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**AUSTRALIA: GOVERNMENT THREAT TO GAG AMNESTY INTERNATIONAL**

Amnesty International is outraged at the Australian government's warning that the organization could face "serious consequences" should it continue to name or publish information identifying a Somali asylum seeker whom the government has repeatedly tried to deport to Mogadishu, where he could be tortured or killed. The man himself has agreed to be named.

"This move effectively amounts to censorship. It is completely unacceptable as it is not for governments to decide whether reporting the case of someone facing torture or death upon deportation is in that person's interest. It is for governments to honour their treaty obligations not to deport people to face serious human rights abuses," Amnesty International said. "If the Australian government was genuinely concerned about the man's safety on his return to Mogadishu, it should not have tried three times to return him there".

Amnesty International first took action to protect the Somali asylum seeker by writing to the Australian government on 28 October 1998, one day before he was due to be deported. The Australian High Court halted his deportation the following day. The government then sought a court order suppressing the publication of any identifying information regarding his case. No such steps were taken in other recent cases of Somali asylum seekers facing deportation.

On 18 November, one day before the asylum seeker again faced deportation, Amnesty International issued an "Urgent Action" (UA) appeal, alerting its international membership to the imminent deportation of the Somali man, naming him with his consent. Hours later, 10 government and security officials took him to a plane in a restraining belt and forced him to board a flight to Mogadishu.

However, during a stop-over in Perth -- following urgent interventions by the United Nations (UN) Committee against Torture, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as Amnesty International and an Australian transport union, which took action to prevent the man's connecting flight leaving Perth -- the man was given a last-minute reprieve and permission to stay in Australia temporarily.

The Australian government allowed the asylum seeker to stay while his case is being examined by the UN Committee against Torture, on the condition that he is detained 4,000 kilometres -- and three time zones -- away from Melbourne, where his lawyer is based. The authorities have however offered no guarantee that he will not be deported in the meantime, only that he will be given 48 hours' notice.

On 19 November, the Australian government solicitor, "on behalf of the Minister for Immigration and Multicultural Affairs", wrote to Amnesty International's Australian section, referring to the UA and warning the organization to "be aware that serious consequences could flow" from breaching a Federal Court publication suppression order made that afternoon at the Minister's request.

Without giving any reasons for the government's move to suppress publicity on the case, the letter quoted the court order, under which the man's name and "any information which might identify" him cannot be published in Australia.

It is a fundamental principle of international law that all court proceedings should be open to the public and to the media as a safeguard of the integrity of proceedings. The International Covenant on Civil and Political Rights – ratified by Australia – provides that in “the determination of [...] his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law”.

Under Article 14 (1) of the Covenant, the media and the public may not be excluded even from part of a proceedings, except for specific, narrowly-defined exceptions, including “when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice”. The suppression of the name or identifying information of the man concerned – who wishes the public to know about his case – does not fall within any of these exceptions.

Proceedings to lift court orders prohibiting publication on the case are set to continue on 8 December.

"The Australian government's attempts at censoring this case are utterly deplorable. We cannot – and will not – stop campaigning against the deportation of an individual to somewhere where he could face serious human rights violations, or even death."

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