

Uninvited and unheard: Australia's case of post-Tampa boat arrivals

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Abstract

In an environment where the national government creates deliberate policies to create a blockade and a silence around the stories of uninvited refugees coming to its shores, human rights advocates have a tough time creating conditions to make the stories heard by the policy makers and the general public alike. However, the Australian experience shows that 'breaking through the sound barrier of silence' is possible, using creative collaborations with reporters, the tactics of subversion, smart strategies aimed at those setting reporting standards, and through an engagement with the wider audience of human rights advocates around the nation. In this article, five government-created barriers are identified and ingeniously countered.

Keywords: human rights, refugees, asylum seekers, mandatory detention, Australia

Introduction

In most societies around the world, electors trust their representatives in government to represent their interests, and many of these countries also subscribe to United Nations frameworks for the protection of human rights of those most vulnerable, including those who need to flee from danger and persecution: asylum seekers.

We trust our politicians to adhere to these United Nations frameworks, even in the context of often conflicting political agendas – also in a post 9/11 western world, where notions of national security have determined more policies around notions of borders and the entry of countries by foreigners. At the same time checks and balances against trespasses against these nationally accepted conventions, for example through Bills of Rights, need to safeguard society when our representatives tend to step across the line.

Australia is as yet a country without a Charter or Bill of Rights, and in the shadow of the bombing of the Manhattan Twin Towers, the 2001 Federal government election's conservative coalition candidates did just that – they took things just one step too far in the eyes of many human rights advocates – and no convention could stop them. Faced with an election that predicted

they would suffer considerable losses (Morgan, 2001), politicians ramped up the fear of the 'other' (Lawrence, 2003), painted a picture that the country would be 'swamped by boatpeople' and designed policies and strategies to respond to uninvited asylum seeker boat arrivals to match their rhetoric.

This article, written by the founder and co-ordinator of a West-Australian community activist and advocacy group – Project SafeCom – established in 2001, looks at the response by Australian civil groups in the initial period following that 2001 election, up to 2005, and shows that intelligent, systematic and organised human rights actions are not necessarily bound by street protests, rallies and pickets, but that by identifying policies and strategies and their underlying meaning and intent, accurate replies to them can counter them and lead to their undoing.

While politicians imposed a curfew on media access, while they incarcerated asylum seekers in centres that were remote so they could be kept out of the spotlight of citizens, while they invented sanitized as well as punitive terminology to describe uninvited asylum seekers and the government responses to these entrants, while they attempted to dehumanise these

asylum seekers and set out to create a climate of xenophobia about these 'foreigners', the civil responses of many groups and organisations dovetailed organically to counter these approaches consciously, intelligently, in a targeted way, and they produced real and expected outcomes. Evidence is provided by extensive use of narrative from media reports and parliamentary speeches to illustrate these outcomes.

Background

Australia's dramatic 2001 Federal election campaign fought by former conservative Liberal Party Prime Minister John Howard became world news when he during August 2001, directly from his Office of Prime Minister and Cabinet, intervened around the arrival near Australia's maritime borders of the Norwegian container ship MV Tampa, which had picked up 438 asylum seekers from a leaky boat – the *Palapa* – en route from Indonesia to Fremantle harbour, near Australia's Christmas Island (Marr & Wilkinson, 2002, p. 18).

Less than two months later – during the last phase of the November 10 election campaign, on October 8 – the listing and sinking *Olong* was intercepted by the Australian Navy's HMAS Adelaide and its passengers rescued (ibid, p. 240, SafeCom, 2003b). Based on Navy photographs showing a passenger holding a baby high in the air and others showing children in the water, John Howard's Ministers alleged that children had been thrown overboard by the asylum seeking passengers. The voracity of these allegations was questioned within days, the issue was soon called the 'children overboard affair', and it would eventually spark a ferocious Senate Inquiry (Senate Select Committee, 2002).

The rescue of the *Olong* and subsequent media reporting also revealed direct orders from John Howard's office via the Defence Minister to not take photographs that could 'humanise asylum seekers' (ABC Mediawatch, 2002).

John Howard had chosen the slogan "*We decide who comes to this country, and the circumstances in which they come*" for the 10 November election (Marr and Wilkinson, p. 365). In the frantic August days of the drama surrounding the MV Tampa, backroom negotiations by Australia's Foreign Affairs Minister Alexander Downer and the Defence Minister Peter Reith resulted in its passengers being *warehoused in a third country*, in a camp on the isolated Pacific Ocean Island of Nauru (ibid, p. 138, SafeCom, 2008a).

The Tampa drama near Christmas Island and the Children Overboard Affair, which appeared both to have been orchestrated to win the election by the conservative Liberal-National coalition, sparked a national outrage, a flurry of publications and it built a civil society network of advocates and activists expressing dissent, organising protests, and embarking on one of the most remarkable advocacy movements in recent years. Freelance reporter Guy Rundle writes for the Australian in June 2002:

"The plethora of refugee activist groups that have formed across the political spectrum would appear to be the largest rainbow coalition since the Vietnam War" (Rundle, 2002).

The 2001 events and Howard's direct intervention to control, direct, pause or prevent actions by the Navy around the Tampa stand-off have been well documented, especially by Marr & Wilkinson (2002). A deliberate strategy was orchestrated to silence the stories of asylum seekers arriving 'uninvited' by boat on Australian shores.

Five factors countered

Remote locations

First, all asylum seekers arriving by boat were locked up in remote camps in Australia – a camp near Curtin Airbase near the Northern Territory's remote town of Derby

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(Harding, 2001) – which had already been in operation for this purpose since 1999 – and a facility on isolated army land near Woomera, South Australia (WPR, 2002).

Under new legislation passed following the dramatic standoff of MV Tampa, followed by riveting court action against the government – expertly summarised in a paper by Feld (2001), it was now also possible to detain boat arrivals off-shore and in other countries, even while they had arrived in Australia to seek asylum: Howard's Ministers had quickly negotiated a holding camp on the remote phosphate island – the nation of Nauru (SafeCom, 2008a) – and a camp on Manus Island, part of Papua New Guinea (SafeCom, 2003d).

Almost a decade before the declaration of these remotely located camps as Immigration detention facilities, Australia's 1958 Migration Act (Austlii, 1958) had undergone major changes under the Labor government of Prime Minister Paul Keating in 1992, when his Immigration Minister Gerry Hand had introduced the Migration Amendment Act 1992 (Austlii, 1992), making it mandatory to detain anyone arriving by boat seeking asylum – having entered the country without a valid visa – until their protection claims would be fully completed.

Further adjustments of the Migration Act had provided enough flexibility about the mandatory detention of asylum seekers, so there was no need in 2001 to pass special legislation to declare the prison camps in remote locations, because, as a report states (HREOC, 2004, p. 1):

Since 1994 the Minister has had the power to declare any place in the community a place of 'detention', including a hotel, hospital, foster house or family home.

The remoteness of the camps in Australia – all of them located on properties owned by the Australian Defence Department, so the

Commonwealth government could declare them as detention centres without being answerable to the various State governments – did not deter hundreds of activists organising a major protest at the gates of the Woomera camp in South Australia during the 2002 Easter weekend. Attended by many students and young left-leaning activists and also other advocates alike, the dramatic Easter events put Woomera and its atrocities on the world map through the work of mainstream Australian and international reporters (Reddrop, 2002; BBC, 2002) – including the sensational escapes by more than 40 detained asylum seekers on the Easter Sunday (AAP, 2002).

Prior to the Easter protest, the Woomera detention already had rapidly become the mainstay of negative reporting about Australia's treatment of asylum seekers since the 2001 election. A hunger strike had taken place in January 2002 (Guardian, 2002), ABC Reporter had been arrested while doing her job at the gates when asylum seekers had protested (Marr, 2007), and a report in The Age by Penelope Debelle had told the story of self-abuse amongst asylum seekers (Debelle, 2002):

Almost every day, asylum seekers inside the Woomera detention centre cut and slash their bodies, drink shampoo or try to hang themselves. But mostly they are ignored.

Another creative response to the isolationist approach by the Howard government was a flurry of activity around Australia of the purchase and supply of 'illegal' mobile telephones (Office, 2002) initially for those detained in the Curtin detention centre, those at Woomera, and later, after the closure of Woomera, at the Baxter detention centre. Given the experience of the Curtin detention centre during 1999 and 2000, where many asylum seekers had been held incommunicado for many months¹ a creative solution was called for.

John von Doussa QC, for the Human Rights and Equal Opportunities Commission, concludes in a 2005 Report into complaints about this treatment at the Curtin Detention facility:

As a result of my inquiry I have found that acts or practices of the Commonwealth, namely placing some of the complainants in separation detention for periods of between three and eight months, were inconsistent with or contrary to the human rights of those detainees as provided for in Article 10(1) of the ICCPR (von Doussa, 2005).

Consequently, providing 'underground' communications through pre-paid mobiles was an essential step in overcoming the remoteness of detention centres.

In 2002, I played with Coca-Cola cans, altered by Engineering students at a Perth University, which had been adapted to store mobile phones and battery chargers (Cans of Coke, 2002). These students had been alerted by advocates and non-aligned activists to the situation in the Curtin detention centre since 2000 where detained asylum seekers could not make any private phone calls – a situation which was also developed in the Woomera detention centre since 2001 – and they decided to change things for the better. The Coke cans had tops with a hidden invisible screw thread, so they could be opened and closed without any visible sign of the alterations. The cans also had a double wall. In the cavity between the outer and inner wall, an alcohol solution provided the illusion of its "contents": when shaken, the cans would audibly show its 'sloshing contents of liquid'. A small mobile phone would fit inside, and the cans would be propelled across the fence at otherwise peaceful protests organised by activists (Office, 2002).

The coke cans were not the only way for mobile phones to 'travel inside the gates'. Mobiles have been supplied hidden in a

baby's nappy by a proud young mum, they went inside hidden in the innards of birthday cakes, chickens and hams, brought as presents for asylum 'friends' of advocates (Office, 2002).

An early initiative developed in Melbourne in 2002 came from the hand of Julian Burnside QC and his partner, Kate Durham. Kate writes on her website:

I decided on two projects to set up "Spare Rooms for Refugees.com"; a web based register of people so concerned that they would offer their spare rooms temporarily to refugees who were being unceremoniously dumped from our camps. (It works.) And that while the wire fences were being erected on Nauru, I would try to contact the detainee in an effort to sponsor refugees. I did manage to get letters in, and I contacted a migration agent and lawyer. Letters and faxes went back and forth. Mohammed Mahdi was my invaluable source. I learned of the conditions there, we gathered the names and needs of detainees, and I would bully people in Canberra on their behalves. I was now receiving bundles of letters (Durham, 2002).

The collection of letters from detention centres eventually became one of the first publications spawned as a result of the Tampa stand-off. *From Nothing to Zero*, published with the assistance of Lonely Planet Publishing (SafeCom, 2002a) sold fast and furious, also from Project SafeCom's website.

The letters from detention were also finding a place with Actors for Refugees, with whose help *Citizen X*, the play by Don Mamouny, was finding its own voice. The stark script, solely made up from often highly emotive, but direct quotations from many letters, became a humbling experience for probably several thousands of people in the nationwide audience, as its

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theatre seasons in several cities around Australia unfolded. Project SafeCom was part of the Western Australian screenings at Fremantle's Deckchair Theatre with an information stall for its two week season, and we talked with many people, who shared that they were deeply moved by the experience, as they browsed for more information and purchased books on leaving the theatre (Mamouney, 2002).

Do not humanise

Second, a directive was issued to the Navy during a rescue of the *Olong*, codenamed SIEV4, to not release photographs that would 'humanise asylum seekers'. Craig Skehan, Defence Correspondent for the Sydney Morning Herald, states:

We were being told it was all to protect the asylum seekers but we were also hearing from Defence PR that they were not to take humanising photographs... (ABC Mediawatch, 2002)

Labor Senator John Faulkner, in an address to the Fabian Society in Melbourne on 23 July 2003 at the conclusion of the Senate Inquiry into the Children Overboard Affair, put it like this:

The response to boat people or asylum seekers was the main focus of the Howard Government in the lead up to the last federal election. The Government's strategy was based on politicising the asylum seeker issue for electoral advantage. It wasn't just the Tampa episode, or the bald faced lies about children being thrown overboard, it was a systematic campaign to engender public fear about asylum seekers and the need to protect our borders against them at all costs (Faulkner, 2003).

Howard's direct orders and intervention into the Australian Navy came not without a price. Nick Leys reports in the Sydney

Morning Herald on November 8, 2001 (Leys, 2001):

The Royal Australian Navy is facing a crisis in its ranks as a result of its activities in dealing with asylum seekers, according to a defence policy analyst. The executive director of the Australian Defence Association, Michael O'Connor, told the Herald the service stood to lose many members who had become demoralised.

"I think early resignations from sailors is a likely outcome from these actions," he said. "It goes against their sense of humanity." Mr O'Connor's comments are in response to allegations made by a senior Navy consultant psychiatrist, Duncan Wallace, who in a letter to newspapers described the actions as "morally wrong and despicable".

It is still unclear what action the Navy may take against Dr Wallace - a psychiatrist at Sydney's St Vincent's Hospital who this week returned from 30 days aboard HMAS Arunta, where he experienced the situation with the boat people first hand.

A Navy spokesman said the matter was being investigated to determine if Dr Wallace had breached rules on commenting to the media. Those instructions state that personnel are not to make comments "which could place in doubt their political impartiality or acceptance of the obligation to implement the policy of the elected government". Mr O'Connor said Dr Wallace could face a court-martial, although that could embarrass the Navy.

The anger, trauma and dissent in the Navy following the Children Overboard Affair and the subsequent Senate Inquiry into "A

Certain Maritime Incident" had a direct action result, probably from within their own circles, for Project SafeCom as well: within hours of Senator Faulkner's 2003 speech at the Fabian Society, almost two dozen Navy photos of the Olong rescue arrived at my desktop by email from an anonymous source (SafeCom, 2003b).

It was a scoop which helped consolidate for Project SafeCom the notion that working with reporters and selected journalists was one of the most powerful ways of giving voice to the circumstances of asylum seekers who were silenced by policy design and intent, because the photos and our comments countering Howard's approach could now be widely distributed through the mainstream media, while for years afterwards, the website page with those photographs became one of the most frequently accessed pages on our website. Victoria Laurie, in the Weekend Australian, reported comments by Senator Faulkner and Project SafeCom a few days later, following the press alert. The article was accompanied by three of the photographs from the collection:

Photographs of happy children being cuddled and cared for by relieved asylum-seeker parents have emerged, more than 18 months after the same parents were wrongly accused of throwing their children overboard.

Six [sic] photographs, posted on the internet yesterday, show tired but attentive parents on the deck of HMAS Adelaide soon after they were rescued in October 2001 by navy personnel after their vessel, carrying 187 people, sank off the Australian coast. The Opposition said yesterday the release of the photographs before the election could have changed public attitudes to asylum seekers. Labor Senator John Faulkner, who sat on the children overboard Senate inquiry,

said he had no doubt that if the photos had been released before the election, "there would have been much greater sympathy towards asylum seekers".

He accused the government of deliberately preventing the Defence Department from releasing the images.

"The government was intent on perpetuating the myth, for political advantage, that asylum seekers were callous and cruel towards their kids," he said.

The photographs show mothers in headscarves and their husbands holding babies and sitting in family groups with young children draped in towels and drinking glasses of milk supplied by naval officers.

The asylum-seekers became a focal point in the 2001 election campaign when pictures of children allegedly thrown in the water by their parents, were released days before the federal poll.

At the time, Immigration Minister Philip Ruddock described the refugees' actions as a disturbing and premeditated act. John Howard said they were "a sorry reflection on their attitudes of mind."

The Australian's Nathalie O'Brien broke the story that the children overboard incident never happened. The story days before the election forced the government release video of the episode and later sparked a Senate inquiry.

The new softer images of the asylum-seekers were posted on a website by West Australian refugee advocate Jack Smit, who said he

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had received them from an anonymous source.

He claimed the images had been withheld from the public to dehumanise the asylum-seekers, despite the release of the now well-known digital photographs - apparently taken at the same time by a navy officer - showing children in the water. "This is the same camera, the same (series of) pictures that went to John Howard, so why didn't they show the other ones to Australians?" Mr Smit said (Laurie, 2003).

Punitive terminology and 'illegals'

Third, the code-naming by Operation Relex, a sub-section of the Navy tasked to intercept asylum boats off the north coast of Australia, of the boats as "SIEV's" or *Suspected Illegal Entry Vessels*, a coding maintained right up till the time of writing - eight years later - routinely established the intended language used all around the country, although it's a serious misnomer. It's not illegal to enter Australian waters or territory without permission or without a visa, and the term "suspected" establishes a presumed illegality and reinforces the intended notion which was integral to John Howard's approach to boat arrivals.

Under the terms of the 1951 United Nations Convention relating to the Status of Refugees (UN, 2008) and the 1967 Protocol (ibid), safe and open access to Convention countries to seek safety from persecution from home countries for any individual, with or without identity papers, and whatever the mode of arrival may be, is meant to be guaranteed. It is neither 'illegal' nor 'unlawful' to access a country that has signed the UN Refugees Convention. In addition, in Australia there is no law that affirms any notion of this 'illegality'.

A note by Phil Griffiths of Australian National University on a human rights

advocates' list (Griffiths, 2004) is helpful in clarifying the Australian legal situation:

Under the Migration Act, it is not an offence to enter Australia without a visa. It is not even an offence to live in Australia without a visa.

Instead, the law gives the government the right to detain and deport you, but you do not have to be first convicted of an offence by a court. If you don't have a valid visa, the legislation describes -- I repeat describes -- you as an "unlawful non-citizen", but while your described "status" is unlawful, you have committed no offence.

The law states that "a non-citizen must not travel to Australia without a visa that is in effect", but there is no offence in doing this. The act of bringing a non-citizen to Australia without a visa can be an offence ... so airlines (and people with rickety boats) are targeted.

The key to understanding all this is that immigration is mostly controlled via administrative law and administrative detention. This is incredibly regressive in terms of the most basic democratic rights ... indeed it's back to the legal structures of the middle ages.

One response to the newly created language by the ruling conservative political party deserves special mention. The campaign, initiated by Project SafeCom, to set some standards for media reporting around asylum seekers and the use of the term 'illegal', while ongoing, became a remarkable success.

For those media outlets which were intent on supporting the Howard government's hardline position, continuous references to a presumed 'illegality' of the actions of asylum seekers who had arriving by boats

unannounced, proved a tough issue to tackle.

Perth-based human rights advocate Ross Copeland gave a hint at a direction, and with his idea, derived from the UK Press Council's responses to media reporting in the UK (Hall, 2004), we set up a campaign for Project SafeCom, urging all our supporters and website visitors to send a complaint to the reporter as well as the editor of newspaper and other print media found to practice the 'illegal line', and send copies of their complaint to the Australian Press Council (SafeCom, 2004a).

Eventually this action, supported by hundreds of advocates around the country, several of them clearly unaware that the original call to action came from Project SafeCom, resulted in a complaint against the Sydney Morning Herald being sustained by a New South Wales advocate, and subsequently being upheld in a Council Ruling and Adjudication (Press Council, 2004). We now had a standard by which to measure those who used the tag 'illegal' to denote asylum seekers, but even in 2009, Australia's national broadsheet *The Australian* dapperly continued its resistance against the path endorsed by the Australian Press Council and others, in a scathing editorial, contrasting starkly against the national editorial guidelines of Australia's broadcaster, the ABC (*The Australian*, 2009).

Barring Reporters

Fourth, visits to those locked up in the camps were, and still are, rigidly restricted for the media. No cameras are allowed to be brought in by visitors, and no media representatives are allowed on visits without being invited by those locked up themselves as 'identified friends'. A stark example of Howard's success in directing the public service, in this case the Federal Police, was the January 2002 arrest of ABC Reporter Natalie Larkins at the fence of the Woomera detention centre, while she was reporting on a protest by asylum seekers – and in full

compliance with reporting standards, carrying her reporters' identification card. Sydney Morning Herald investigative reporter David Marr says:

On Australia Day 2002, the Woomera detention centre was in turmoil, with inmates on hunger strikes, rioting and sewing their lips. A large number of press stood about in the desert that night watching. When ABC journalist Natalie Larkins questioned a police direction to fall back 200 metres from the camp perimeter, she was arrested. Other journalists and photographers were threatened with arrest if they did not move (Marr, 2007).

There was a considerable cost to the nation's press freedom ranking as a result of the restrictions imposed on the media and of this arrest (SafeCom 2004a). As reported by Australian Associated Press in the Sydney Morning Herald in 2004:

Australia has ranked dismally in a global index on media freedom released by Paris-based watchdog Reporters Without Borders (RSF). Australia could only manage 41st position in RSF's third annual index of press freedom, lagging behind some former Eastern bloc nations, including Hungary (28), Czech Republic (19) and Poland (32).

Regional neighbour New Zealand placed a respectable ninth and was one of only three nations outside Europe to rank in the top 20. But Australia's lowly ranking came as no surprise after it came under fire in the RSF's 2004 annual report released earlier this year.

In particular, the watchdog criticised Australia's policies restricting press access to refugees. It said in the report that the Australian government "continued to prevent

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journalists from covering the situation of refugees held in camps on Australian territory or in neighbouring countries".

The report pointed to the January 2002 arrest of ABC TV reporter Natalie Larkins, who was carted off and charged with trespassing on commonwealth property while trying to report on 300 hunger striking refugees at the Woomera Detention Centre in South Australia (AAP, 2004).

Xenophobia

The fifth factor was not part of government policy, but it resided in Australian society itself. With his hardline policy, designed to win what looked like an unwinnable election in 2001, John Howard had shrewdly plugged into an attitudinal substream of what later would be called the 'Fear of the Other' by Labor MHR and Member for Fremantle Dr Carmen Lawrence (Lawrence 2003). This meant that those who wanted to bring the voices of asylum seekers to the attention of policy makers also had to contend with public opinion.

In an environment where these advocates found themselves in a minority, they also would find several media outlets unwilling to give due attention to the nationally sanctioned policies and strategies of a punitive nature, that were resulting in mental damage inside the bastion of border protection and the treatment of asylum seekers. Murray Goot, as cited by Gosden (2006), wrote that polls in 2001 showed that around 77% of the public 'applauded' John Howard with his hardline approach to asylum seekers. Even around the time of the next 2004 Federal election, a poll, according to Sydney Morning Herald reporter Louise Dodson, suggests:

While the study did not test ideas on detention, it found 54.4 per cent of those polled either strongly agreed or agreed with the Government's

policy of turning away boats carrying asylum seekers, with only 28 per cent strongly disagreeing or disagreeing (Dodson, 2005).

The difficulties with the media, their pandering to government policy, or where they could not show solid foundations that would lead them to pre-emptively take in a partisan position around the UN Refugee Convention and the International Declaration of Human Rights, against which they surely should have mirrored Australia's politicians, dictated that we needed to work with selected reporters, current affairs programs and their editors, and with documentary makers contracted by Australia's media outlets.

Some of the stories highlighted below are examples of successful collaborations with these reporters and media outlets.

From the media into Parliament: four case sketches

Mohammed Saleh

The death of Syrian asylum seeker Mohammed Saleh in a Perth hospital after having been locked up in an isolation cell in the Port Hedland detention centre's Juliet Block for weeks on end, may well be one of the starkest examples of what happens if the messages of asylum seekers go unheard.

Mr Saleh had reported to his Perth doctor that he did not deserve to live, because he felt he was no more than a dog.

ABC Radio PM's David Weber reported:

Mohammed Saleh was admitted to Hollywood Hospital in Perth, for treatment for depression. The psychiatrist who treated Mr Saleh was Brendan Jansen. He said Mr Saleh had a post-traumatic stress disorder, related to torture and trauma at the hands of Syrian authorities.

Dr Jansen believed it would be detrimental to Mr Saleh's health, particularly his mental health, if he was sent back to Syria. Dr Jansen tendered a report to the coroner. PM has seen that report. Mr Saleh's symptoms included sleeping difficulties, weight loss, feelings of fear and guilt, and suicidal tendencies. His thoughts contained, what Dr Jansen described, as nihilistic themes.

At one point, Mr Saleh feared that the interpreter, which had been provided for him, was Syrian. Dr Jansen said this resonated with previous traumatic incidents, and a general deterioration in his mental state. Mr Saleh was hearing a voice which told him he must die, that he was an animal, and that he did not deserve to live (ABC PM, 2002).

His story stands in the context of what could well be described as the '*primal scream*' frequently heard from protesting asylum seekers at the razor wire fences of their detention centres: "*We are human, we are not animals*", and their claims that they felt like they were being treated as animals by the guards. The process of dehumanisation designed and intended by John Howard was becoming successful, and in terms of mental illness, it may well be possible to make the case that the treatment of asylum seekers – treating them like dogs and animals – was fully internalised by Mr Saleh, who would eventually die from the indignity suffered by him at the hand of guards, and ultimately by John Howard.

ABC Radio National's Breakfast reported that:

Mohammed Saleh's family argued the illness, which culminated in his death, had been contributed to by his isolation in Juliet Block and that this was a form of collective

punishment and therefore, illegal (ABC RN, 2002).

While there clearly had been media reports about his death and the inquest before this time (ABC RN, 2002, Wynhausen, 2002), Mr Saleh's story became widely known around Australia after I received a phone call from a Perth-based 17-year old, Sophie McNeill. She identified herself as someone who had attended a Project SafeCom Film event at the Film and TV Institute in January 2003 (SafeCom, 2003a), and told me that SBS Insight had given her permission to make a television documentary about the death of Mr Saleh. We met for a coffee in Fremantle, and later spent an afternoon around Project SafeCom's computer, and I gave her all my relevant contacts and a considerable wad of primary source documents around the coronary inquest into his death.

Sophie McNeill's documentary went to air under the title 'Mohammed and Juliet, A Modern Tragedy' on 8 May 2003 (SBS Insight, 2003), and it earned her the MEAA 2003 Student Journalist of the Year Award, Best Newcomer at the 2003 West Australian Media Awards and Best Emerging Director at the 2003 West Australian Screen Awards (SBS Dateline, 2009).

During the time Mr Saleh was held in isolation in the notorious Juliet Block in the Port Hedland detention centre for 13 days, a parliamentary delegation had visited the Port Hedland facility, and were discouraged – if not gently blocked – by the detention centre operator from 'going upstairs' and then 'discovering' the dirty, dark isolation cells where Mr Saleh would soon find himself.

Retired Labor MP Colin Hollis, the Deputy Chair of the Foreign Affairs Subcommittee on Human Rights, told McNeill:

We were told "Well, why did you want to go upstairs" and the officials actually argued with us and tried to

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persuade us not to go upstairs. It was dark. It stank. There were, I don't know how many cells and that's because they had iron doors, locked doors and behind these people - behind these doors were people looking at us with the most pitiful, sorrowful look I have ever seen in my life (SBS Insight, 2003).

While Juliet Block by the time of the making of McNeill's documentary had already been closed, the television screening would trigger additional vigorous questions in Parliament about the circumstances of his death, and about the fact that files relating to Juliet Block were missing from the detention centre operator Australasian Correctional Management (Hansard, 2004). Project SafeCom screened the documentary at a weekend forum at the University of Western Australia, 'The Cost, the Carnage and The Bill' (SafeCom, 2003c), where we also heard from Elisabeth Lacey, the lawyer who had acted as the instructing solicitor at the inquest into Mr Saleh's death.

Mr Sammaki

The 12 October 2002 Bali bombings had also resulted in the death of Endang, the wife of an asylum seeker locked up in the Woomera detention centre. The story first came to light through the work of Sarah Stephen, who at the time wrote about immigration and refugee issues for the small left-wing magazine Green Left Weekly (SafeCom, 2008).

Sarah Stephen was the first and only reporter to tell her readers about the death of Ebrahim's Indonesian wife. I spoke to Ms Stephen and 'amplified' her report through a media note to the 200+ media outlets and reporters in our database, and interviews with Australian media followed the next day: the story was now becoming some real news for the mainstream press (SafeCom, 2002b).

Australia's national broadcaster, the ABC, was now reporting nationally on October 17 2002:

The Department of Immigration says it is holding talks with the Indonesian Government on allowing the man to visit Bali to make funeral arrangements for his wife.

Refugee advocate Jack Smit says the man was severely distressed by the news. "Word came to him directly from Bali after the Department of Immigration supplied him with a mobile phone to call the hospital regularly in Bali," Mr Smit said.

"Yesterday word came through that as a result of 60 per cent burns to her body, she passed away." (ABC, 2002)

The amplification of the story to a national level was now setting the scene for many others to build the story, investigate the circumstances of his two children in Indonesia and pressure the Howard government over the ensuing refusal to unite the children with their father.

It was also Project SafeCom that "outed" John Howard in public as having met the two children at the Bali bombings commemoration a year later, via an email alert about the meeting to its thousands of supporters. This alert and the subsequent actions taken by our supporters, led to questions in Parliament within 48 hours by the then Labor Opposition leader Simon Crean, in turn leading to photo evidence of the PM's encounter being produced in The Senate and in the Sydney Morning Herald. Three weeks later these events would lead to Ebrahim and his children being granted permanent protection in Australia as refugees (SafeCom, 2008b).

Last Manus Man

In July 2003 Australians were told by the Minister for Immigration that the Pacific Solution Lombrum Processing Centre on Manus Island, Papua New Guinea, was no longer operational. But Australia's Immigration officials left one asylum seeker – Aladdin Sisalem – behind on the Island. Nobody knew about his case or story, but Sarah Stephen of Green Left Weekly knew something nobody else did. She broke the story, but no reporter picked it up: the mainstream media do not read Green Left Weekly.

In this case, once again, it was possible to “amplify” the story about Mr Sisalem, written by Ms Stephen for the Green Left Weekly magazine by issuing a media release on August 19, 2003, and ensure that the main broadsheets and media outlets would pick up the story and run with it. Fairfax reporter for the Age, Andra Jackson, who later would break the story about Australian citizen Cornelia Rau, who was unlawfully incarcerated in the Baxter detention centre, took up the story with dedication (SafeCom, 2003d).

Cornelia Rau

In the beginning of 2005, the Howard government's confidence in its hardline and punitive detention policies received a serious blow with the discovery that we had locked up a mentally ill but otherwise fully qualified Australian citizen in the Red One isolation compound of the Baxter detention centre.

A statement issued by detainees at the Baxter detention centre, in response to her treatment and following the ‘discovery’ of her case, was accepted for publication by the online magazine New Matilda (SafeCom, 2005). In response to its publication, Duncan Kerr MP, the Labor (at that time Opposition) Federal Member for Denison in Tasmania, commented on the published statement in the House of Representatives of Canberra's Parliament:

Any person who wishes to read about those routine cruelties would be well advised to have a look at two articles on the web site magazine called New Matilda: one by Julian Burnside called 'Honesty matters: the ethics of daily life' and one called 'Talking about Cornelia' by Jack Smit. They are both in the most recent edition of New Matilda at newmatilda.com. I do not want to go through them at length, but I would commend to any member of this House and anyone listening a careful examination of those articles.

We have reacted with horror to the circumstances that Cornelia Rau went through---an Australian, just like us---but her experience was repeated many times by other persons, and we did not react with such horror to those cases. Some of the things that have been happening behind those razor wire and electrified fences are akin to the kind of things that we would be critical of if they happened elsewhere in the world---akin to the kinds of things that we saw at Abu Ghraib on our television screens. That is not to say that everybody in the system is evil; our unwillingness to open our eyes to what is being done in our name is evil (Hansard, 2005).

Changing the guard: Labor in power

The conservative Liberal/National Howard government was soundly defeated at the 2007 Federal election, and with Howard's demise came also the turning of the pages, slowly and hesitantly but nonetheless significantly, in the treatment of unannounced boat-faring asylum seekers and the praxis of the Immigration Department.

The new Immigration Minister Chris Evans, although reluctant in initiating radical structural and legal reforms, has established an attitudinal reform on many levels, starting

with the abolition of the so-called 'Pacific Solution' (SafeCom 2008a) where asylum seekers are warehoused in camps in other countries than Australia, the abolition of the cruel 'Temporary Protection Visas' which had, during the Howard years, excluded the right to family reunion of immediate family members, including spouse and children, and which compelled a re-proving of refugee claims after three years (SafeCom 2008c).

Evans also reversed the onus on ongoing incarceration so Immigration Department officials now will have to show cause for someone to be held in detention camps or facilities beyond the initial period of health and identity checks. But I wrote, following his announcement of the changes at a lecture at Australian National University (SafeCom 2009b):

Regrettably, while these changes in approach to detention are substantial, and on some level represent even a retreat from Labor's intent with its mandatory detention as introduced in 1992, Labor maintains its "underclass" of unannounced boat arrivals, the changes do not touch the massive 4,600 island excision zone, and while they suggest a mothballing of the Christmas Island detention centre, the keys for this John Howard Asylum Gulag will be available at a moment's notice.

A few months later, those keys to the Christmas Island Gulag – the super-secure, state-of-the-art and microwave-controlled maximum security immigration detention facility, designed and built at a \$460,000 cost by the Howard government – indeed turned the keys for this ghastly, 800-bed, remotely located detention centre for asylum seekers arriving unannounced by boat (SafeCom 2009a).

As yet, there has been no change to legislation to start on a path of permanent

reform of the status of unannounced boat-faring asylum seekers, and thorough legislative reforms are not likely: it was Labor during the 1990's that introduced the mandatory detention of what Australia calls 'unlawful arrivals'.

Conclusion

When the humane treatment and the maintenance of universally defined human rights of vulnerable groups in a society are undermined by politicians, civil groups can be successful in undertaking actions that have an impact, first through the media, and from there, into the realm of the national parliament, eventually contributing to policy changes.

The Australian experience following events around the arrival by boat and detention of asylum seekers in 2001 shows that if civil human rights activists and advocates clearly define what the case is, and then, based on this precise diagnosis and assessment, develop tools of action, using a collaboration with those in the media who will report with them and for them, while linking with advocates and activists around the country, measurable outcomes can be attainable.

This paper has shown that civil advocates and activists can, and have, responded directly, deliberately, and successfully to politicians' strategies and policies designed to silence the voices of uninvited boat arrivals. Activists have replied with unique actions of giving voices to refugees in the form of mobile phones covertly provided, while supply was prohibited. A broad network of advocates and activists bridged the "tyranny of distance" by travelling the thousands of miles to be part of civil protests in the remote areas of Australia where detention camps were located. Using reporters and documentary makers – who themselves were barred from freely accessing detained asylum seekers – advocates and activists were successful in becoming intermediaries, getting case stories reported on radio, television and in

newsprint media. The publication of these case stories in the media has led in turn to actions being taken or being forced on Federal parliamentarians and policy makers. Using the national broadcasting regulator, advocates, using email and internet networks, were successful in countering the punitive language used by their politicians and the media to describe the status of asylum seekers by taking the media to task when necessary.

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allowed any phone calls to relatives in their home countries, were not allowed any contact with lawyers, or with advocates or friends or anyone else outside the detention centre. They did not receive any communication as to their status or asylum claim application progress during this period. They were held incommunicado in the starkest way imaginable. Identity and location of advocates as well as telephone conversation dates have been kept private for security reasons.

Endnotes:

¹ Office Communications between Project SafeCom and some advocates: advocates allege that Immigration Department officers at the Curtin Immigration Detention facility conducted unregulated 'pre-screenings' or their own design and execution, and those who, according to these officers, 'would never be allowed in Australia' were kept in a separate compound for 11 months. These asylum seekers, during this period, were not

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