

Information on Australian Asylumpolicy

Materialiensammlung zur Australischen Flüchtlingspolitik

May 2003

zusammengestellt von / collected from:
<http://www.no-racism.net>

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1. Australia plans to deport Iranian Refugees: Ruddock's deal with Iran

The Australian Financial Review yesterday, 2nd May, carried an article by Julie Macken under the heading "Ruddock's Iran deal shrouded in doubt". There has been talk for some while of a secret deal between the Howard Government and the regime in Iran involving a trade-off of work visas for Iranian nationals - those in favour with the regime, of course - and agreement by the Iranian Government to accept involuntary repatriation, something they have refused up to now, presumably out of fear that such acceptance would prove the proverbial thin end of the wedge leading to the return of the hundreds of thousands of Iranian refugees currently in Europe. There have been suggestions that no such agreement exists, but that the threat of involuntary repatriation on this basis was being used as a form of blackmail to induce Iranians in Australia to sign a document of consent to repatriation, with the "sweetener" of a financial package similar to that used to get rid of Afghani refugees.

The Australian Government insists that such a Memorandum of Understanding does exist, but refuses to release it, as not being in the public interest. On the other hand, the Iranian embassy in Canberra denies that Iran has agreed to accept forced repatriation, although it concedes that it would not be able to turn away a planeload of its citizens who might land in Iran...

The Australian financial review has apparently not been able to obtain a copy of the alleged memorandum, but it has obtained, and makes available online, a departmental document drawn up by John Okley, assistant secretary of interanational co-operation in DIMIA, dated last December, and entitled "Return of Iranian Nationals; Update on negotiations and proposed next steps". (The document is available in .pdf format at <http://afr.com/pdfs/notes.pdf>. There are several rather odd typos in the text, which presumably are artifacts of the software used to create the files.)

As the AFR reports, the DIMIA document outlines a two-pronged strategy of financial bribes on the one hand, and what is charmingly called "the creation of a credible threat of involuntary removal" on the other. It suggests that the first targets of this approach should be those who has attempted self-harm or committed acts of violence while in detention - in other words, those who have been most damaged by the trauma of detention.

At the time of writing, DIMIA was refusing to comment on the document, on the grounds that it was only a draft...

At the same time, there have been reports that Iranian detainees have already been given a letter - in some cases last Monday (April 28) from DIMIA inviting them to agree within 28 days to "voluntary" repatriation or face the consequences. A copy of the letter is also available on the AFR website, at <http://afr.com/pdfs/letter.pdf>.

The full text of Julie Macken's article is not available free-to-view on the AFR website, though it can be viewed for a fee (<http://afr.com/premium.australia/2003/05/02/FFXJ41JM5FD.html>), but here is part of it:

Last Monday, detainees received that letter.

They were told they had 28 days to agree to their voluntary return or they would be forcibly returned, and, yes, Iran had agreed to accept their forcible return.

The Iranian Embassy spokesman told the AFR: "We are pleased the Australian government is encouraging people to return to Iran voluntarily. But Iran does not want any involuntary repatriation and we accept no responsibility for Iranians living in Australia that do not want to return to Iran. But if the Australian government put Iranians on a plane and dumped them on our tarmac, obviously we would not reject them. No country can reject its own nationals."

This seems far from the agreement the federal government says it has. But it does introduce the spectre of forcible return.

A spokesman for Ruddock said: "The MOU is very clear. The Iranian ambassador here may or may not be appraised of that, or he may have misunderstood. The minister and the Iranian government have signed an MOU which allows for the involuntary return of people who have no entitlement to remain in Australia".

WHEN ARE YOU GOING TO TELL THE TRUTH MR RUDDOCK?

In addition to all the above, another aspect of the blackmail has also emerged: as part of "the talk", Iranian detainees were told that if they did not sign for voluntary repatriation within 28 days of receiving the official letter from DIMIA, their personal details (name, family name, date of birth etc) would be given to the Iranian Government for issuing of travel documents for their deportation.

A person in contact with detainees reports: Iranian detainees I have spoken to have expressed fear that these details would be passed on to the Iranian secret service. They fear that this will cause problems for their families or for themselves in the future, because they left Iran illegally and because of any information coming out during their time in detention which could be seen as anti-the Iranian Government.

In this context, a detainee formerly at Woomera has asked us to put his story on the internet in the hope that someone may be able to help him. He has also sent photos which document his many self-harm attempts (@ videotepista.nomasters.org)

Anyone wishing more information on the state of affairs in Iran should take a look the following posting by Pamela Curr and the site she mentions: <http://www.iranncrfac.org>

A Glance at Mullahs' Human Rights Record

120,000 executions on political grounds; victims include pregnant women, elderly women and schoolchildren
30,000 political prisoners massacred in 1988
Over 170 forms of physical and psychological torture
800,000 persons admitted to jails every year
Stoning, hanging in public, eye gouging, amputation of fingers, hands and legs, beheading, and flogging in public carried out as "punishment"
Discrimination against women in law and practice
Suppression of religious and ethnic minorities
450 terrorist operations around the world, including bombings, hijacking, abductions and assassinations
140 terrorist attacks against the Iranian Mojahedin in Iraq since 1993
474 public executions have been announced in 2002; a 50% rise compared with the previous year
80 newspapers and periodicals have been closed down by the regime since April 2000. Dozens of journalists remain in jail. Rapporteurs Sans Frontieres called Iran "the biggest prison for journalists."
Under mullahs' regime, Iran has highest suicide rate in the world (200 fatal suicide attempts for every 100,000 head of population).
1,500 Iranians leave the country every day, fleeing the mullahs' repression

United Nations' Report

In his report to the United Nations Human Rights Commission in March 2002, the Commission's Special Representative for Iran, Professor Maurice Copithorne

- expressed concern at "the apparent rise in flogging and execution, over the public application of such punishments and over their apparent application in some cases to minors" and the "recent cases of stoning to death."
- described the massacre of political prisoners in Iran in 1988 as one of "the blackest events in the history of the Islamic Republic."
- noted that the widespread feeling of "frustration" and "disillusionment" among the people in the country "certainly seems to have been reflected in the disturbances in August in Sabzevar and in October in Tehran."
- emphasized that "accepted norms of fair trial are frequently ignored. Many of the punishments are gross violations of international human rights norms, including in particular the use of stoning."
- noted that "the treatment of intellectuals and dissidents, particularly by the security forces and the Judiciary, reveals a fearful intolerance of alternative views."
- referred to the "serial murders" carried out by the mullahs' Intelligence Ministry, pointing to "the apparently widespread view that the trial was a cover-up and that the real motives behind the killings, as well as the likely knowledge of them of senior figures, had yet to be revealed." He also stated that Khatami's "Minister of Information (Intelligence) was quoted in the press as characterizing these murders as 'insignificant mistakes,' adding that the people have forgiven 'those concerned.' In the view of the Special Representative, taking anyone's life, not least when the act is politically motivated, can never be characterized as insignificant. The Minister's comments are surely an insult to the memory of the victims and to their family members. They also reflect an appalling disrespect for the most basic of human rights, the right to life, and by a member of the Government at that."
- expressed concern at "the suppression of various types of expression continued in the period under review," pointing out that "more newspapers and journals were banned or temporarily suspended" and more arrests were made.
- noted that "the prison population has increased over 40 per cent in the previous year, and the prisons were now housing more than 100,000 inmates beyond their capacity."
- stated that "over the years, the Special Representative has frequently expressed his concern over the status of women in Iran" and that "there can be no doubt that the treatment of minorities in Iran does not meet the norms set out in the Declaration on Minorities or in article 27 of the International Covenant on Civil and Political Rights."

Pamela Curr, Greens National Refugee Spokesperson

Source: http://porthedland.nomasters.org/2_2003news.htm

2. Baxter: Irani couple face a death sentence if returned

by phillipa, Friday May 09, 2003 at <http://melbimc.nomasters.org>

A young Irani couple in Baxter detention centre face a death sentence in Iran if forcibly returned to Iran. They have been offered a "package" (two thousand dollars each) to return to Iran, or face forced deportation, within weeks. They were arrested at Teheran airport three years ago, when returning from India. Their luggage was searched and

found to contain books and tapes of an Indian guru whose ashram they had visited, whilst studying in India. They were charged with "apostasy", (a Muslim who changes religion), which carries a death sentence in Iran (Leila is a pharmacist, Saeed a dentist). They escaped from Iran whilst on bail, and came to Australia. They have been in detention together for three years. Last year, they asked to be allowed to return to India, but were told by DIMIA "either you return to your country of origin, or stay in camp forever".

Leila is expecting a baby in mid-June. Their mental and physical health is deteriorating, from three years of "being in a cage", and now the fear for themselves and their child's future. They need all the support and publicity they can get.

Contact for further info-pippa@lis.net.au.

Longer article: Baxter assaults @ <http://melbimc.nomasters.org/news/2003/05/47302.php>

3. Ruddock's Iran deal shrouded in doubt

Author: Julie Macken Publication: The Australian Financial Review

Date: 02/05/2003 Source: AFR

On March 13, Immigration Minister Philip Ruddock claimed to have signed a deal with the Islamic Republic of Iran. The minister said Iran had agreed to the involuntary repatriation of 277 Iranian detainees in Australian detention centres. There is real doubt such an agreement exists. The Iranian embassy in Canberra denies Iran has agreed to accept any forced repatriation. Its position is "business as usual", according to a spokesman. "We shall not accept the forced repatriation of Iranians from any country." The embassy does concede that detainees deposited in Iran could not be rejected. Meanwhile, the government has refused a Senate demand to table the memorandum of understanding. Helen Coonan, speaking on behalf of Ruddock, told the Senate: "The government does not consider it to be in the public interest to table the MOU in the Senate. It was signed on the understanding that it is a confidential agreement between governments that will not be released publicly at any time."

While the MOU and its contents remain a mystery to everyone outside the Department of Immigration, The Australian Financial Review has learnt that departmental officials told Iranian detainees being held in South Australia's Baxter detention centre last Monday that they had 28 days to accept returning voluntarily or face the dire consequences of involuntary repatriation.

Australian Democrats leader Andrew Bartlett says the situation has the hallmarks "of the usual combination of half-truths, secrecy and blackmail that has characterised the government's dealings with these vulnerable people".

So, political rhetoric aside, what is going on behind the walls of Baxter, and what is the truth behind the MOU?

Iranian detainees are the largest group of asylum seekers in Australia and have been in detention the longest - some for almost four years. Their claims for protection have been rejected. The limited scope for appeal has been exhausted. However, because the Iranian government has steadfastly refused to accept any involuntary return of nationals - from Australia and Europe - our government has been unwilling to place them in the community and unable to find third countries to accept them.

This is why the United Nations Working Party on Arbitrary Detention found Australia guilty of "arbitrary and indefinite detention" of asylum seekers - and therefore in breach of the Refugee Convention and the International Covenant on Civil and Political Rights. While the war against Iraq has cleared the way for the removal of Iraqi refugees from Australia, the problem of Iranian asylum seekers remains. Without regime change in Iran, it's not considered safe for refugees to return.

This is why, according to departmental documents obtained by the AFR, John Okley, assistant secretary of international co-operation in the Department of Immigration, put together a strategy last December entitled "Return of Iranian Nationals; Update on negotiations and proposed next steps".

The document is a plan for the repatriation of Iranian nationals, and the author suggests a two-pronged approach. "Encouraging voluntary departures" would be done by offering detainees inducements: \$2000 per person; waiving the cost of their accommodation in detention; giving them the status of a returnee, rather than a deportee; and supplying them with airfares and travel documents.

Further, the Australian government would secure the support of the Iranian government by offering Iran a work and holiday visa program, so Iranian nationals could work and study in Australia.

The second part of Okley's strategy involves 'the creation of a credible threat of involuntary removal'. That threat would be telling detainees that Iran was now willing to accept their involuntary repatriation.

He then suggests the department target a specific group of detainees first. "In particular, we would be seeking to include those who have attempted self-harm or committed acts of violence within the centres."

It appears a number of people fall into the category of self-harm and suicide risk. The Iranian detainees are among the most traumatised and brutalised people within Australia's camps. Having spent the last three to four years behind razor wire, many, particularly women and children, are now in a state described by one former Australasian Correctional Management psychologist as "psychically disintegrated".

A spokesman for Ruddock told the AFR the document and its contents were only a draft, and therefore "the department has no further comment to make".

Okley finishes his document by enclosing a letter which he suggests be given to detainees as soon as "the Iranian

authorities agree on involuntary removals".

Last Monday, detainees received that letter.

They were told they had 28 days to agree to their voluntary return or they would be forcibly returned, and, yes, Iran had agreed to accept their forcible return.

The Iranian Embassy spokesman told the AFR: "We are pleased the Australian government is encouraging people to return to Iran voluntarily. But Iran does not want any involuntary repatriation and we accept no responsibility for Iranians living in Australia that do not want to return to Iran. But if the Australian government put Iranians on a plane and dumped them on our tarmac, obviously we would not reject them. No country can reject its own nationals."

This seems far from the agreement the federal government says it has. But it does introduce the spectre of forcible return. A spokesman for Ruddock said: "The MOU is very clear. The Iranian ambassador here may or may not be appraised of that, or he may have misunderstood. The minister and the Iranian government have signed an MOU which allows for the involuntary return of people who have no entitlement to remain in Australia."

As the government refuses to release the MOU for scrutiny, this assertion can only be accepted on faith.

Okley warned Ruddock that just such a situation might arise: "The only other country to have achieved progress on this issue to date is Switzerland, which has reportedly secured the agreement of the local Iranian embassy to the deportation of up to 100 Iranians. They have advised that they have only achieved one return to date."

It appears that, when Tehran found out about the arrangement with Switzerland, it reversed the decision.

This is not surprising. While Iran would like access to a work and holiday visa program, it knows that if it accepts the involuntary return of 277 Iranian nationals from Australia, it faces the prospect of having to accept the hundreds of thousands of Iranian nationals living in Europe. It is not a circumstance any country would welcome, not when unemployment is up around 20 per cent.

In a further development, and one that has potentially far-reaching consequences, Josh Bornstein, of the Melbourne firm Maurice Blackburn, appealed to the Federal Court last week on behalf of an Iranian asylum seeker.

The federal government is attempting to have the case struck out before it is heard, but Bornstein is hopeful the court will allow it to proceed.

The case concerns the power of the minister for immigration to remove "unlawful non-citizens" under section 198 of the Migration Act.

The minister argues that he has unlimited power to remove any asylum seeker who has failed to secure refugee status.

"We argue," says Bornstein, "the Migration Act is a statute that should be interpreted in accordance with Australia's international treaty obligations, particularly the Refugee Convention and the Torture Convention."

"Article 33 of the Refugee Convention says that no state shall return a refugee to a place where his or her life or liberty is threatened. The Torture Convention states that no state can send a person to a place where there is a real prospect of torture."

"We argue that the government is putting our client at risk of losing his life, liberty and facing torture." The Refugee Review Tribunal has already found that Bornstein's client is not entitled to be a refugee. However, Bornstein argues that the court should be able to look at the issue independently of the RRT and that the RRT does not have a perfect track record.

The crux of the debate, he says, is whether the minister has unlimited power to send asylum seekers anywhere. "If that is the case, Philip Ruddock could choose to send someone to a desert island or back to certain death," he says. However, the alternative is to have the minister's power mediated by Australia's international treaty obligations. That's not a situation this federal government would welcome, despite the concern the Prime Minister expressed about the human rights of Iraqi citizens before Australia got involved in the war against Iraq.

The RRT and the federal government have consistently argued that Iranian asylum seekers, while sometimes facing discrimination, do not face persecution in Iran. It appears this is no longer the opinion of many in the UN.

A team of UN experts has recently completed its first mission in Iran for seven years. Its findings offer little comfort to Iranian returnees or deportees.

The head of the mission, Louis Joinet, told journalists in the United Kingdom that Iran was detaining dissidents and others without due process on a "large scale" and keeping them in solitary confinement.

4. Immigrationsminister sieht rot!

by Amex 3:01pm Thu May 1 '03, at.indymedia.org

This article in English: <http://theage.com.au/articles/2003/04/29/1051381948773.html>

Ein neues Computerspiel, das in einigen Monaten auf dem Australischen Markt erscheinen soll, hat die Gemüter der Australischen Regierung erhitzt. Das ist eine Dose an Virtual Reality an der der Australische Immigrationsminister Philip Ruddock gerne verzichten würde: Ein neues Computergame, an dem zur Zeit einige Multimediafreaks sowie Aktivisten arbeiten, hat 25'000 Australische Dollars an öffentlichen Zuschüssen bekommen. Das Spiel, genannt "Escape from Woomera" (Flucht aus Woomera), wird auf 4 der kontroversen Internierungslagern fuer Fluechtlinge modelliert sein. Vor einen Monat haben die Macher des Games vom Australia

Council (Australien's Kunstministerium) Gruenes Lichts fuer das Projekt bekommen, und 25'000 \$ an Produktionsgeld gekriegt. Ein Sprecher des Australia Council sagte, das Kunstministerium sei vom Projekt beeindruckt gewesen, alle Kriterien um Foerderungen zu bekommen stimmen. Der Immigrationsminister Philip Ruddock dagegen, ist ganz und gar nicht beeindruckt, und eine Sprecherin des Ministers sagte, ein solches Spiel glorifiziert Kriminalitaet. Die Hersteller des Spieles werden die exakten Zustaende und Ablaeufe der Haftzentren in Baxter (Sued-Australien), Woomera (Ende April 2003 geschlossen), Port Hedland (West-Australien) und Villawood (bei Sydney), reproduzieren. TV-Aufnahmen, Erzaehlungen von ex-Haeftlingen und ex-Angestellten der Haftzentren, sowie Zeitungsartikel und Radioberichte sollen benutzt werden, um die taeglichen Ablaeufe in den Zentren nachzuahmen - von den Malzeiten, zu der Kommunikation zwischen Waechtern, bis zu Gewalttaetigkeiten gegenueber den Haeftlingen. Der Spieler des Games, soll auf verschiedene Art und Weisen aus den Zentren rauskommen versuchen: Mit der Hilfe von Aktivisten, guten Anwaelten, durch das Schaufeln von unterirdischen Tunnels, bis zum Ueberwinden von Stahlgittern - alles tatsaechliche Ereignisse. "Wir erwarten, dass viele Leute sich ueber diesen Spiel aufregen werden", sagte eine der Computermacher/Innen. "Wir wollen die Kourage und Heroismus der Asylbewerber zeigen."

"Dieses Spiel ist auch eine Antwort auf die jetztige Immigrationspolitik in diesem Land, und die Tatsache dass die Medien keinen Zutritt in diesen Zentren haben, beweist dass die Behoerden nicht wollen, dass die Leute erfahren was in diesen Zentren so abgeht."

<http://www.escapefromwoomera.org>

5. Proteste in Baxter, 18.-21. April 2003 (Aufruf)

by anyone too 5:13pm Mon Jan 6 '03, <http://at.indymedia.org>

Baxter - das ist jenes Internierungslager in Australien, in das viele Leute aus dem bekannten Internierungslager Woomera, aber auch aus anderen Lagern ueberstellt wurden. Es wurde noch weiter abseits errichtet und die Berichte von dort lassen auf eine zunehmende Verschaeferung gegenueber den bisher aus den Lagern bekannten Verhaeltnissen schlieBen. Nach den Protesten gegen das Internierungslager in Woomera zu Ostern 2002 gibt es nun einen Aufruf fuer ein Zusammentreffen und Protesten beim Lager Baxter. Refugee Rights AktivistInnen aus Australien laden dazu vom 18.-21. April 2003 ein. Seit Beginn gibt es innerhalb des Lagers Widerstand gegen die Abschiebep Praxis - wie auch in anderen Lagern (siehe oben) - die Leute, die zum Teil mehrere Jahre in den geschlossenen Lagern zwangs-interniert sind, kaempfen fuer ihre Freiheit und Rechte wie auf Aufenthalt in Australien.

Baxter2003 ist eine Fortsetzung der Proteste in Woomera im September 2001, zwei Touren des Freedom-Bus durch Australien im Jahr 2002 und der massiven Aktionen in Woomera zu Ostern 2002. Durch Aktionen wie diese, aber vor allem auch den anhaltenden Widerstaenden innerhalb der Lager wurde die Oeffentlichkeit auf die Situation aufmerksam. So veroeffentlichte Human Rights Watch (HRW) vor kurzem einen sehr aufschlussreichen Bericht ueber die Australische Fluechtlingpolitik mit dem Titel "By Invitation Only" (<http://hrw.org/reports/2002/australia>).

Eine Reaktion der Regierung in Australien auf die anhaltende Kritik und die Proteste ist die Schließung Woomeras Anfang 2003. Mit den Proteste zu Ostern 2003 in Baxter wollen die AktivistInnen ihre Solidaritaet mit den Internierten zeigen und gegen die rassistischen Australischen Einwanderungsgesetze protestieren.

"Baxter2003 will be part protest, part liberation camp, and a powerful convergence of those who seek to put an end to Australia's racist border control policies."

LINKS:

- Woomera 2002: http://at.indymedia.org/front.php3?article_id=8809
- http://no-racism.net/deportatiNO/woomera_ausbruch290302.htm
- woomera2002 scrapbook: http://at.indymedia.org/front.php3?article_id=17339
- Freedombus: <http://www.refugeefreedombus.org>
- <http://porthedland.nomasters.org/videoteppista.htm>
- <http://www.baxterwatch.net>

A brief summary of detention centre protests and responses (vom 01.01.2003):

<http://www.baxterwatch.net/modules.php?op=modload&name=News&file=article&sid=32>

6. The Baxter 2003 Protests - Reports

Features from melbourne.indymedia.org (now: <http://melimc.nomasters.org>) - You can find linked articles there

Police Raid Camp With Machine Guns, Apr 20th 2003

Around 10:45am on Sunday ten police entered the baxter2003 protest camp armed with semi-automatic weapons in search of what was supposedly a "rifle". Around five Star Force police raided the camp after seeing the "rifle" from their helicopter. It turned out to be a protestor's camera tripod with one of it's legs extended. Protestors challenged the police chanting "take your guns and go".

The protestors who had been brandishing the tripod came forward and explained what had happened to police. After viewing the protestor's own video footage of what he had done, and ascertaining there was no weapon, police agreed to withdraw from the camp.

Baxter Day 2, Apr 19th 2003

After a night of constant surveillance of the campsite by police helicopters and their searchlights, people awoke this morning and headed off quickly towards the detention centre.

There a small perimeter fence was downed and protestors moved closer to the detention centre making as much noise as possible in an effort to allow those inside to hear.

After several hours of action protestors returned to camp to rest. More than 300 walked the more than 2km to the detention centre again at 5pm where more sections of the outer perimeter fence were torn down and there were confrontations with police. Voice Report @ <http://melimc.nomasters.org>

"We'll Close Our Camp When You Close Yours", Apr 18th 2003

The first day of protests at the Baxter detention centre begun with hundreds of people arriving at the city square park in Port Augusta where they were given an indigenous welcome and were join by the local aboriginal radio station, Umeewarra Aboriginal Media Association.

From there people moved to the road block police had established more than 2km outside of the detention centre. Around 500-600 protestors, not happy with being forced to be so far away decided to challenge the police line and walked 1km further towards the centre.

There, after initially being given permission to remain and having begun to set up camp, police told everyone to leave. People responded chanting "we'll close our camp when you close yours". More than 100 police and a dozen police horses then moved to violently evict the camp, though not without significant resistance. There were three arrests and several injuries. People have now set up camp 200 metres beyond the original road block. Helicopters with search lights have been surveilling the camp all night. Police have also banned balloons, kites and tennis balls at the protests.

At 10pm 300 people walked to detention centre, where they banged on the fence and chanted.

Baxter Detainees Placed in Solitary in Lead up to Easter Protests, Apr 14th 2003

On Sunday 6th April eight detainees at Baxter detention centre were taken into solitary confinement. The detainees were told that they were considered to be likely to escape, so they were being removed and locked up until after the Easter protests. Some time between Sunday 6 April and the following Thursday the men became upset at their continued isolation and began to cry out. It is alleged that they were then beaten by guards, hand flexi-cuffed, foot flexi-cuffed and had tape placed over their mouths.

State police in South Australia, charged with the investigation of assaults in that State, told refugee advocates that they are not responsible for the incident, since it occurred on Defence Force property. Most, not all, were moved from Curtin detention centre - where Commandant Greg Wallace held sway until he took over Baxter.

The South Australian Government is marshalling 300 Police and guards to face off protestors who will be converging on Baxter this Easter.

7. CKUT Radio: Australia Refugee Resistance - Baxter Convergence

Listen to an interview with Nick from No One is Illegal Melbourne about the recent convergence at Baxter Detention Center. From April 18th - 23rd hundreds of people gathered outside of the Baxter Detention Center to protest and take direct action against the Australian governments policy of immediate detention of all asylum seeker entering Australia. The Baxter convergence which was called for by those detained within Baxter was built on the collective action of those within Baxter and supporters on the outside, who were met with extreme police and state repression including beatings, lethal ammunition and police raids of the Baxter protest camp.

The April 2003 Baxter Convergence illustrates the daily struggle of those asylum seekers detained at Baxter, who are resisting on a daily basis in the detention center and who are defining a No One is Illegal movement built on and lead by the struggles of immigrant & refugees communities throughout the world. Baxter Detention Center is located in the Australian desert where those detained are often beaten, malnourished and in many cases held in detention for years. Refugees in Australia are treated like criminals.

In April of 2002, the Woomera Dentition Center in Australia (now closed) made international headlines when the collective action of the detains within the center and their supporters on the outside took-down the dentition center walls and over 50 detainees escaped. The Baxter Convergence of 2003 is a continuation of that struggle and points toward the growing No One is Illegal movement throughout the world which takes aim at racist & inhumane immigration policies carried in many industrialized colonial nation states towards immigrants & refugees.

To listen to the interview with Nick from No One is Illegal Melbourne
Visit: <http://www.radio4all.net/proginfo.php?id=6918>

8. Fluchtaktion aus australischem Internierungslager Woomera

by Plattform für eine Welt ohne Rassismus, 09.02.2003, <http://at.indymedia.org>

Address: Schottengasse 3a, 1010 Wien fewor@no-racism.net, <http://www.no-racism.net>

Übersetzung aus dem englischen eines Textes, der auf <http://melbourne.indymedia> erschien.

Sechs AsylwerberInnen wurden wieder gefangen genommen, nachdem sie aus dem Woomera detention centre in Australien mit der Hilfe von AktivistInnen von außerhalb des Gefängnisses ausgebrochen waren. Vier andere wurden ebenfalls verhaftet und der Unterstützung, Beihilfe zur Tat und der Beherbergung der Ausgebrochenen beschuldigt. Der Ausbruch ereignete sich am Montag, dem 3. Februar 2003. Zwei Autos fuhren zu dem Lager und benutzten einen Wagenheber um die Zäune zu durchbrechen. Nach Angaben von BehördenvertreterInnen wurden zwei Wächter im Zuge der Fluchtaktion verletzt. Nach zwei Tagen auf der Flucht in der Wüste wurden alle schließlich Mittwoch abend wieder gefangen.

In einem Video sagte eine Person, die an der Fluchtaktion beteiligt war: "Die physischen und psychischen Misshandlungen, die sich in diesem Internierungslager ereigneten, haben gewöhnliche AustralierInnen wie uns dazu bewogen, extreme Maßnahmen zu ergreifen. Diese Misshandlungen sind ein totaler Bruch aller internationalen Gesetze und Richtlinien, die Verstöße gegen die Menschenrechte betreffen. Millionen von Menschen auf der ganzen Welt wissen über die abscheuliche Immigrations-Politik in Australien bescheid. Dies hat Menschen wie uns dazu bewogen verzweifelte Maßnahmen zu ergreifen. Die Politik der eisernen Faust der australischen Regierung um die öffentliche Meinung zu diesem Thema zu unterdrücken wird nicht den Erfolg haben, dass in Zukunft Aktionen wie diese letzte Fluchtaktion vermieden werden können. Es gibt internationale Gesetze die dazu dienen, für die Rechte dieser Menschen zu kämpfen. Die australische Regierung hat entschieden diese Rechte zu ignorieren und wir haben entschieden die Gesetze der australischen Regierung zu ignorieren."

Quelle: http://at.indymedia.org/display.php3?article_id=19870

Link: http://melbourne.indymedia.org/front.php3?article_id=41650

9. Wut und Verzweiflung: MigrantInnen fackeln 5 Lager ab

by anyone 9:35pm Sun Jan 5 '03 (Modified on 11:37am Tue Jan 7 '03)

Aus Protest gegen den unmenschlichen Lageralltag und die Politik der Regierung zünden MigrantInnen in Australien fünf Lager an. Die Polizei und Politik reagieren mit Repression und Folter.

Die Proteste und Riots brachen am 29. Dezember im MigrantInnenlager Baxter in Süd-Australien aus. Danach verbreiteten sie sich nach Woomera, Villawood, Port Hedland und Christmas Island. MigrantInnen, die in den Lagern eingesperrt sind, setzten in der letzten Woche mehrere Gebäude in den fünf Lagern in Brand, um gegen die unmenschlichen Bedingungen, unter denen sie festgehalten wurden und gegen die Einwanderungspolitik Australiens zu protestieren. Anwälte der MigrantInnen bezeichneten den Protest als "Wut und Verzweiflung". Derartige Vorfälle seien angesichts der Lebensbedingungen und der zum Teil jahrelangen Verweildauer in den Lagern unvermeidlich, erklärten Sprecher von Gefangenenhilfsorganisationen. Unabhängige Medien melden, dass die Feuer ein direktes Resultat der unmenschlichen Politik der Australischen Regierung waren.

Es wird in den Lagern gefoltert und der Zugang zu Informationen oder Unterstützung verweigert. MenschenrechtsaktivistInnen werden in Australien von Mitgliedern der australischen Regierung öffentlich bedroht und die Presse wird davon abgehalten, die Lager zu betreten, um über die Zustände darin zu berichten und Interviews mit den Gefangenen zu führen.

Repression und Folter als Reaktion auf die Proteste

Den Schaden durch die Brände beziffert die australische Regierung auf mehr als 4 Millionen US-Dollar. Fünfzehn MigrantInnen des Lagers Villawood wurden in ein Hochsicherheitsgefängnis gesteckt, weil sie beschuldigt wurden, an der Revolte im Lager beteiligt gewesen zu sein. Sieben MigrantInnen des Lagers in Woomera wurden vor Gericht geladen und beschuldigt an dem dortigen Riot beteiligt gewesen zu sein, während dem 43 Gebäude im Lager brannten. Unabhängige Medien in Australien melden, dass an Sylvesterabend alle Gefangenen des Abschiebeknastes Woomera mit Tränengas misshandelt wurden.

Ausschnitte eines Interviews mit einem Migrant, gefangen in einem der Lager in Australien (sinngemäße Übersetzung):

Interviewer (I): Kannst du mir bitte erzählen, was letzte Nacht, Sylvesternacht, passiert ist?

Gefangener (G): Ok. Letzte Nacht kamen ungefähr 12-16 Polizisten hier her. Sie waren sehr betrunken und lachten über uns. Sie lachten und kamen in jeden Raum und sie hatten Stöcke dabei.

I: Sie hatten Stöcke?

G: Sie schlugen gegen jede Tür, wie Betrunkene und alle wachten auf und sagten ihnen: Bitte, wir sind hier seit 4 Jahren, 5 Jahren, und unser Haar wird grau und wir werden verrückt. Warum stört ihr uns so? Was wollt ihr? Und sie lachten und sagten: Wir können tun, was wir wollen.

I: Das war, was sie gesagt haben? "Wir können tun was wir wollen?"

G: Ja, das kann ich auch vor ihnen bestätigen. (...)

I: Woher weißt du, dass sie betrunken waren?

G: Wegen des Geruchs. Ich kann riechen. Und sie lachten und als ich zu ihnen ging und fragte: Warum stört ihr uns? Als der Polizist sprach, habe ich gerochen, dass er sehr betrunken war. (...)

G: Das Verhalten der Polizei ist nicht nett. Letzte Nacht, als wir schliefen, kickten sie gegen die Tür und weckten alle auf.

I: Erinnerst du dich an die Zeit?

G: Halb vier

I: Halb vier in der Nacht?

G: Ja. Und weisst du, jede Stunde ab Mitternacht kamen sie, stürmten in das Gebäude und liefen mit ihren Schlagstöcken herum und schlugen damit auf Türen und Wände.

G: Er machte total blöde Dinge mit seinem Stock. Er klopfte an die Tür und schrie, sehr laut und mein Herz ging bum-bum-bum-bum-bum, weisst du. Ich wachte schnell auf. Mein Blutdruck wurde hoch und ich begann mich zu fürchten und ich - ich will hier raus, alle haben Streit mit den Wächtern

G: Aber weisst du, letzte Nacht, als die Polizei hier war, sagten alle zu ihnen: Wir zünden dieses Feuer, weil wir müde sind. Seit vier Jahren sind wir hier. Alle sagten zu ihnen: Wenn ihr uns einkasten wollt, dann tut das, aber ärgert uns nicht so.

I: Was sagten die Polizisten?

G: Sie sagten: Das ist unser Job.

I: Mit den Feuern - als das mit den Feuern geschah, war die australische Regierung sehr glücklich, dass das pasierte - weisst du warum? Weil die australische Bevölkerung denken wird, dass Flüchtlinge Kriminelle sind, deshalb ist es für die Regierung gut, diese Feuer.

G: Niemand hier ist kriminell. Niemand hier, das Einzige ist, dass sie Flüchtlinge sind und alle sind in ihren Räumen, zu viel Polizei hier.

I: Die Polizei ist immer noch da?

G: Ja.

ANMERKUNG DES AUTHORS: Keine Missverständnisse

Das Interview hat nichts mit dem Tränengasangriff zu tun, sondern beschreibt "mehr oder weniger" normale Behandlung durch die Polizei in den Lagern, die sich natürlich aufgrund der Feuer noch zugespitzt hat. Der Tränengasangriff (ebenso gibt es Berichte nach denen Flüchtlinge auf einem Basketballplatz in brennender Sonne zusammengepfercht wurden, sich komplett entkleiden mussten und mehr...) war direkte Reaktion auf die Feuer. Wenn noch jemand dazu kommt, mehr zu übersetzen, kann das nicht schaden, Material gibt es genug, klickt euch durch!

NEWS aus den MigrantInnenlagern:

<http://www.baxterwatch.net>

<http://www.porthedland.nomasters.org> - about Port Hedland Immigration Reception and Processing Centre

<http://melbourne.indymedia.org>

<http://sydney.indymedia.org>

<http://www.woomerapost.com>

weiteres auf Indymedia.de:

<http://www.indymedia.de/2002/12/37883.shtml>

<http://www.indymedia.de/2003/01/37942.shtml>

Eine relativ gute chronologische Zusammenfassung der Ereignisse gibts hier:

http://melbourne.indymedia.org/front.php3?article_id=39610

10. woomera2002 scrapbook

by desertstorm 12:28am Wed Nov 20 '02

read the introduction of the woomera2002 scrapbook and - for sure - you will read the hole book at

<http://antimedia.net/desertstorm>

At the round-up of the Melbourne Woomera2002 network the great fundraising collective had managed to get so much cash together there was some left over. A proposal was agreed upon that some money be put aside to fund a publication of reflections and analysis of the protests. Seven long, disorganised months later that publication is finally completed.

We want to stress that this publication does not seek to represent the Melbourne Woomera2002 network or the protest as a whole. Although we tried to make the publication as diverse as possible we recognise that editorial deci-

sions are always subjective and as such it is impossible to pretend to represent anyone. We were originally hoping for a book, but fiscal reality forced us into tabloid.

The struggle against detention certainly didn't end post-Woomera. In fact, the Federal Government continues with the construction of Fortress Australia, and fewer and fewer people are even making it to our shores. Many remain incarcerated and the government is shifting most of those from Woomera to the new, high-tech Baxter Detention Centre outside Port Augusta.

Though there is much to sadden us, our hope in documenting some of what happened at the Woomera2002 protests is to give inspiration. Certainly the protests inspired many both here and around the world, more so for the fact that so many people would travel so far to protest the inhumanity of the camps without the expectation of pulling off such a spectacular action. It has to be stressed that the struggle and breakout from Woomera Detention Centre was as much the work of those struggling for dignity and freedom behind the wire as of those outside.

Whilst eleven people remain free as a result of the escape, protestors, both inside and out, have suffered, and ongoing solidarity is always required. We include contacts below.

We hope this publication goes some way to developing a more critical and reflective activist culture and contributes to the struggles against borders around the world.

Dedicated to all those denied the freedom to move and the freedom to stay.

Quelle: http://at.indymedia.org/display.php3?article_id=17339

Link: <http://antimedia.net/desertstorm/>

11. Mandatory Detention

When was the policy introduced?

Australia's mandatory detention policy, requiring people who come to Australia by boat without prior authorisation to be placed in custody, was first set into legislation in the Migration Reform Act 1992 and came into effect on 1 September 1994. This amendment to the Migration Act 1958 was introduced by the Australian Labor Party and passed through parliament with the support of the Liberal/National coalition.

What are Australia's obligations to the international community?

Refugees may not be punished just for being refugees, even if they have entered Australia without prior authorisation. This is the fundamental principle which is violated by Australia's policy of mandatory detention. It is a moral and legal principle recognised by the United Nations High Commission for Refugees (UNHCR), the Australian Human Rights and Equal Opportunity Commission (HREOC), Amnesty International, every mainstream Church and the Australian government. Australia is obliged to uphold the principle not just under international treaties but also under Australian law (Migration Act 1958).

A second principle entrenched in the Australian judicial system is proportionality between sentence and offence. Mandatory detention for an indefinite period, for a non-crime (in the case of refugees) is a flagrant breach of these principles. Further, of its nature, mandatory detention does not allow judicial discretion to adjust the penalty according to individual circumstances and leads to arbitrary detention which is incompatible with the principles of justice and with the dignity of the human person.

As a signatory to the 1951 United Nations Convention relating to the Status of Refugees (ratified on 22 January 1954), and to its 1967 Protocol (ratified on 13 December 1973), Australia is obliged to assure refugees the widest possible exercise of their 'fundamental rights and freedoms' as human beings without discrimination (Preamble), including 'access to the courts' (Article 16) and 'freedom of movement' (Article 26). In particular, the policy of mandatory detention is a contravention of the Refugee Convention not to impose penalties 'on account of their illegal entry or presence' on refugees, provided that they 'present themselves without delay' to the authorities (Article 31). Other relevant international conventions which Australia is arguably in breach of due to the mandatory detention policy, include the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (Convention Against Torture), ratified 8 August 1989; the Convention on the Rights of the Child 1989, ratified 17 December 1990; and Article 9 of the International Covenant on Civil and Political Rights (ICCPR) 1966, ratified by Australia on 13 August 1980, which proscribes arbitrary detention.

What does the Australian government say about mandatory detention?

The government has tried to wriggle out of its obligation to refugees by defining, to suit itself, the meaning of the words 'refugee', 'punishment' and even, most bizarrely, 'Australia' - the last as evidenced by the Migration Amendment (Excision from Migration Zone) Act 2001.

The Australian government has argued that asylum seekers see Australia as a preferred destination because of the relative wealth and stability of Australian society and so an effective deterrent must be imposed and promoted in order to discourage continuing boat arrivals. There is no doubt that Australia is a more desirable destination than, say, Indonesia, which is struggling to cope with 1.25 million displaced internal refugees of its own. However, it is important to note that Australia is the only developed country that, by law, requires all asylum seekers who arrive without permission to be held in custody for an indefinite period. This policy has been in place for a decade and can

hardly be seen as making us 'a soft touch'.

On the one hand, the Australian government justifies the blatantly illegal and unjust policy of mandatory detention by claiming that such detention is purely for 'administrative' not 'punitive' purposes. For example, the Immigration Detention Standards (IDS) document, drawn up in 1997 by DIMA in consultation with the Commonwealth Ombudsman, states that immigration detention is 'administrative detention, not a prison or correctional sentence'. However, this claim is at odds with statements made by the Minister for Immigration, Phillip Ruddock, who has made it clear that he wants to treat boat people more harshly than those accepted in our off-shore program in order to 'send a message' overseas.

It is unacceptable to abuse the rights of some people in order to deter others. If asylum seekers have committed a crime they should be punished; if they have committed no crime at all they should be free.

More recently, Australia introduced a system of temporary protection visas that curtails the rights of those people who are recognised as refugees: limits their access to government services, restricts their freedom of travel and prevents them from applying to have their families join them in Australia.

Furthermore, closed detention for an indefinite period is a cruelly severe penalty and must not be justified to provide administrative convenience for the authorities while the physical and psychological consequences for human beings are ignored. There is a case on record of an asylum seeker attempting suicide after spending three years in detention (in Perth) with no prospect of release. For the many victims of torture and psychological trauma, as well as for children, the health consequences of such treatment can be devastating. (Retraumatization of asylum seekers, Research Paper, Australian Transcultural Mental Health Network). The remoteness and harshness of the climate in some of the detention centres (such as Curtin, Port Hedland and Woomera) increases the sense that time spent in a detention centre may be even worse than in a prison.

Who is being detained?

Mandatory detention applies to visa overstayers as well as unauthorised arrivals. However overstayers who apply for refugee or other visas are routinely given 'lawful' status through the granting of a Bridging Visa E(050) and are released into the community while their claims are assessed. The Migration Act allows for detainees such as unauthorised boat arrivals to access a Bridging Visa E(051) on compassionate grounds (such as for children) but this rarely occurs. Such differential treatment accorded to refugees depending on the manner of their arrival in Australia is discriminatory and clearly in breach of the 1951 Refugees Convention.

Where are they being detained?

Initially the immigration detention centres were managed by DIMA and operated on its behalf by Australian Protective Services, a federal government agency. At the end of 1997 detention service provision was privatised. The current operator is Australasian Correctional Management (ACM), a subsidiary of a multi-billion dollar US company (Wackenhut Corporation) which stands to make \$770 million from the mandatory detention of asylum seekers in Australia. (www.wackenhut.com) Conditions inside ACM camps are extremely harsh. There are inadequate numbers of beds, limited bathroom facilities and inappropriate food.

Detention centres even have solitary confinement cells. There is little or no access to legal information in languages other than English; health care facilities are poor; and nurses are given written instructions not to hug or excessively comfort the detainees. Even though children may be held for years education programs are not available. In some camps, such as Port Hedland, detainees work for \$1 an hour in the kitchens and gardens.

What is more, detainees are charged \$150 a day for their accommodation which can add up to thousands of dollars by the time they are finally granted asylum. An 8-month detention costs the detainee about \$35 000. What does it cost?

In addition to the humanitarian criticisms of the mandatory detention policy there are also practical criticisms. It is more costly in the short term than alternative schemes such as releasing people in the community under bond or reporting requirements. A day in detention costs an average of \$105 per person. It is more costly in human as well as financial terms in the longer term, as settlement and integration into the labour market and society following possibly lengthy periods spent in detention will be more problematic. The secrecy attached to the management of detention centres can foster cultures of harsh and inhumane treatment of asylum seekers.

In addition, the potential damage to Australia's reputation, with possible negative consequences for trade and cultural links, as a result of our mandatory detention policy should not be overlooked.

This policy is uneconomical and its costs will be borne by Australian workers in cutbacks to social services such as health and education.

Conclusion

Detention of innocent people has been used against Australia's indigenous people and against certain migrant groups, such as the Kanakas around the 1900s. It has been defeated before and must be defeated again.

Mandatory detention has already claimed the lives of seven people. Many who have been deported face torture and death in the countries they had attempted to escape. This policy of mandatory detention places Australia in the same league as other countries that routinely suppress human rights.

Source: <http://rac-vic.org/back/detent.html>

12. RAC Deportations Statement: Stop forced deportation of asylum seekers

While the campaign to free the refugees continues to demand an end to mandatory detention, we must also call for an end to forced deportations of those asylum seekers who fail in their application for refugee status in Australia. Forced deportations have already occurred, often involving the use of physical restraint and sedation, and many of those deported face arrest, torture and even death on their arrival.

* The fact that a person is not recognised as a refugee by the Australian government does not mean that they have no reason to fear deportation.

In order to establish that they are a refugee under the 1951 UN Convention, a person must be unable or unwilling to return to their country of nationality or place of residence "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion".

The mere fact that their life would be at risk if they returned is not enough. Unless they face persecution for one of these reasons asylum seekers will not be able to claim refugee status. This means that people fleeing civil war, or starvation, for instance, will not count as refugees. Persecution of women on the basis of their gender is also not recognised as persecution on the basis of membership of a social group.

* Even if an individual does have a case for refugee status, the refugee determination process in Australia is heavily weighted against asylum seekers.

Refugee law is notoriously complex while the legal support available to asylum seekers is under-funded and of uneven quality. The documents to support a claim must be provided in English and difficulties in translation may undermine a successful claim. There are numerous examples where these problems have led to genuine claims going unrecognised. Even those who are assessed to be refugees initially often have to face government appeals to overturn the assessment, and the government is now threatening to revoke the Temporary Protection Visas of dozens of Afghani refugees on the basis that they may be from Pakistan.

For those who cannot qualify as a refugee under the Convention definition, their only hope is a direct appeal to the Minister for Immigration for a visa granted on humanitarian grounds. The decision to grant refugee status to particular groups is also highly politicised, as can be seen in the case of Afghan asylum seekers who are being told that it is now safe to return to their war-torn country.

* Australia has obligations, under the Convention Against Torture and the International Covenant on Civil and Political Rights, not to deport people who may face grave human rights violations, even if they do not fit the narrow definition of "refugee".

The reality is that many of those who are deported are in physical danger of arrest, torture or worse on their return. Several cases are already known of asylum seekers who have been arrested immediately on their arrival in their country of origin, and yet the Australian government and DIMA accept no responsibility for the fate of those they deport.

The Refugee Action Collective will not sit back while people are sent away to be tortured or killed. We are organising a campaign of resistance to forced deportations. We will seek to prevent asylum seekers facing forced deportation from being removed from detention centres, transported to other facilities and forced onto ships or planes for deportation. We will build support amongst the community and trade union movement for the call to oppose all forced deportations. Such campaigns have been successful overseas, for example in the United Kingdom, in preventing deportations and saving lives.

If you would like to become involved in this campaign, come to the regular Tuesday night RAC meetings at 6 pm at Trades Hall and participate in the Anti-Deportations Working Group. If you are willing to be contacted at any time in an emergency to help resist an attempt to forcibly deport someone, please sign the Anti-Deportation Action phone tree list available at any RAC event.

source: <http://rac-vic.org>, (Oct 2002)

13. Australia is to deport Colombian refugees

Australia's tribunal for political refugees has rejected asylum to two Colombian anti-government activists. Solidarity group now fears that they will be executed if they are deported back to Colombia. On a previous occasion, another deported Colombian activist was murdered by right-wing death squads upon returning home.

23.04.2003 (By Luis Ernesto Almario, ANNCOL Sydney) The Tribunal that investigates the applications for political asylum in Australia denied the right to protection to two Colombian activists of the Bolivarian Committee for the New Colombia. Their fate is now in the hands of Colombian paramilitary groups that for sure will assassinate them if they go back to their country.

As it may well be remembered, the same tribunal left Alvaro Morales- another activist of the Bolivarian Committee- without protection and he was forced to go back to Colombia where paramilitary groups killed him. This crime was left in impunity, and has not been investigated neither by the Australian, Argentinean or Colombian government.

Another case is that of Didi Balanta who disappeared when he returned to Colombia. Didi was also a member of

the Bolivarian Committee for the New Colombia and he was arrested in the Colombian Consulate here in Sydney while he was taking part of an act of protest against the United States intervention in the Colombian conflict. He was taken to a Detention Centre and deported.

In that protest a number of activists were detained in the Colombian Consulate and were labeled as 'terrorists' by the Australian Special Forces. Later the activists were left free with no charges against them, yet they received no apologies for the false allegations and harsh treatment on the part of the police.

Despite the killing of Alvaro Morales committed by paramilitary groups working with the security forces in Colombia, the Colombian reality and the war affecting this South American country continues to be ignored by the political refugees Tribunal in Australia.

According to the Refugee Tribunal the two Colombians were not acknowledged as genuine refugees and they doubt any veracity in the declarations made by both activists regarding their participation in the armed conflict and the fact that they are victims of the confrontation due to their clandestine acts.

On the other hand, the tribunal argues that international activists in the Bolivarian Committee are overreacting to the situation in Colombia and has made it seem as if the pacific taking of the Colombian and Venezuelan consulates were a movie scene.

In relation to the first argument, the refugee tribunal in Australia pretends not to understand that in Colombia, when someone openly struggles against a repressive, totalitarian and pro-imperialist government like that of Alvaro Uribe Velez, he/she is automatically targeted for assassination.

One of the Colombians whose life now depend on the Immigration Minister and whose documents are pendent for a final decision due to an appeal proposed by lawyers of their defense, is Gladis Almario Cuartas, a mother of two young children whose father was assassinated by paramilitary groups in Acacias, Municipality of Metas, Colombia. The other asylum applicant is Jorge Humberto Carmona who has been condemned to death by paramilitary groups. Jorge Humberto is accused of being a deserter of the Colombian military forces and a helper of the left-wing guerrilla forces FARC-EP as he worked in zones where the armed insurgency operated.

The Bolivarian Committee for the New Colombia and the Committee in Solidarity with Colombia, which work in conjunction with other political organizations propose to organize a campaign to support the two Colombian internationalist activists so as to avoid their deportation to Colombia.

According to the Bolivarian Committee, if the decision of the refugee tribunal that has denied political protection to many asylum applicants is carried out, Gladis Almario with her two kids and Jorge Humberto will most likely be killed by paramilitary groups not just because of their past activities but also for their actual political involvement and support for the armed insurgency from this country.

The Bolivarian activists informed ANNCOL that the tribunal's decision would mean that they would be having the same destiny as Alvaro Morales. They are afraid that they would be assassinated or mysteriously disappeared as it happened to Didi Balanta whose where about is still unknown due to the discriminatory Australian immigration laws and their deliberate ignorance of the war that Colombia has been facing for more than fifty years.

Melbourne Independent Media Center, Original article is at <http://melbimc.nomasters.org/news/2003/04/46797.php> published by ANNCOL, Sunday April 27, 2003, redaccion@anncol.com

14. Australia: Deterring Asylum Seekers by Violating Rights

Study Faults Australia for Accepting Refugees "By Invitation Only"

(Sydney, December 10, 2002) Many refugees who come uninvited to Australia are compelled to do so because they cannot find effective protection anywhere else, Human Rights Watch said in a new report released to mark International Human Rights Day.

The 94-page report, "By Invitation Only: Australian Asylum Policy," is based on eight months of investigation and challenges the Australian government's policy on asylum seekers as a breach of the country's international obligations to protect refugees.

"These people are not 'queue jumpers' - many are refugees in need of protection who have been failed by the system at every stage," said Rory Mungoven, global advocacy director for Human Rights Watch. "They should not be treated differently from the refugees Australia invites to resettle from refugee camps overseas."

Human Rights Watch found that many asylum seekers from Afghanistan, Iraq and Iran were still at risk in the countries through which they passed - such as Jordan or Indonesia - and were unable to access the offices of United Nations High Commissioner for Refugees or foreign embassies to apply for resettlement.

Human Rights Watch's evidence shows that the Australian Defence Forces violated the rights of asylum seekers on board boats intercepted in October 2001. They detained the single men under inhumane conditions, beat several of them with batons and used other unnecessary force against vulnerable refugee families. These findings contradict the report of the Australian Senate Select Committee on a Certain Maritime Incident [issued on October 23, 2002] that praised the humanitarian conduct of the naval operations. Unlike the Senate Committee, which could not collect refugee testimony, Human Rights Watch interviewed dozens of refugees present during the naval operations.

After being refused entry to Australia, the intercepted asylum seekers were sent to the Pacific states of Nauru and Papua New Guinea, where they have been arbitrarily detained and have had no access to legal assistance or an independent appeal body to re-examine their claims. Other asylum seekers have been warehoused in camps in Indonesia. The Human Rights Watch report criticizes Australia's so-called "Pacific Solution" by highlighting serious failings in the protection available to refugees and asylum seekers in these three countries.

Human Rights Watch urged the Australian government to resettle those who remain in the Pacific detention centers and to refrain from forcing rejected asylum seekers back to countries where conditions do not allow for return in safety and dignity.

Human Rights Watch warned that asylum seekers detained in the newly built facility on Christmas Island are likely to face the same abuses - arbitrary detention, lack of due process in asylum procedures and denial of family reunification. Christmas Island, an Australian territory in the Indian Ocean, was "excised" by the government last year, meaning that the right to apply for protection in Australia has been removed from any asylum seeker who arrives there.

Human Rights Watch also appealed to the Australian government not to force refugees it had already accepted to re-apply for asylum when their current visas (called "Temporary Protection Visas") expire. Such a policy is contrary to all accepted state practice and to UN guidance on reserving Temporary Protection for use in mass influx situations.

If the Australian Department of Immigration insists on reassessing their status, Human Rights Watch believes that individual refugees should at least be given a fair chance to explain why they were not safe in a country nearer to home or en route to Australia. Under Australian law, the mere fact that they spent more than seven days in a country deemed to be safe before arriving in Australia, or that there were offices of the UN High Commissioner for Refugees (UNHCR) in a country through which they passed, may be used as grounds for denying them important human rights.

Human Rights Watch urged UNHCR to tell the Australian government and people in plain terms that its presence in transit countries such as Jordan or Indonesia is no substitute for the protection that should be offered by states.

"Australia's handling of these refugees is even more shameful when you learn the dangers they faced on the way here," said Mungoven. "You can't say one group of refugees is more deserving than another, just because of how they arrived. That's the Australian government's game, but it's not international law."

This is the first full report ever issued on Australia by Human Rights Watch, an international monitoring group based in New York. Human Rights Watch has issued some 1,100 reports since 1978 on systematic human rights violations in Europe, Asia, the Middle East, Africa and the Americas. Many of these reports have documented violations of the rights of refugees and internally displaced persons around the world.

<http://www.hrw.org/asia/australia.php>

Report: <http://hrw.org/reports/2002/australia>

15. Baxter: All About Cruelty

1. THE HOOK ACM have installed Hooks on the walls of the new RED ONE compound. Detainees put in RED ONE have been told that if they cry out or make any "problems" they will be shackled to the hook embedded in the walls of each isolation room. In RED ONE metal handcuffs are used which have a special fitting which enables the detainee to be attached to the wall in a standing position by locking the handcuffs onto the hook .

RED ONE has been specially commissioned by the Department (DIMIA) in response to the refusal by the state Governments to lock up detainees in State prisons. State governments have now refused to lock up detainees who have not been charged with an offence. RED ONE has 15 isolation cells with the standard-Camera, toilet and mattress, solid door with small window through which food can be inserted.

2. THE BELT The Management Unit (the other isolation compound) is now supplied with belts which have handcuffs attached to the belt. Detainees who are depressed, suicidal or who have reacted "inappropriately" to orders are being removed to Management and shackled with these belts.

3. THE MAKE THEM WAIT TREATMENT Those guards who enjoy "winding the detainees up" have a new method. A number of detainees have told us that Cassettes, videos and cd's sent as gifts by friends and families are not given to them until the guards have played them and inspected the content. This is a cause of distress as some guards play the cassettes and play other stuff through the recording or flick it on and off so much that the tape's contents become in decipherable. recently a man who had no word from his family for 44 months was sent a letter and a cd with pictures of his family and children. He waited 12 days asking every day for it but the guards said that they were too busy to inspect it. On the 12 th day he lost it, broke a window and became very angry. he was taken to Management for 6 days and then returned to his compound and given the CD.

Pamela Curr, Greens National Refugee Spokesperson, Monday May 05, 2003 @ <http://melbourne.indymedia.org>

16. A look inside the secure fort of Baxter detention centre

by PHIL GONZALES-SMITH, thepaper.org.au, May 2003

If you are looking for an appropriate target, an icon, a tower of Babylon for the Human Rights movement to start removing bricks from, the Baxter Reception and Processing Centre is a good place to start. Baxter lies 12 km South-West of Port Augusta, on the Land of the El Alamein army base.

Approaching the compound is chillingly reminiscent of the opening shot of 'Ghost of the Civil Dead' (by Australian director John Hillcoat), a film about a futuristic prison run by private corporations, designed to maximise efficiency and break the spirits of the most hardened criminals through confusion and dehumanisation.

Baxter is flagship in the fleet of Australian detention centres, all owned and run by the American based Australasian Correctional Management (ACM). Replacing the much-maligned Woomera Detention Centre, Baxter is heralded as the new age of detainment for those labelled queue jumpers and illegals, ie the asylum-seekers arriving in Australian territory by boat. Baxter is a multi-million dollar, high-tech prison, ostensibly designed to address the short-comings of previous, notoriously brutal concentration camps. Instead, Baxter supposedly offers 'Security Solutions through People and Technology.'

Why is it, then, that reports from the inside (from both refugee and employee) continually regard the facility as the worst in Australia? Worse even than Woomera. In fact, the refugees speak sentimentally of Woomera, and the community spirit that got them through. This is because the technological advancements of the new centre include flexi-cuffs, capsicum spray, Valium, Zoloft, Temazepam, no education and a bureaucratic run-around.

Meanwhile, inmates in Baxter have only heard rumours of the electric perimeter fences; they are detained in a fortress within a fortress. A more significant change is the segregation of detainees into four separate compounds.

Movement between compounds requires a written application and a strip search. Electric doors control movement. Cameras serve all rooms; even the toilets and guards sit in front of screens addressing detainees via p.a. speakers.

This multi-million dollar and super-high tech facility shares borders with military land; the remnants of local Aboriginal sacred land, a civilian firing range (audible from inside the facility) and secure mountains at the back.

There are obvious logistical problems involved in protesting outside such a facility, and it was clear from the outset that the protest was not going to reach the giddy heights of previous campaigns.

The aim is still to breach the fences - if not physically, then symbolically: sending in gifts, letters, music and hope from the outside, simultaneously trying to offer the world a glimpse of the inside. The situation at Baxter has been consciously, and systematically, covered up by the Australian government. "Immigration had concern about identifying potential asylum seekers," said Brian Humphreys, Director of Defence Communication Strategies, "so we got some guidance on ensuring that there were no personalising or humanising images [of the refugees]."

Although no direct contact was made with the asylum seekers over the Easter weekend, the protest was important as a media event, as a congregation of compassionate human beings attracted attention to a well hidden, and easily forgotten atrocity of human rights on Australian soil.

17. Section 501 of the Migration Act Bad character or bad faith

by ELLEN ROBERTS, The Paper, March 2003

In the days of the White Australia policy it was the colour of your skin that got you past the Australian border police. These days it is the content of your character, and with all due respect to Martin Luther King, this is hardly a more enlightened regime.

Introduced by the Federal Labor government in 1994, the character provisions in the Migration Act require that all people seeking entry to Australia, temporarily or permanently, demonstrate they are of good character. These character requirements are wide-ranging and complex in their scope, and have since been made more so by the current Federal government. US anti-globalisation and student activist Doyle Canning was recently refused a tourist visa because the Department of Immigration deemed she was of bad character, for reasons that they are not disclosing to Canning herself. The decision is shrouded in secrecy, allowing for speculation as on what grounds the department might have had for this determination.

The character provisions were introduced at a time when controversial figures such as Holocaust denier David Irving were seeking entry to Australia, and the government needed ways to keep them out. The character test spoke of the need to maintain harmony in the Australian community. Anyone who seeks to enter Australia in order to create discord or vilify any section of that community will be considered to be of bad character.

Firebrands are not the only targets. The character provisions as they currently exist are about protecting the Australian people from a whole range of people the Department of Immigration considers unsuitable or unsavoury. A key target is anyone with a criminal background: if you have a serious criminal record or if you have a history of associating with criminal persons you will have a lot of problems getting a visa to Australia. In seeking entry to Australia family members must also demonstrate good character, even if they have no desire to come to Australia themselves. Ostensibly justified by a concern for the peace and protection of the Australian people the character provisions are there to be used by a government with a keen sense of its own power and its own interest.

The character test governs more than just entry into this country. People living without citizenship in Australia risk deportation if at any time the Department of Immigration decides that they are not of good character, even if they have been granted permanent residency. Prior to 1994 you could only be deported if you had been in Australia for less than ten years and you had been convicted of a crime where the sentence was greater than one year imprisonment. Now there is no limit on how long you have been in Australia, and the Department is free to consider a range of criminal and non-criminal conduct.

The character provisions grant the powers to the state that law and order campaigners dream about. Based on the suspicions of a government official, you can be permanently exiled from this country. Or, as is the case with a number of people currently held in immigration detention in Australia, if the country where you hold citizenship rights refuses to have you back, you face interminable detention. People have been exiled from Australia on character grounds who have children with Australian citizenship.

While there are some appeal rights for people in Australia who have been found to be of bad character, if the government decides that the decision is made in the national interest, you have no appeal rights whatsoever.

The association of strong government with a strong and protected people is indispensable in the rhetoric of border control, and the strength of the state becomes emblematic of the strength of the people. As citizen and state become synonymous, where one is simply the expression of the other, the non-citizen becomes a permanent object of suspicion. Subject to stricter controls and with less rights, right to seek asylum simply allows possibility for the exercise of state power.

18. Australia close yet far from Pacific Island neighbours

by BOB BURTON, The Paper, March 2003

The Australian government's dismissive attitude toward its nearest neighbours in the Pacific, including its forcible relocation of unwanted asylum seekers to small island nations there, is sowing resentment from that region. This is what witnesses from both business lobby groups and non-government have been telling a public hearing of the Senate's foreign affairs, defence and trade committee.

For starters, the National Council of Churches urged the government to abandon its controversial practice of forcibly relocating asylum seekers who arrive in Australian territorial waters to neighbouring Pacific countries.

Dubbed by the Australian government the 'Pacific solution', community groups in the region have warned that it has soured how Pacific Islanders view Australia, the heavyweight in the region.

"Far from creating the impression that Australia is trying, in a cooperative manner, to find solutions to alleviate the circumstances that drive people to flight, the 'Pacific solution' creates the impression that we are seeking to dump our 'problems' on small less-developed and/or dependent nations," the churches said in a statement to the committee.

The Senate committee is inquiring into Australia's relationship with Papua New Guinea (PNG) and the Pacific region, and is completing its public hearings this week. It will issue the final report in June.

As part of the 'Pacific solution', Nauru was promised an untied grant of 17 million US dollars beyond funding for the construction and running of detention centres to hold the asylum seekers.

The National Council of Churches in Australia, which comprises 15 major Christian churches and works closely with its Pacific counterparts, believes that the offers of funding to Nauru and Papua New Guinea have seriously damaged Australia's standing in the region.

"It is clear that these financial inducements have heightened feelings of neo-colonialism, and the sense that Australia has impinged upon the sovereignty of Pacific island nations," James Thomson, director of the National Programme on Refugees and Displaced People, submitted to the committee.

The business community is also unhappy with the Australian government's attitude towards the Pacific.

The Australia-Fiji Business Council, the Pacific Islands Business Council and Australia Papua New Guinea Business Council expressed dismay at the lack of leadership by Australian Prime Minister John Howard.

"It is our view that with the single exception of the Minister for Foreign Affairs, Mr (Alexander) Downer, the current government and successive parliaments have failed to provide this leadership," they wrote in their submission.

Of particular concern, they note, is that Howard has only attended three of the six annual meetings of the Pacific Islands Forum, the annual meeting of heads of government of Pacific island countries.

"We believe that no other Australian prime minister in the last 25 years has attended just 50 percent of possible meetings. We believe that in the 13 years prior to the election of Mr Howard, the Australian prime ministers of the day had missed just one or two forums," the business councils submitted to the inquiry on Thursday.

"It should be indelibly marked in the diary of every Australian prime minister," they argued.

The non-government organisation Australian Volunteers International (AVI), which organises the placement of skilled Australian volunteers in communities throughout the Pacific, agrees that the failure to attend the Pacific Islands Forum meetings is damaging.

"It appears to reinforce the perception that, apart from its interest in maintaining trade relations, Australia is distancing itself from the region rather than identifying as an integral part of the region," Dimity Fifer, AVI chief executive officer, submitted in evidence on Thursday.

Equally significant, Fife warned, is "the continuing insistence of much of the media in portraying negative and narrow images of PNG and other countries in the Pacific without providing well-founded analysis of the global and regional issues which impact on the development of the region".

A simplistic portrayal of issues in the Pacific region, Fife argued, "limits understanding of the region and Australia's role and responsibilities within it".

The Australian Broadcasting Corporation (ABC), the Australian government funded public broadcaster, was the only media organisation to make a submission to the inquiry. It noted that radio is the dominant medium of the region, with newspapers and television restricted to urban areas where only 20 percent of the population live.

While Radio Australia (RA) broadcasts throughout the region, including three hours a day in PNG 'pidgin' as well as 24 hours a day in English, funding constraints limit its ability to report stories. To "fulfill its mandate effectively, RA needs to be represented more effectively with local reporters on the ground in key countries," ABC told the committee.

ABC pressed its case for greater funding to allow the development of a dedicated training and mentoring programme with broadcasters throughout the region, saying it would benefit not only Pacific media but Australian journalists too.

"Journalists and broadcasters are usually much more sensitive to the nuances of events in the countries where they have worked and are less prone to the 'parachute journalism' of which Australian reporters are frequently accused, particularly in the Pacific," they submitted to the committee.

Independent reporting in the Pacific, though, it not all plain sailing.

The ABC noted that over a 10-month period, the ABC's 'Foreign Correspondent' programme had submitted a number of applications for journalists' visas to cover various stories in PNG. "All of these applications have either been ignored or rejected," it said.

19. Zum Beispiel ACM

"Australasian Corrections Management (ACM) is a subsidiary of US based Wackenhut Corrections Corporation. Wackenhut Corrections is a billion dollar business running more than 50 jails and detention centres, housing around 40 000 inmates in seven countries. ACM run all the detention centres on mainland Australia as well as running several of Australia's private prisons. Wackenhut Corporation make their profit from what they call "human containment". While advocates of privatisation focus on the economics, opponents argue that even putting the ethical concerns of profiting from incarceration aside, a company will cut all possible corners to increase profits. Reports on conditions from inside the detention centres include inadequate bedding, insufficient food and water, sub-standard hygiene and sanitation facilities and lack of access to communications and media."

(weitere Infos unter: http://www.refugeefreedombus.org/inf_acm.html)

The Wackenhut Corporation is a U.S.-based division of Group 4 Falck A/S, the world's second largest provider of Security Services. Group 4 Falck (www.group4falck.com) is based in Copenhagen and has activities in more than 80 countries and is the market leader in over half the countries in which it operates.

20. Group 4 Falck loses interest in running asylum centres

by safecom, Friday May 09, 2003 at <http://melbimc.nomasters.org>

MEDIA RELEASE Thursday 8 May 2003, See also resources at the end of this release

The declared withdrawal of Security Company Group 4 Falck from running asylum centres, places the Department of Immigration's tender process for new contractors to run detention centres in serious doubt, say Australian refugee advocates.

Last week Group 4 Falck sold its 57 percent stake in Wackenhut Corporation, as reported by Associated Press. Recently the Minister for Immigration Philip Ruddock announced that Group4 Falck was the preferred tenderer to run Australian detention centres, although it remains unclear when the current company in charge, Australasian Correctional Management (ACM) would hand over its contract to Group4 Falck.

According to AP - as reported in The Seattle Post - Group 4 Falck spokesman Nels Petersen said last week that the company's "interest is in guarding and alarm services, not in running prisons and asylum centers".

ACM Staff sacking in Baxter

Group 4 Falck's move away from running detention centres comes in a week that saw the sacking of three ACM staff at the Baxter detention centre for "breaching the code of conduct". The sackings come amid complaints of assault from detainees and indications that the Australian Federal Police will investigate.

Refugee advocates have received reports of alleged assaults through their networks and have spent considerable time urging Australian Federal Police as well as South Australian Police to investigate these incidents.

Melbourne refugee advocate Pamela Curr reports that while ACM have conducted an internal investigation and sacked three staff, the Australian Federal Police will not begin their investigation until next week.

In a letter written yesterday to Australian Federal Police, Ms Curr suggested that "ACM would not sack 3 guards unless they felt that criminal charges were inevitable", and she urges AFP to promptly proceed with its investigation. "You have the formal requests on behalf of the victims of the assaults and you have the names of witnesses who have indicated a willingness to give evidence so the matter should now be able to be pursued with vigor", Ms Curr writes.

Last year, after an alleged and reported assault of a minor at the Woomera detention centre, three former ACM guards failed to appear before Australian courts on three occasions to answer charges, while ACM alleged they could not locate the former staff member. Refugee advocates report that at least one of those ACM Staff currently works at the Baxter detention centre again.

Mr Jack Smit of WA based refugee group Project SafeCom said that these events provide perfect timing for Minister Ruddock to admit to the abject failure of his mandatory detention regime, which can only be kept in place with excessive squandering of taxpayers' money.

"The government should abandon the mandatory detention model which has seen camps in isolated locations where pain and suffering are inflicted on detainees. We should return to the Reception Centre model which welcomed Vietnamese refugees in the 70's and assisted them into the community."

Just two days ago, Dr Louise Newman, spokesperson for the Royal Australasian College of Psychiatrists lodged with two other medical experts three medical negligence complaints against ACM with the NSW Health Care Complaints Commission.

"Minister Ruddock's policies have no longer any relationship to border protection; they are about a Minister who is unwilling - or unable - to face up to an overwhelming body of damning evidence from experts and refugee advocates alike", Mr Smit said.

Minister Ruddock's policy has destroyed lives. "It is an experiment in deterrence which has gone horribly wrong, leaving in its wake abused and damaged children, distressed and made mentally ill adults struggling to survive amidst the brutality of constant musters, room searches, body searches, the threat and actuality of physical abuse and the systemic abuse of never knowing when detention will end. Added to this, is the threat of deportation which for many, presents the fear of more imprisonment, torture or death", Curr continued.

SBS's Insight this week revealed yet more intrigue by ACM and DIMIA, disappearance of essential coronial inquest evidence, as well as denials and 'squirring around facts' by the Minister of Immigration in the story of the death of Mohammed Saleh.

Mr Smit expects that the current policies of mandatory detention will end with many class actions against the government by failed asylum seekers for torture, amounting to billions of dollars.

"It's too late to turn this around", Mr Smit said. "Hundreds of asylum seekers have been permanently damaged by the appalling regime of the

Australian government, and no doubt they will be back - not for new asylum claims, but for justice through compensation. This government steals and destroys the lives and the sanity of asylum seekers, and they will need to pay for this, not just in class action but also in its good name around the world."

"As we have heard this week, Australia also pays dearly with its human rights record, with Professor Spencer Zifcak of The Australia Institute being quoted as saying that "the long-term harm to standards of human rights internationally is incalculable."

For more information:

- Jack H Smit, Project SafeCom Inc., Narrogin/Fremantle WA <http://www.safecom.org/refugees.htm>
- Pamela Curr, Greens National Refugee Spokesperson, Melbourne

Online Resources:

- Doctors challenge detainee health care, ABC Lateline 6/5/2003 <http://www.abc.net.au/lateline/s848561.htm>
- Group 4 Falck Sells Stake in Wackenhut, The Seattle Post, May 1, 2003 http://seattlepi.nwsource.com/business/apbiz_story.asp?category=1310&slug=Wackenhut%20Stake
- Group 4 Falck <http://www.group4falck.com/>
- Wackenhut Corrections <http://www.wackenhutcorrections.com/>
- The case of a bashed boy and three missing guards, The Age 05/10/2002 (Russell Skelton) <http://www.theage.com.au/articles/2002/10/04/1033538773229.html>

21. Australia's asylum policy under attack in Iraq

Australia's policy of mandatory detention has come under attack at a meeting to map out Iraq's political future. About 80 delegates representing Iraq's ethnic and religious leaders have agreed to a 13-point statement on the country's future after meeting outside Nasiriyah.

A delegate at the meeting has called on the Australian representatives present to treat Iraqi asylum seekers held in

detention in a human fashion. The comments are being seen as an embarrassing criticism of Australia's policy of mandatory detention.

Shiite Muslim cleric Sheikh Sayed Jamaluddin has said that if the Australian Government tells Iraq to build democracy, it should respect the rights of Iraqis who are being kept in what he called prisons. Sheikh Sayed made the comments as the meeting began mapping out a post-war Iraq. The delegates agreed to a 13-point statement but many divisions remain to be overcome.

Iraq's main Shiite Muslim group boycotted the meeting because of the US's role in rebuilding Iraq.

In addition, the man flagged as the Pentagon's choice to rule the country, Ahmad Chalabi, sent only a representative.

The meeting is seen as the first step in a long and arduous journey towards democracy in Iraq, albeit amid suspicions about US intentions.

The chairman of the meeting, White House envoy to Iraq Zalmay Khalilzad, tried to ease concerns. "We have no interest, absolutely no interest in ruling Iraq," he said.

Despite the deep divisions and resentments, delegates agreed on a broad 13-point joint statement. It says that Iraq's new government must be democratic and based on the rule of law and that Saddam Hussein's Baath Party must be dissolved.

The delegates agreed to meet again in 10 days.

Meanwhile, the United States has dismissed the Shiite boycott of the talks. US Defence Secretary Donald Rumsfeld says the protest is a part of freedom. The US is unperturbed by Shiite Muslim protests at its occupation of Iraq and its role in the formulation of an interim authority.

Mr Rumsfeld says nobody should be surprised at division in Iraq. "People demonstrate in the United States and boycott political rallies and things - that's what free people do," Mr Rumsfeld said.