

18 September 2001

Further information on EXTRA 58/01 (ASA 12/003/2001, 29 August 2001) and follow-up (ASA 12/006/2001, 6 September 2001) - Fear of forcible repatriation

AUSTRALIA/NAURUAsylum-seekers stranded off Australian coast

The 433 asylum-seekers from the Norwegian freighter, the *Tampa*, have now arrived at Nauru, where their claims for asylum are to be processed by the UNHCR. A further 237 asylum-seekers, whose boat was intercepted in Australian waters, were transported to Nauru with them. Amnesty International is concerned that the group, who include children, may be housed in poor conditions, and that they have been denied information about their rights and access to independent and impartial legal advice.

On 17 September the Federal Court of Australia overturned an earlier ruling that the asylum-seekers from the *Tampa* should be returned to Australia, after the Australian authorities appealed.

There are media reports that some of the asylum-seekers expressed unwillingness to disembark when they reached Nauru. None are known to have been given access to independent legal advice about applying for refugee status, or their rights under any relevant national or international laws.

Those who disembark in Nauru will be housed in a makeshift camp, which has not yet been completed, on barren land, where reports indicate that water and electricity is not readily unavailable. There are also media reports that the camp will be surrounded by security fences and that those inside will be under the guard of an Australian private security firm.

Since the *Tampa* was prevented from approaching Australia, several hundred asylum-seekers have been intercepted on boats in Australian waters. The government has declared its intention to deny them any right to apply for asylum in Australia.

Many thanks to all those who sent appeals. Amnesty International will be raising its concerns about the treatment of the asylum-seekers with the authorities in Australia and Nauru. Please send a final round of appeals, to arrive as quickly as possible, in English or your own language:

- asking the authorities to ensure as a matter of urgency that asylum-seekers are given access to independent legal advice and competent interpretation, while they prepare their applications and throughout all stages of the asylum procedure;
- urging them to ensure that all applications are examined in a fair and satisfactory refugee determination procedure, which includes an effective right to appeal to an independent authority;
- expressing concern that asylum-seekers have in effect been arbitrarily detained.

To the Australian authorities only:

- stating that diverting asylum-seekers to another country does not absolve Australia from its obligations under international law to ensure that no one is arbitrarily detained or forcibly returned to a country where they would be at risk of human rights violations.

To the President of Nauru only:

- pointing out that under customary international law, Nauru is obliged not to forcibly return anyone to a country where they would be at risk of human

rights violations, and that anyone detained in Nauru should be granted an effective opportunity to challenge their detention in a court of law, in accordance with international human rights standards;
- urging that the asylum-seekers are held in conditions which accord full respect for their humanity, and that children shall be detained only as a measure of last resort and for the shortest appropriate period of time.

APPEALS TO:

Hon Philip Ruddock
Minister for Immigration and Multicultural Affairs
Suite MF 40
Parliament House
Canberra ACT 2600
Fax: + 61 2 6273 4144
Salutation:Dear Minister

Hon. John Howard
Prime Minister
Suite MG8
Parliament House
Canberra, ACT 2600
Fax: + 61 2 6273 4100
Salutation:Dear Prime Minister

President Rene Harris
Office of the President
Yaren Nauru
Fax:+ 674 444 3135 (c/o Ministry of Works)
Salutation:Dear President Harris

Copies to diplomatic representatives of Australia and Nauru accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 30 October 2001.