

Public Statement

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Australia: Amnesty International welcomes court ruling on asylum-seekers

Amnesty International welcomes today's order by Justice North in the Federal Court of Australia in Melbourne that 433 asylum-seekers, now on board the Australian Navy vessel HMAS Manoora, be brought back to Australia, if they still wish to claim asylum there.

The asylum-seekers, most of whom have reportedly fled Afghanistan, were rescued at sea by the Norwegian MV Tampa around 26 August. They had been making their way to Australia on an Indonesian ship with the intention of seeking asylum, but the captain of the Norwegian ship, who had entered Australian territorial waters on humanitarian grounds, was prevented from disembarking them on Christmas Island.

Justice North's ruling was in response to applications for habeas corpus from the Victorian Council for Civil Liberties and a Melbourne solicitor, which Amnesty International joined as an Intervener. As the result of a mediated agreement, while the court proceedings continued, the asylum-seekers were transferred from the Tampa to HMAS Manoora which then proceeded towards Papua New Guinea. There the asylum-seekers were to be divided into two groups, 150 to go to New Zealand and the rest to the island of Nauru where they would have refugee status determined and those recognized be considered for resettlement in other countries, including Norway and Sweden. However, the HMAS Manoora has now been ordered by the Australian Government to go directly to Nauru, taking also more than 200

additional asylum-seekers transferred from another ship, intercepted by the Australian Navy while making its way to Australia from Indonesia.

Amnesty International is calling for the asylum-seekers to be given access to independent and impartial information and advice before they leave the Manoora, including the implications of the court order and the different asylum procedures, the rights and status they will be afforded in whatever countries are willing to accept them.

All the asylum-seekers should have access to competent interpreters and to independent expert legal advice when preparing their asylum applications and throughout all stages of the asylum procedures. Each application should be individually examined in a fair and satisfactory procedure, which includes an effective right of appeal to an independent authority. Amnesty International remains concerned that no asylum-seeker whose application is rejected should be forcibly returned to a country where they would be at risk of human rights violations.

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