Leonora Visit January 22-23 2011 Visit Observations, Criticism and Complaints

1. *Introduction*

On the weekend of Saturday 22 January and Sunday 23 January, a group of 25 people from the Refugee Rights Action Network Western Australia (RRAN) visited the Leonora Alternative Place of Detention (APOD). We conducted three separate visits in small groups (early afternoon and evening of 22 January, morning 23 January) with Tamil and Afghan women. The following testimony is based heavily on RRAN discussions with Serco staff, independent investigations conducted by RRAN members, discussions and letters from detainees. This is RRAN's second visit to Leonora APOD, after conducting a visit in August 2010. The observations are the author's responsibility alone.

2. *Nature of the facility*

Following RRAN's visit to Leonora APOD in August, it was shocking to discover the facility had a noticeably harsher and more opaque appearance with certain additions to the fencing infrastructure. The perimeter fence was made higher and non-transparent, as seen in figure 2.1.

Figure 2.1 Exterior of Leonora APOD

Furthermore, potential areas where detainees could make verbal or visual contact with members of the group outside (which was desired, according to the detainees visited) were blocked by crude implements such as wooden boards and vehicles parked in the line of sight (figure 2.2 and 2.3).

Figure 2.2 Crude wooden boarding to prevent contact, with a detainee waving above

Figure 2.3 Vehicle parked before boarded area to prevent contact

These further measures cannot be justified for privacy reasons, as the infrastructure of the facility's original fencing prevented anyone from outside seeing in, unless detainees wished to make the effort to be seen as was evident in August. The de facto infrastructure modifications taken for the January visit, in particular the loose wooden boarding, could pose a risk to the health and safety to those detainees who wish to communicate with those outside. This author cannot understand the rationale for the increasing harshness and recommends if Leonora APOD is still to be used as a

place of mandatory detention, which action be taken to reduce the stark and claustrophobic nature of the centre, with additional grassy shaded communal open spaces as a priority.

3. *Serco staff behaviour – general observations*

It was pleasing to see a change in attitude from Serco staff to the general hostility that RRAN received in August, being much more hospitable and accommodating which was a positive improvement.

However, this attitude was unfortunately not reflected in the attitude Serco staff portrayed when interacting with detainees. Detainees who sought to contact and interact with RRAN members beyond the front gate were forced into their individual dongas beyond higher internal fences and prevented freedom of movement. This also occurred in August without explanation or justification. Furthermore, in the testimony of a detainee visited, when three men attempted to wave and contact those at the front gate from a distance, Serco staff deliberately misinformed them that RRAN members would take their photographs and send them to Canberra to negatively impact on their visas, an untrue claim. If any detainee had the audacity to try to wave and yell at RRAN members on the front gate, Serco staff sternly shooed them away and patrolled the area to prevent further contact. No explanations were given for any of these measures, which were both unnecessary and disappointing. Members of RRAN have noted to the author that fence visits have occurred peacefully at other detention facilities across the country and in light of the peaceful nature of RRAN's protests in the past, cannot understand why these fence interactions have been banned at the Leonora APOD.

It was disappointing to learn of two incidents involving Serco staff employed at Leonora APOD since RRAN's August visit. Following much lobbying to receive detainee handwritten notes which were barred from direct receipt by RRAN visitors from Serco staff, a detainee has reported that these letters were taken from them and ripped up before them. An acknowledgement of a 'miscommunication' from DIAC regarding Serco's handling of the matter is not enough – such behaviour from staff is completely inappropriate and unnecessary, and stringent review via reprimand should be pursued. Similarly, detainees reported to RRAN visitors that the male detainee which held up a protest sign visible to RRAN members at the August visit was banned by Serco staff from activities for a fortnight for this act. Such unnecessary, overtly discriminatory and castigatory behaviour from Serco staff breaches its duty of care to detainees and has no justification. All steps should be investigated and implemented to prevent such abuse of power again: simple claims of 'miscommunication of policy' and apologies are not enough, this behaviour should not occur in the first place.

Another disturbing facet of Serco's behaviour during RRAN's formal, planned visits with detainees was the insistence that a guard be present in the same room capable of listening in on confidential conversations. This is not a matter of universal Serco policy in all the immigration detention facilities it manages in Australia – as the present author has visited five others and only encountered the practice one other time (at Inverbrackie APOD). The potential for this practice to contribute to the unease and discomfort of detainees to discuss freely their lives in detention was evident

during RRAN's visits with detainees. When we asked the detainees about the welfare and mental health of their fellow inmates, the detainees first looked at the Serco staff member in question and refused to answer on several occasions.

Detainees should be able to feel confident to answer questions freely to make the most of the support visitors are willing to offer them and frankly address the difficulties they face with the detention service provider, without negative repercussions for their experience in detention or their claims for a visa. It is a recommendation of the highest urgency that Serco desist from its practice of having a staff member present during visits and monitor proceedings during visits from an area not within earshot, permitting increased privacy for both visitors and detainees.

3.1 Allegations of abuse

After independent investigation and testimony from detainees RRAN has been in contact with since August, it has been discovered that Serco staff – in particular – have been aware of alleged sexual harassment and inappropriate behaviour from a male guard working at Leonora APOD and have refused to act on these allegations.

The allegations against this guard include bullying, yelling at parents in front of their children, mocking mentally ill or suicidal detainees by calling them "nutters", commenting on the breast size of female detainees, sexually harassing a female colleague who felt compelled to leave as a consequence, mocking detainees, punishing detainees for no reason, and intimidating detainees. Another former staff member who spoke to RRAN on the condition of anonymity felt compelled to resign, due to the punitive environment enveloping the Leonora APOD.

These charges are extremely serious because of their particular significance for someone working in such close proximity to women and especially children. In addition to the charges of sexual abuse of a child in the facility last September, such a culture of abuse is can easily become criminal and should not be tolerated under any circumstances. There must be a full, independent review of Serco hiring and detention management practices to ensure the safety of those working in the field from criminal misconduct, as well as those who the organization holds a duty of care toward who cannot escape such malpractice.

4. Opportunity for recreation and outside excursions

Detainees during official visits expressed a particular frustration with the lack of meaningful pursuits afforded to them during their time in detention at Leonora APOD. When the question was posed what they do to pass the time, a detainee answered in dissatisfaction: "Do? There is nothing!" While the Department of Immigration and Citizenship maintains the technical truth that recreational activities and excursions take place every day for detainees, due to Serco staffing constraints these detainees are extremely limited in number. As a result, this equates to each detainee being afforded one hour per week of recreational activity outside the centre under supervision. During the long summer school holidays, this created a situation described by one detainee as "much tension." Serco staff on-site admitted that due to

the aforementioned shortstaffing, occasionally even these meagre excursions do not take place.

Another shortcoming of excursions, especially for school-aged children during the academic year, is that only 6 children get to go to the library each week and parents aren't able to go with their children to help them choose suitable books, according to detainee testimony. In addition, an absence of childhood specialists to care for and organize activities with children working at Leonora APOD leaves children (including around 30 four to eight year olds) particularly vulnerable.

Another area of concern is the banning of newspapers and the restriction of media – an unusual measure without justification. This intimidation is not without precedent: a male detainee who held a sign last August for RRAN to see was banned from activities for 2 weeks, without any reason given. Serco should be made to explain these decisions in full and how they are in accord with its duty of care and respect of those in the detention facilities it manages.

Immediate action should be taken to improve the scope and number of recreational activities offered to detainees at Leonora APOD, particularly younger children and adults who unable to attend school. Furthermore, there should be more opportunities for all detainees to experience life outside the institutional, punitive nature of the facility in the form of excursions. Detainees should be permitted the freedom to receive and send whatever information they wish, including media and Internet usage, within the law. There should be no arbitrary interference in these freedoms.

5. *Major health issues and medical neglect*

Shocking evidence of major health issues within Leonora APOD and the willful neglect by detention authorities was uncovered in written correspondence RRAN received from detainees. These health issues were also confirmed by visits with detainees.

Of particular concern was the mention of a suicide attempt by a detainee two weeks before RRAN's visit. Furthermore, detainees reported of an Arabic woman who is so traumatized by her experience in detention she cannot sleep and constantly wanders the hallways, muttering to herself, clear signs of mental distress. A detainee during a RRAN visit described the mood of Leonora APOD's detainees as the following: "Upset, always upset. There is no happy, only upset." This detainee also confirmed arbitrary Serco interference in receiving a medical appointment: on average it takes up to 8 days to get a simple consultation. This is simply not the truth that DIAC presents that detainees receive "medical care commensurate with the Australian community." Most Australians can receive a medical consultation within 3 days or immediately if requested. They are not subject to someone else's discretion that influences their original decision to seek a medical appointment.

The collective depression syndrome described by the detainee above, combined with emerging evidence of self-harm and mental insanity, must be combated with effective measures to at least minimize the harm of indefinite detention. The question of why the symptoms of mental distress have been permitted to get to the point of serious self-harm and clear mental illness during the detention experience at Leonora APOD

is something that Serco staff and DIAC must directly answer. Immediate, *preventative* steps should be taken as proactively as possible to prevent the collective depression syndrome exploding into a full-blown, self-harm mental health crisis at Leonora APOD. It is not an excuse to respond *after* an incident happens or someone's mental state has degenerated into insanity, as DIAC and Serco are directly responsible for the conditions which give rise to such despair, frustration and desperation.

Written correspondence from detainees expresses clearly at least three separate incidents of wilful medical neglect from detention authorities charged to take care of them. This threatens the welfare of these detainees directly affected and those detainees who are compelled against their will to share accommodation with those suffering these medical ailments. One detainee writes: *"If some people complain about mental health, medical said close your eyes and thinking [of] your good time. Its kidding."*[1] This is obviously not medically appropriate mental health practice, and further adds to the potential for a mental health crisis to emerge at Leonora APOD. Symptoms of this crisis are already present, and the situation will be compounded by medical authorities responding to the inherent issues caused by mandatory detention in this way.

Another detainee writes: *"My throat has a lump. Please take me to a hospital. Nobody listen to me. It's now been 6 months that I am in pain and I have no sleep."* If an Australian sought medical advice persistently without remedy or even a response for 6 months and beyond, it would be a scandal to have their cries for assistance indefinitely neglected. Furthermore, a third detainee writes: *"With all the problems that I have, i have become very ill and now i have tumour my throat now. The hospital here and the doctors here dont do much. Its now been 4 months that I am going through severe pain. The doctors.They only give me panadol. They constantly tell me to come tomorrow with giving me a clear path. They are playing with me."* Again, such conscious medical neglect is inexcusable and without explanation. Any Australian doctor that prescribes only Panadol for a tumour would not be allowed to practice in the general community. How such medical malpractice and disregard is permitted to occur at Leonora APOD must be explained and rectified as soon as possible.

An immediate independent review of the current medical arrangements at Leonora APOD for detainees, and a complete explanation of every reason why these desperate calls for medical assistance have been ignored or mistreated for so long are imperatives of the highest order.

6. *Time in detention and security clearances*

From the detainees RRAN held visits with and received written correspondence from, it was evident that the vast majority have been held in detention for a period over 6 months. This is of particular concern for the welfare of the primary population of Leonora APOD – that is, families with young children. On average, detainees are spending close to 9 months detained there.

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[1] RRAN has the original texts of all of this written correspondence, but has decided not to share them with DIAC and Serco for fear of exposing their identities or prejudicing their visa claims.

Another detainee's letter reported official pressure to leave Australia as the only consequence to detention: *"Some people ask the DIAC I can't stay no more in detention please bring my answer. DIAC answer go back your own country."* Given the Gillard Government's October 2010 commitment to have an unspecified "majority" of families with young children out of detention by June 2011, this response seems to confirm the ongoing use of harsh detention at Leonora APOD for the foreseeable future, at odds with stated government policy. The punitive nature of this detention as a measure to encourage would-be visa seekers to return to their country of origin is unacceptable, human dignity and human rights are never bargaining chips in order to achieve a desired outcome. All arrivals and detainees at Leonora APOD should be treated in a humane, dignified manner if they are to be detained in accordance with the Government's Key Values of Detention, if they feel unable to return.

The length of time detainees have been forced to wait for ASIO security clearances in order to gain their visa is of particular concern at Leonora APOD. One detainee said: "*Its been 11 months that i have been left in these camps. And its been 5 months that our case has been accepted And there is no sign of any visa.*" According to the some sections of the *Migration Act*, it is made particularly clear that the duration of a non-citizens detention is only ended by removal from Australia, deportation or granting of a visa. An explanation from DIAC of the circumstances that permit the prolonged detention of asylum seekers in spite of their refugee claims being accepted and thus visas being granted would be appreciated. In particular, how security clearances prolong and affect detention and the specifics of the process of release from detention for those granted refugee status but awaiting security clearances is necessary to increase accountability regarding this issue.

Measures must be taken that regularly inform clients in detention about the progress of their security clearances; and there must be improved liaising between ASIO and DIAC to provide regular updates on a timetabling of security clearances (for instance, this part of the clearance is done, we still have to do this, this and then this until it is complete) to ease anxiety for detainees.

7. Contact details

The informed RRAN that the contact details for Leonora APOD on the DIAC website were outdated when attempts were made to organize visits with detainees. It is of particular importance that these details remain constantly updated to reflect the dynamic reality it seems of the contact details of the facility.