

**INQUIRY INTO THE ADMINISTRATION AND OPERATION
OF THE MIGRATION ACT 1958**

Submission to:

Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
Parliament House
CANBERRA ACT 2600

From:

Mrs Jean Jordan
ELTHAM Vic

Organization:

None.

- Copies of this submission are being sent both by mail and by email.

Jean Jordan
22nd July 2005.

My Background

I have been involved in letter writing campaigns, both general and on behalf of individual refugees. I have had personal contacts with numerous asylum seekers from Iran, Afghanistan, Iraq, Bangladesh, Pakistan, Sri Lanka Palestine and the People's Republic of China. These people have been detained in Curtin, Port Hedland, Woomera, Maribyrnong, Baxter, and on Nauru.

Some have been released on temporary protection visas or on a permanent visa. Four were deported. Several returned home voluntarily. Currently, one is a patient in Glenside Psychiatric Hospital, though he is still, officially, a detainee at Baxter IRPC.

This submission relates only to Sections A, C, D and E of the Terms of Reference for the enquiry.

TERMS OF REFERENCE

Section (A)

Migration Detention and its Impact on the Wellbeing and Mental Health of Detainees.

I would like to add the words "long term" to "detention", as all detainees with whom I am acquainted have been detained for periods of between four and six years. During this time, there has been slow but very definite deterioration in both their physical and mental health, as a direct consequence. I have noticed the following, very typical, sequence of events:

1. Already traumatized by circumstances and events which precipitated the escape, and by the often hazardous escape and journey;
2. Expects to find help in Australia, but instead ...
3. Is treated with suspicion, incarcerated in prison-like conditions, feels ashamed and dehumanized. Cannot understand why he is being treated as a criminal.
4. Interviewed and closely questioned by various DIMIA officers, often female, who may or may not be familiar with his cultural background and mores. Because of lack of English, nerves and fears, his answers may be considered unsatisfactory; if the interpreter is from an opposing ethnic group and deliberately unhelpful he may be accused of lying.
5. Months drag slowly by, an appeal to the R.R.T. is unsuccessful. He is contacted by friendly Australians and begins correspondence with them. They help organize legal help and encourage him to remain positive.
6. Three years later, hope is fading. His letters have become shorter and less frequent. *"Dear Mum, Sorry I cannot write good letter. Nothing to write. Nothing happens We are very tired. Please forgive. Love from your son XXXX."*
7. Growing dependence upon anti-depressants and sleeping pills, which must be consumed in front of a nurse to avoid temptation to

stockpile for future suicide. (In spite of this, I have been told of detainees keeping medication and selling it to others for this purpose!)

8. Letters cease, but phone calls still welcome.
9. Increasing depression and despair. Even calls from long-term friends will be politely refused, or shortened, with tearful apologies. Stays alone in room. Does not mix with others. Eats little, becomes thin.
10. Pressure on authorities from lawyers/friends finally results in assessment and admittance as an in-patient for psychiatric treatment. For the first time in years, he is treated with respect by those in authority. A very slow recovery begins.

Section A: (continued)

Behaviour Management in Detention Centres

I have heard many stories, some corroborated and some not, of brutal treatment by inadequately-trained detention centre guards, most of whom have been recruited from prison work, or from the military. I quote below details of three cases of which I have personal knowledge:

1. In March 2002, a young mother and her 7 year old son testified in the HREOC investigation into violent treatment by masked guards, as she led a group of women and children in an attempt to bring peace to a conflict between guards and male detainees. HREOC report no.27 gives details of severe bruising to the child's legs caused by baton attacks. The use of teargas on the women and children made it impossible for the mother to successfully defend her child.
2. Brutal treatment of detainees in the notorious "Juliet Block" at Port Hedland Detention Centre. Please see [Attachment \(2\)](#) for a personal account of one such incident.
3. Brutal treatment by guards at Woomera. Please see [Attachment \(1\)](#). for a personal account of one incident..

Section (C)

The adequacy of healthcare, including mental health care and other services and assistance provided to people in immigration detention.

- Mental Health: I am not a qualified psychologist or psychiatrist, but it seems quite obvious to me that the stresses and conditions of long-term detention, together with their fears and uncertainties for the future are mainly, if not totally, responsible for the development of mental health problems which have necessitated detainees' admittance to hospital as inpatients for psychiatric treatment.

The account of a typical detainee, on page 2 of this submission, has to some extent been drawn from the experiences of a particular friend, though the description will fit many others.

- Dental Health: It is “common knowledge” that dental treatment has been sadly lacking in detention centres, and that a simple (cheap) extraction (which can be done “in house”, without the need for a detainee to be taken to an outside dental surgery) is usually the only treatment considered acceptable to the authorities.

Port Hedland, late 2003: a young friend was for many weeks suffering severe toothache, which was usually bad enough to prevent sleep at night. For this, he was being given two Panadol before bed, but these would only dull the pain for a couple of hours . (Australian friends from Perth who visited him on my behalf testified that he seemed genuinely to be in pain, and was holding his hand in front of his mouth in an attempt to hide his decayed or broken front tooth.)

Frequent requests to ACM’s doctor to allow him to visit a dentist were denied, with “expense” given as the reason for refusal. Finally, after about six weeks, he was told that if he could produce an estimated \$400 to pay for his own treatment, he would be taken to the dentist. Urgent arrangements were made by another friend and myself to share the cost. The money was sent. As if by miracle, an appointment was made, the tooth extracted and (? Bridgework or ? root canal treatment) was performed. The dentist obviously considered it necessary.

- (Question: Are not taxpayers in effect already paying the contractor to provide adequate medical and dental treatment for each detainee? I believed they were failing in their obligations and in their duty of care, and very much resented having to pay this extra money, but I knew that my young friend would continue to suffer toothache, or worse, if I did not.

Section (D)

Outsourcing of management and service provision at immigration detention centres.

(Please refer to my comments re Behaviour Management and inadequacy of health care (beginning page 3)

I am particularly concerned by the general lack of accountability to the public which seems to be the case when private prison contractors are made responsible for management of immigration detention centres.

Section (E)

Other related matters

I would like to end my submission on a positive note, by making reference to the very many groups and individuals who have done, and are still doing, everything they can to make life more bearable for asylum-seekers in detention and for t.p.v. holders. Below are just a few examples:

- Church groups, ministers, Sisters, Salvation Army officers, who visit detention centres regularly.
- Groups and members of the wonderful Rural Australians for Refugees, who achieve far more than could ever fit into this paper;
- Circles of Friends, who unite around a particular detainee or family, to lobby politicians, organize legal help, offer education, jobs, transport and accommodation when they are finally given a visa and released from detention;
- The many lawyers who give legal advice and assistance to asylum seekers on a pro bono basis;
- Community organizations such as the Asylum Seekers' Resource Centre and the Fitzroy Learning Centre in Melbourne, who provide food parcels, legal advice and assistance, help with English and general support to t.p.v. holders in the community;
- The network of individual Australians who write letters, make phone calls, visit, send gifts and offer friendship and love to one, two (or many more than two) detainees.

ATTACHMENT (1)

Re: Behaviour management policies, procedures and techniques used with detainees.

Below is my copy (edited for brevity) of a personal account by a young man from Afghanistan, of his experiences in Juliet Block at Port Hedland Detention Centre in late 2003. I believe it happened in December of that year.

The incident followed a last-minute refusal of visiting rights to a group of school girls who had been corresponding with some detainees, perhaps as a class project, and whose teachers had brought them to visit their penfriends. (I do not know the name of this school, or how far the group had to travel to get to the detention centre.)

The reason given for refusal apparently went something like this:

“ These young men have not seen women for a long time and can not be trusted to control their feelings. We therefore cannot guarantee the safety of your young girls if this visit goes ahead, as they will be at risk of attack or even rape. For this reason, we regret that your planned visit cannot proceed.”

(Note: an increasing number of visitors of all ages, mostly female, had attended this centre over the previous 2 or 3 years, and to my knowledge there were never any attacks or rapes!)

My Fourteen Days in Juliet

My name is XXXX, 21 years old from Kabul capital of Afghanistan. It has been two years and four months I am in detention centre.

I would like to describe the incident which recently happened in Port Hedland detention centre. It was the worst experience I have ever had in my life.

On Thursday afternoon 4th December me and my other three friends had visitors.....When we got in the visit yard we saw our visitors crying, they told us that the DIMIA told to school girls that the asylum seekers are immoral perilous and we can't let you visit them, they were told by DIMIA manager that they could be raped there is no responsibility, when I heard that my heart was beating so fast I wasn't feeling that I am a human being. I hated myself and the whole world at that moment, since two years and three months we are being treated as animals, most of the time I was ignoring, but this time I couldn't tolerate. We asked to see DIMIA in regard of above matter, but she refused two times to see us then we started protesting from visit yard. By the time we were about to leave the visit yard the two ACM guards grabbed one of my friends and beat him, he was badly injured then we got on the roof to protest against the allegation by DIMIA that the detainees are immoral and might rape the school girls.

We had a peaceful protest as we told to ACM centre manager but they arrange guards to bring us down as they didn't want us to inform the media about our humiliation and insult of our dignity. And then it was getting dark that about 18 or 20 guards entered from maintenance gate this time they had masks and tear gas too, we came down of roof and tried to talk with them but all they were saying was, back off when we went ahead and try to tell them not to hurt anyone, they spray the tear gas on us, after that I couldn't see I was yelling and crying**(At this point local police arrived from outside)**

I was in my room that suddenly six police and two guards kicked my door and shouted on me to lay down on the floor then one of them sat on my back and twisted my hands to my back and handcuff me very tight, when I stood the other one hit me with his baton on my chest that I saw blood on my shirt, when they took me out of my room I saw that inside there were many police with guards then the guard bend my head down and started kicking me while he was taking me through to Juliet clock then he put me in a room, where another detainee was already there, before he locks the door he pulled the handcuff on my hands tightly that I even couldn't sit or stand and I couldn't shake my hands it was that much tight I was shouting in the room, I told to my roommate that I even can't tolerate a minute in this condition, but I spent five hours in that terrible condition.

When the guards came to open the handcuff they couldn't, then they get the cutter to cut it as the handcuff was not metal but even there was not enough space for cutter to cut the handcuff as it was pressed with my hands. After they opened my hands they pushed me on the wall and told me not to move until we leave the room then later again they knocked the door and told us to go on the wall then they shouted, put your heads on the wall hands behind the head and lock your fingers. We did, then they entered the room and one of them beat on my legs and told me to sit on my knees and said not to look up and they also said the center manager is coming and he will ask me if I have any complain,. They threaten me I should say no otherwise we will beat you. When he asked me if I have any complain I said no

For three days I was on hung strike, but finally they forced me to eat. I was again on hung strike 2 days, but some were on hung strike 8 days. I had medication for sleep and stress but they refused to give me, nurse was coming but that was a kind of making fun of us, she was just asking (how are you?) if anyone needs any medication they refuse to give.

I had pain in my whole body I was smelling bad as I had one shirt on for twelve days then the guards told me and my friend to clean Juliet Block upstairs and downstairs when I refused to do it as I was unable to walk, let along cleaning, but they said if we don't do it they will keep us there longer and also they threaten us and swearing me using coarse language.

Finally after 13 days when Group 4 came they brought us some paper to sign then they will let us go, he said that there is just written when we go to compound we will behave ourselves and will not make any problems when I asked him to read the first page he hid it, but I told him let me read the first page then I will sign, when I read it was written that I XXXX confess that I was involved in disturbing and hitting officers and also in damaging property so they had to put me in Juliet After this we refused to sign. After 14 days they let us back into compound

Everything changed in me after this. I can't sleep when I hear a knock I feel too scared and I think they are coming again and will take me in Juliet This was the cruelty of Australian Immigration that now I rather die in Afghanistan than having protection like this. I can never forget this bad experience in rest of my life.

I apologize if this story causes you any disturbances.
With all my best regards, from XXXX.

ATTACHMENT (2)

Re: Behaviour management policies, procedures and techniques used with detainees.

Below is my copy of a personal account by a young man from Iraq, of reprisals by Woomera Detention Centre authorities following a demonstration / riot by detainees in early April 2002.

8th April 2002

Dear Jean

I really appreciate your paing attention to Woomera detintion, and especially to me.

You had just watched, read, about what happened, but the fact is bigger than that. The ACM officers had changed to monsters, they couldn't see any thing exept how to hit the people.

They entered the compound with the blue uniform so that you couldn't see any part of thair bodies. They were like an army. They used the sticks and hurt the people without any mercy or thinking about women or childrens.

After that the used the tear gas against the families, and they were avoided to film when they used that gas. Then at 2 o'clock at morning they came to the bildings and pushed all the people to go to the mess for head account without paing attention to the pregnant women or the childrens where the weather was too cold. They hit and hurt any one refused to move. Then they had chosen 40 men and they had put handcuffs on their hands, and orderd to them to set on the ground till moarning like criminals. They did not allowlto us to smoke or to go to toilets or even to pray. I wondered at that moment if this is where we had choosen and asking for protection. What the diffrence between this and our countries, and why we escaped from their.

I'll write to you soon with my best regards,

XXXX

