G4S explained:

As the police and the other illegal entrants started to vacate, we commenced clearance of the accommodation blocks' primary triage and care. It was at this point, around this time, that Reza Barati and other injured transferees were identified, brought forward and evacuated. The triage in this area took a period of time, and they were evacuated down to the [Bibby] as quickly as possible.<sup>132</sup>

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127 Name withheld, *Submission 35*, [p. 3].

128 *Submission 29*, p. 20. See also See also Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 7 and 54.

129 Mr Martin Bowles PSM and Mr Mark Cormack, Department of Immigration and Border Protection, *Committee Hansard*, 10 June 2014, p. 9; Name withheld, *Submission 33*, [p. 6]; Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 7-8, 60, 62 and 65-68.

130 Mr Mark Cormack, Department of Immigration and Border Protection, *Committee Hansard*, 10 June 2014, p. 9.

131 Mr Robert Cornall AO, *Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre*, pp 7, 53 and 60; Dr Mark Parrish, Regional Medical Director, International Health and Medical Services, *Committee Hansard*, 11 July 2014, p. 2.

132 Mr Kevin Pye, G4S, *Committee Hansard*, 10 June 2014, p. 40.

5.59 A Salvation Army employee described how service provider staff were woken up and asked to assist with the treatment of the injured who had been brought down to the wharf for treatment:

We were instructed by [The Salvation Army] to pair up, glove up and assist the medical team with whatever was required. Caring [sic] bodies, attending to the wounded, hold drip lines make up beds, clean up wounded and offer general support.<sup>133</sup>

5.60 Dr Mark Parrish the Regional Medical Director of IHMS gave evidence that IHMS had in place plans to respond to a mass casualty event including by developing close relationships with the local hospitals and other hospitals in Port Moresby and Australia.<sup>134</sup> In relation to general level of care provided to asylum seekers and the specific response to the incidents of 16 to 18 February, he told the committee:

I certainly think that we provide a high level of health care to patients in our setting. As an example of that, the response around the incidents of the 16th, 17th and 18th was very good. We had a huge amount of support from the department with the ability to obtain their ambulances and, if necessary, supplies that we were looking at bringing in urgently should things continue.<sup>135</sup>

5.61 However, Mr Kilburn submitted that the facilities available to treat the injured asylum seekers at the RPC were inadequate:

There were approx 20 people in Charlie compound a number were severely injured with injuries including broken bones, eye and other facial injuries. We did not have enough facilities to deal with the injured transferees and the medical attention was very limited until extra medical staff arrived on the island. I was given 2 boxes of Panadol and told to give it out as required. Transferees were moaning in agony throughout the night we had no access to clothing or basics such as soap shampoo, etc. for the transferees. Some transferees clothing was covered in blood.

One young injured man was so traumatized that he soiled himself. Expat staff members had to try and find something for him to wear...

Transferees with facial injuries could not eat the food provided so we attempted to find something for them to drink to keep their strength up; however, even simple things like a straw were not available. Expat staff obtained a tin of Sustagen and fed one transferee with a teaspoon.<sup>136</sup>

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133 Name withheld, *Submission 37*, [p. 2]. See also Ms Sharon Callister, Chief Executive Officer, Humanitarian Mission Services, Salvation Army, *Committee Hansard*, 11 June 2014, p. 20; Salvation Army, *Submission 34*, Annexure A, [p.3].

134 *Committee Hansard*, 11 July 2014, p. 2.

135 *Committee Hansard*, 11 July 2014, p. 10.

136 *Submission 18*, pp 14-5. See also *Committee Hansard*, 11 June 2014, p. 3; Mr Andrew Wilkie MP, *Submission 4*, p. 10.



5.62 The three most critically injured patients, including Mr Barati, were transferred to Lorengau General Hospital.<sup>137</sup> A G4S Security and Safety Officer described the evacuation of these asylum seekers from the Manus Island RPC:

...we used riot shields and carried three transferees down the stairs and put them in the back of vehicles (4x4 utes) so they could be evacuated for medical treatment.

I also helped staff put the transferee who was hit on the head [Mr Barati] onto a stretcher and carried him to the waiting ambulance. As I was carrying him I was shouting to him," to wake up and stay with us, talk to us".<sup>138</sup>

5.63 Mr Barati died in the ambulance en route to Lorengau General Hospital.<sup>139</sup>

### Conclusion

5.64 There are a number of areas of factual dispute in relation to the events leading up to and during the incidents of 16 to 18 February 2014 at the Manus Island RPC. The committee is conscious that, particularly in traumatic and chaotic circumstances, recollections are bound to differ. The committee does not consider that it needs to form judgements on each matter where the evidence diverged or was contradictory. For the purpose of fulfilling the terms of reference for the inquiry, the committee considers it received evidence which gives a sufficiently clear factual picture to reach conclusions about the primary causes of the events in the Manus Island RPC.

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137 Dr Mark Parrish, International Health and Medical Services, *Committee Hansard*, 11 July 2014, p. 9.

138 Name withheld, *Submission 35*, [p. 4].

139 G4S, 'Incident report number: MI 0585', dated 18 February 2014, *Additional Information provided by the Department of Immigration and Border Protection - incident reports* (received 6 June 2014), [p.45]; 'Email from Health Service Manager, IHMS, to Assistant Director, Operations Lead – Manus Island, Department of Immigration and Border Protection, dated 20 February 2014', *Additional Information provided by the Department of Immigration and Border Protection – communications* (received 6 June 2014), [p. 158].

