



ICRC

The President

Geneva, 12 January 2018  
OP\_ASIA 18/00003 KSC/mamr

Dear Dr U Ne Oo,

I acknowledge receipt, and appreciate your concern over the plight of migrants transferred by the Australian Government to offshore processing centres. I would like to assure you that the ICRC has been closely monitoring this situation over the past 5 years; conducting regular visits to both sites, individually following up on many migrants, as well as regularly raising our observations and recommendations confidentially with all concerned governments.

Due to the confidential nature of the ICRC's humanitarian dialogue with authorities, we do not publish our findings or discussions. However, I would like to assure you that we are doing everything we can to ensure the preservation of rights and dignity of all migrants in Nauru and on Manus, and will continue to do so through our presence in the region, and ongoing dialogue with the Australian, Nauruan, and Papua New Guinean authorities.

I would like to thank you once again for your communication and commitment to the humanitarian cause.

Yours truly,

  
Peter Maurer

Dr U Ne Oo

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Dr U Ne Oo  
Ryde NSW 2112, Australia

Dated: 8 December 2017

Dr. Peter Maurer  
President, ICRC  
19 Avenue de la paix  
1202 Geneva, Switzerland

Dear Sir,

**re: requesting urgent assistance for asylum-seekers in PNG and Nauru**

I am U Ne Oo, a refugee rights activist living in Sydney Australia. I am not being part of any political lobbying groups nor affiliated with professional non-government organisations in Australia. I work to support myself as a cleaner (janitor) in Sydney. I am respectfully writing this request to ICRC as an independent private citizen of Australia.

I appeal your organization to urgently intervene in the evolving humanitarian crisis of asylum-seekers held in Republic of Nauru and the Manus Island of Papua New Guinea (PNG). Since 2012, the Commonwealth Government of Australia ("the government") had detained approximately 2,000 asylum-seekers who entered Australian territory in those offshore immigration detention and processing centers (OPCs) located at PNG and Nauru. In the first instance, that offshore immigration processing arrangement looks like the government was exercising a form of indefinite mandatory detention regime on the afore mentioned asylum-seekers. However, a closer look with careful analysis is indicating that the government, in collusion with detention companies, have been enslaving these asylum-seekers for certain financial gains. As of early July 2017, I had communicated this situation to the International Criminal Court (ICC), alleging that the government and detention companies have perpetrated the Crime Against Humanity of Enslavement. I enclosed my communication, along with the reply letter from ICC.

From its reply, the ICC neither had promised nor refused for investigating these allegations. However, I am in no doubt that this case has been the most sophisticated form of contemporary enslavement that has been perpetrated by a democratically elected government.

As has been described in communication to ICC, all of these asylum-seekers are entirely of civilian in characters. They had entered into Australian territory in order to take a fair and reasonable chance in applying for asylum from Australia. The government, however, denied them of access to Australian legal systems and transported them to OPCs.

During the last four and a half years, these asylum-seekers had been offered with the unrealistic resettlement options, such as Cambodia or Papua New Guinea. Of the latest, the government is reportedly sending some 20 or so asylum-seekers out onto United States of America; and projecting them onto the falsified promise of resettling all of them in USA. These are just some examples of the government's deceptive conducts in relation to asylum-seekers, in attempt to hoodwink the Australian general public that the government has been making every effort to find alternative solutions for these asylum-seekers.

Such deceptive conduct by the government has come to light a couples of times in last 4 years when the Government of New Zealand offered to take 150 persons par years; the offers of which were being rejected roundly by the Australian Government. These government's deceptive conducts, in conjunction with the denial of access to Australian Legal system, have constituted a severe deprivation of liberty of the asylum-seekers.

Whilst these asylum-seekers are being placed in OPCs, the government had given inadequate health care and, therefore, there have been cases of unnecessary deaths from preventable causes of illness. It is also observed that the government have used the threat, implied threat, the violence and latent violence to break the morale of asylum-seekers so as to exert effective control over them. These incidents, in no doubt, are the indicating factors for enslavement that has been taking place in the offshore processing centres.

The prospects of indefinite detention along with severe control on personal liberties are causing gravest impacts upon the mental healths of asylum-seekers. There have been reports on severe mental breakdowns, the dependency on prescription drugs, attempted suicide and, eventual



deaths resulting from suicide, of the asylum-seekers in those OPCs. A reliable eyewitness has described the dire situation of asylum-seekers as:

*"I have visited the men. I have seen ABF and PNG Immigration refuse to help a man in the grips of paranoia. I have been there when an IHMS doctor told a man who had just witnessed his room mate cut his throat " It's no use crying; crying will get you nowhere" . I have seen men with incontinence for years, ulcerated stomachs, kidney problems, debilitating skin rashes, ulcers, chronic back pain, asthma, cysts on the head, deafness, heart disease, epilepsy, ent problems, botched surgeries. And none of this healing because it is the situation in which they are detained that deflates immune systems, exacerbates their illnesses and keeps them from ever healing.*

*I have read a doctor's report about one man who had suffered extreme pain and anal bleeding for four years before he was diagnosed. The doctor wrote that the protocols and treatments given him those years was making his symptoms worse not better.*

*"In Lombrum before it closed at least nine men walked around aimlessly with glaring signs and symptoms of serious mental illness. Back in the Transit Centre where some had already moved a few men could not settle because, one told me, "there are too many sick people here upset all around me".*

*"I saw a mobile phone clips of one man walking through town naked and I heard his paranoid, agitated ramblings. When I spoke to a Wilson security guard about this he told me he had seen this happening the previous week. Yet no one had attended to him and he was further kept away...."*

Whilst I myself have never been to these OPCs, I am having no doubt these OPCs are no ordinary refugee camps. Of course, as you would know well, there are millions of displaced people and refugees around the world living in refugee camps. It is not uncommon seeing refugees surviving long years in camps with no hopes for their future. Just an example, there are Rohingya/Bengali stateless refugees surviving in the UNHCR administered camps in Bangladesh for last 25 years.

However, these Australian run OPCs are designed to dehumanize asylum-seekers; and pressure asylum-seekers to debase the claims for asylum. In those OPCs, the individual asylum-seekers are addressed not by name but by the designated boat numbers. The private detention companies run these OPCs in a prison like atmosphere, and no other reputable or independent non-government organizations were allowed. The government mount campaign upon asylum-seekers that they will never be allowed to come to Australia. The alternative payments being made to asylum-seekers and tell to "go home" or just "go back where you came from". Such a proposition is impractical because, for example, there are some stateless people in the asylum claimants. We can only conclude that this government's action is designed to exert psychological pressure to debase the claims for asylum.

The asylum-seekers at OPCs, especially those men at Manus Island had been through a lot. The government had threatened them, deceived them, manipulate and used them for profit and systematically denied them of their liberties. Last month in November 2017, the 420 men from Manus Island processing center staged a non-violent peaceful protest, refusing to move from that de-commissioned facility, for they have all the time been treated by the government as non-human objects that have no soul and intelligence. The Australian Government and PNG authorities cracked down on these protesters, manhandled them and forced them onto new detention facilities which are not yet ready for human habitation. The Medicins Sans Frontiers has also been denied access to these protesters.

Unfortunately, Australian political system, whilst democratic in all aspects, had failed to respect the human rights of these asylum-seekers. It has been repeatedly demonstrated that both major parties, the LNP Government and Labour Opposition, are no-longer able to make rational decisions for the future of these asylum-seekers. Some of our politicians may also have been compromised. The state of affairs for the refugees at OPCs are untenable. I would therefore request your organization to urgently intervene in this evolving humanitarian crisis. In sum:

(i) Australia is a signatory to the 1926 Slavery Convention and the 1956 Supplementary Convention

on Abolition of Slavery, in addition to the Rome Statute of ICC. By all counts, Australia has violated the customary humanitarian laws of Slavery Convention. All concerned organizations, along with the state parties to the treaty must ensure that Australia respects the Slavery Convention.

(ii) Therefore, the ICRC to seek the mandate from United Nations to intervene in the cases of asylum-seekers on Manus Island in PNG and Nauru. The situation of asylum-seekers on Manus Island is dire and having urgent needs for ICRC intervention. Once ICRC is in charge, as a matter of priority, those men from Manus Island should be handed over to other governments and the UNHCR for resettlement and rehabilitation.

(iii) Once the ICRC is in charge of asylum-seekers on Nauru, the Committee's legal team should brought all the asylum claim cases before Australian Courts for reassessment.

(iv) There had been questionable deportation of asylum-seekers from the OPCs by Australian government. The ICRC should revisit all those cases of deportation, check and verify the whereabouts of those being deported. If there were violations of non-refoulement principle, the international community must prepare to take further action.

(v) Australia as a state should make reparation to all asylum-seekers for being held them as slaves -- whether they be refugees or non-refugees, whether they be resettled or not being resettled in Australia.

In closing, thank you for your kind attention to this matter. I thank you and the ICRC for your continuing work helping the displaced people and refugees around the world.

Yours respectfully and sincerely,



(U Ne Oo)

Copy to:

1. Ms. Urmila Bhoola, Special Rapporteur on Contemporary form of Slavery, Geneva.
2. Antonio Gueterres, UN Secretary-General, c/o Office of UNHCR, Canberra.
3. Mr. Filippo Grandi, Commissioner, UNHCR.

Enclosures:

- 30-Jun-2017: Enslavement in Manus Island and Nauru, Communication.  
18-Jul-2017: The reply from ICC.