



## AMNESTY INTERNATIONAL MEDIA RELEASE & NAURU BRIEF

23 November 2012

### **Nauru Camp A Human Rights Catastrophe With No End In Sight**

Amnesty International has found a toxic mix of uncertainty, unlawful detention and inhumane conditions creating an increasingly volatile situation on Nauru, with the Australian Government spectacularly failing in its duty of care to asylum seekers.

Following a three-day inspection of the facility, Amnesty International researchers found the facility totally inappropriate and ill-equipped, with 387 men cramped into 5 rows of leaking tents, suffering from physical and mental ailments-creating a climate of anguish as the repressively hot monsoon season begins.

“The situation on Nauru is unacceptable. The unlawful and arbitrary detention of these men in such destitute conditions is cruel, inhuman and degrading,” said Amnesty International’s Refugee Expert Dr Graham Thom.

“The climate of uncertainty was debilitating with no information being provided to asylum seekers and clear evidence that this temporary holding facility has been erected in haste, with no consideration for the individuals languishing in such squalid conditions.

“On our final day speaking with the detainees, the downpour was torrential, the site was flooded, tents were leaking – one man’s shoes drifted away as the current ran through the tent. We were also prevented from photographing conditions despite assurances we would be able to do so.”

“The news that five years could be the wait time for these men under the Government’s ‘no advantage’ policy added insult to injury, with one man attempting to take his life on Wednesday night,” said Dr Thom.

Amnesty International is calling on the Australian Government to immediately cease transfers to Nauru as the human rights organisation can see no purpose in holding asylum seekers on Nauru other than penalising them for seeking asylum.

“For those already on Nauru, processing must start immediately, with freedom of movement allowed as envisaged by the Expert Panel so that at least some uncertainty is addressed and these men can live some semblance of a normal life.

“Offshore processing on Nauru and Manus Island will only serve to break vulnerable people in these these ill-conceived limbo camps, who have fled unimaginable circumstances,” said Dr Thom.

Amnesty International is also gravely concerned by the Coalition’s proposal to cut the increased humanitarian intake. The human rights organisation believes the only way of preventing asylum seekers from taking dangerous boat journeys to Australia is to provide them with viable alternatives. This includes building the capacity of Australia’s neighboring countries to respect refugee rights as well as Australia increasing its humanitarian intake.

Once again Amnesty International reiterates that seeking asylum is a fundamental legal and human right. Any attempts to portray their arrival as illegal is grossly misleading.

**ENDS**



## **Nauru Offshore Processing Facility Review 2012 Media Briefing**

23 November 2012

### **Summary**

Amnesty International's findings and observations during its visit to Nauru confirm the organisation's fears that human rights have been completely sidelined.

The organisation maintains that the transfer of asylum seekers from Australia to Nauru contravenes international law as it acts as a punishment for seeking asylum by boat.

The dire circumstances facing the 386 asylum seekers currently on Nauru further highlights why a developed country with a functioning refugee processing system should never send asylum seekers to a country without existing capacity to care for, process and protect them. The men on Nauru are not only being held in appalling conditions, they are also being unlawfully and arbitrarily detained.

Amnesty International is outraged that vulnerable people have been placed in this situation, and have not even begun their refugee status processing. The human rights of these men are being breached by both the Australian and Nauruan Government.

### **Key Findings**

#### **The Nauru detention regime equates to unlawful, arbitrary detention**

To date the asylum seekers held in Nauru have been unable to apply for refugee status. The Australian Government has transferred these men to a country which currently does not have the capability to process refugees. It is clear from our discussions with Nauruan officials that they are setting up these processes, but that they are doing so from scratch. As they need to develop legislation and regulations, and recruit and train staff (most of whom will need to come from overseas) it will take some months before processing will begin. Why there was any need to send asylum seekers into these conditions when a serious delay in beginning processing was inevitable remains unclear.

Furthermore, despite assurances from the Expert Panel and the Australian Government that the asylum seekers on Nauru would not be detained but housed in an open facility, it is now clear the asylum seekers will remain detained on Nauru. The new visa conditions imposed by the Nauruan Government will restrict asylum seekers to the camp unless supervised. Even once found to be found genuine refugees, they are likely to remain detained in the camp.

Without refugee processing underway, there are no grounds under international law for the continued detention of the 386 men. Amnesty International believes they are currently unlawfully detained by the Australian Government, in breach of article 9 of the International Covenant of Civil and Political Rights.

#### **The Nauru detention regime amounts to a penalty for seeking asylum**

Amnesty International believes that the combination of no refugee processing, implementation of the 'no advantage rule' and harsh detention conditions, amounts to a clear penalty for seeking asylum by boat. This contravenes article 31 of the 1951 UN Refugee Convention. There is no doubt that the majority of the asylum seekers we spoke with felt as though they were being punished despite having committed no crime.

*\* "This is like severe punishment for criminals. In Australia, I think criminals are treated better than this. Even a criminal knows how many years they will be in jail but we have no idea."*



## **The conditions on Nauru may lead to genuine refugees returning to danger**

Amnesty International supports the right of asylum seekers to voluntarily return home. However, it is clear that, the physical and mental conditions faced by asylum seekers in the camp have led many to feel they were sent there, purely to be encouraged to return to their country of origin.

*"The only aim here is to force people to return"*

*"Everyone is interested in sending us home"*

*"The ones that return, they are still in danger but they prefer danger they know, not unknown danger on Nauru."*

A number of men reported that they were considering returning home, despite still fearing for their safety. At least one man stated that he may have to return in order to protect his family, but would be forced to flee again this time taking his family with him.

*"Everyday I talk to my children and they ask me to come back to them. They are in danger without me, so I have no choice. But I cannot stay in Iraq. I will take my family and go to Turkey, at least the UNHCR are there."*

## **The government of Nauru is currently unable to properly care for asylum seekers**

Nauru's capacity to adequately care for vulnerable asylum seekers is of concern. As well as meeting with Nauruan Minister's and public officials Amnesty International also visited the local prison and hospital. Despite agreeing to accept the asylum seekers and to undertake their processing, it is unclear how they will provide the care and assistance required by such a vulnerable group.

As well as the difficulties with setting up processing, Nauru will also struggle to provide lawyers to the asylum seekers as there are currently no lawyers in Nauru aside from those employed by the government.

Amnesty International has concerns that the capacity of essential services in Nauru such as specialist health care, and law enforcement to ensure safety, will not be able to cope with the needs of asylum seekers on the island, especially if 1500 are placed there. There are currently 56 beds in the Nauruan hospital and it relies heavily on specialists that fly in several times a year.

## **The physical conditions are harsh and repressive**

The conditions faced by asylum seekers in detention in Nauru are far worse than in detention in Australia. The compound where the 386 asylum seekers are kept is approx 100 m by 150 metres, and there is simply no privacy for the men.

The temperature reaches over 40 degrees in the compound and 80 percent humidity. The heat is exacerbated by the grey gravel surface of the compound and the fact that there are no trees. During the visit there were regularly men huddled around the perimeter of the compound under the shade of branches overhanging the boundary.

*"This place is like an oven. An oven for our bodies and an oven for our minds."*

There is no ability for meaningful recreation in the compound, due to the heat, the cramped conditions and the lack of any surface other than gravel.

When it rains, the camp quickly floods. During the visit, the delegation walked through large pools of water up to a foot deep. As this is only the beginning of the monsoon season in Nauru flood levels on the compound are likely to become higher.



## **The accommodation is completely inappropriate**

The asylum seekers are housed in army tents. There are 16 large tents that hold up to 16 people (although there were 17 in at least one) and 58 small tents that hold 5 people (although several had 6). The floor of the tents is wooden boards raised a few inches off the ground. The tents are very cramped with little to no room to move between the stretcher beds.

Aside from bedding, there is little else in the tents – some mosquito nets and plastic containers for clothes. There are two small fans or one large fan in most tents, although this is leading to electricity issues throughout the camp.

Temperatures in the tents reach well over 40 degrees during the day (some claimed that it reached 52) making the tents impossible to be in during most daylight hours.

Amnesty International visited the compound after four hours of rain (it was still raining heavily when we left). Every tent observed had at least one leak, and bedding and clothing was soaked or at least damp. Rain also comes in through the entrance due to the difficulty in properly closing the tents. When the camp floods, water flows from the walkways into tent entrances almost completely surrounding some tents with up to a foot of water.

Many men also complained of insects and rodents in the tents. While pest control measures are in place the difficulties of doing this properly in the environment were apparent. Large scale spraying to combat mosquitoes was witnessed by the organisation but a number of the detainees highlighted that this exacerbated breathing difficulties they are already experiencing due to the phosphate dust.

The tents are incredibly difficult to sleep in. Either because of the extreme heat, the damp or because of men crying during the night. Many of the men claimed they were unable to get more than four hours of sleep a night, further exacerbating their mental health deterioration.

Amnesty International is concerned that the accommodation may breach the UN Standard Minimum Rules for the Treatment of Prisoners, in particular that "all accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions".

*"The standard of life under rough tents (leaky and hot) is even not suitable for cattle. The wild and phosphoric atmosphere of Nauru causes several diseases."*

## **Mental health situation is dire**

Nine men in the camp are confirmed to be on hunger strike, many more claim they are on one. One hunger striker, Omid, has not eaten for over 40 days. He told the delegation that he has lost 19 kilograms but that *"my psychological condition is even worse than my physical one."* Many of the men stated that they felt their only option was starting or returning to a hunger strike, or attempt self-harm or suicide. During the visit one man tried to hang himself from a tent pole. The man who pulled him down told Amnesty International that he had lost hope for any justice from Australia after hearing the news that post -13 August, asylum seekers would be released into the Australian community.

*"I think the suicide attempts will increase in the future. More and more of my friends are thinking about it and taking it into their plans."*

*"If there is no processing, if there is no release, then what is the point of my life? I prefer to die from my hands and not the hands of the Iranian Government"*

Amnesty International is concerned that many of the reasons for the evident mental anguish experienced by the asylum seekers, are implicit in the set up of the Nauru facility and will be difficult to mitigate. However it is clear that the lack of information about their future, and the extreme conditions are exacerbating the issue.



## Constraints in adequate physical health care

Many of the men showed us rashes and skin diseases on their skin that had not cleared despite medical treatment.

## Recommendations to the Australian Government

1. The centre on Nauru should be closed and all asylum seekers returned to Australia, as Amnesty International can see no purpose in holding asylum seekers on Nauru other than penalising them for seeking asylum. This is even more obvious given the announcement of community release for the majority of asylum seekers who arrived post August 13.
2. If the centre does stay open, it is imperative that no more asylum seekers are sent there until processing begins and appropriate accommodation has been built.
3. The people who are currently on Nauru must have their level of vulnerability properly reassessed, and there must be thorough ongoing assessments.
4. If asylum seekers continue to be sent to Nauru, more stringent assessment of their physical and mental health must be completed to ensure that particularly vulnerable people are not sent there.
5. Steps must be taken so that rainfall does not lead to flooding in the compound, and particularly to water coming into the tents via leaks or from water flowing in from the walk ways.
6. Permanent structures must be constructed as soon as possible. However, given that the construction will take place in the existing compound mere metres away from where people are living in tents, it is crucial that steps are taken to mitigate the space, dust and noise the effects of construction.
7. All staff involved in the compound must be given appropriate cultural awareness training, working with vulnerable people training and human rights training.

## Recommendations to the Nauruan Government

1. Expedite asylum seeker legislation and ensure that processing begins as soon as possible, with adequate resources and expertise
2. Adjust the visa conditions of the asylum seekers so that they are not confined to the camp for the duration of their stay
3. For Government officials to regularly visit the centre and provide updates on progress

### Note to Editors:

**Amnesty International's Refugee Policy Expert Dr Graham Thom will be available for interview today, and in Canberra on Monday 26 November following meetings with key politicians. Media enquiries, contact Sara Saleh [+612 8396 7622](tel:+61283967622) / [+61413 028 191](tel:+61413028191) / [sara.saleh@amnesty.org.au](mailto:sara.saleh@amnesty.org.au)**

### \*Quotes are unattributed to protect identities of asylum seekers

*Amnesty International would like to thank everyone who assisted with the review, especially the asylum seekers who shared their experiences, the Nauruan officials who shared their time and Transfield, Wilson Security and Salvation Army staff who assisted with the review. We would also like to thank the Department of Immigration for facilitating the visit however, we remain disappointed that permission to take photos was withdrawn.*