



Dr U Ne Oo
AUSTRALIA

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Ms. Urmila Bhoola
Special Rapporteur on contemporary forms of slavery
c/o Office of the High Commissioner for Human Rights
United Nations at Geneva
8-14 avenue de la Paix
CH-1211 Geneva 10
Switzerland
Fax: (+41) 22 917 90 06

re: Intervention for asylum-seekers on Manus Island and Nauru

1. I am U Ne Oo, a refugee rights activist living in Sydney Australia. I am writing today to seek an urgent intervention by United Nations on the situation of asylum-seekers on Manus Island of Papua New Guinea and Republic of Nauru. These asylum-seekers are detained for 5 years at those Offshore Refugee Processing Centres (OPC), which had been managed and funded by the Government of Australia. In a closer look with careful analysis had indicated that the Government of Australia, in collusion with detention companies, had been perpetrating a sophisticated form of enslavement of these asylum-seekers. I therefore have communicated this enslavement situation to the International Criminal Court on June 2017 [#1]. In December 2017, concerned with the deteriorating situation of the detainees, I have also requested International Committee of the Red Cross to evacuate those asylum-seekers on Manus Island and Nauru. I've enclosed the reply from ICRC, along with my request letter for your information [#2].

2. The ICRC in no doubt has been well informed about the situation of these asylum-seekers. And for its part, ICRC had promised to do whatever it can to help alleviate this situation. However, the situation of asylum-seekers on Manus Island and Nauru had significantly deteriorated in the last six months. In recent months, there had been eventuated cases of suicide by two of the stateless asylum-seekers in OPC. The Australian authorities appear unwilling to resolve the situation of these asylum-seekers at OPCs. I therefore ask the UNHCR and ICRC to urgently promote a Memorandum Of Understanding with respective governments, i.e. Nauru and PNG, to hand over these enslaved asylum-seekers for resettlement and rehabilitation.

3. One of the stateless asylum-seekers who died on Manus Island on 22 May 2018 was a Rohingya man from Burma/Myanmar, named Salim Kyawning [#3]. Salim Kyawning, 51, had been suffering from sever



epilepsy, which he had never got a chance to be treated during that 5 years detention. Leads up to the day he died, he had been having seizures up to twice a week which were poorly managed and controlled. He'd thrown himself from a moving bus, indicating there was a great deal of mental anguish that he'd suffered from that day.

4. The other young man on Nauru, named Fariborz Karami, who was only 26, had reportedly been in a state of severe depression for long times and that, in the last 5 years, he had asked several times to see a psychiatrist. Sadly, he was found dead in his tent at Nauru RPC in June 2018, where he'd been living in the last 5 years [#4].

5. Following the death of Fariborz Karami, there have been unfavourable incidents of which directly impacting upon the community of asylum-seekers on Nauru. The Fariborz's family wishing to bury his body in Australia was not approved, initially, by the authorities. Fariborz's dead body was placed in a ship-container for a month, which his mother and wife were reportedly camped outside there for vigil. The asylum-seeker community had to petition to Australian authorities for proper burial of Fariborz. Authorities treating Fariborz funeral in such disrespectful manner may have caused further stress on asylum-seeker community. A recent report indicates that Fariborz Karami's mother had tried to commit suicide (NB: There is no independent verification for that information because of the information flow on Nauru was limited. However, I've mention this here due to the gravity of situation).

6. In recent weeks, the asylum-seekers from Nauru had been canvassing by themselves to the governments of New Zealand and Canada for any possible resettlement options. I ask UNHCR and ICRC to support these initiatives. Once ICRC has taken in charge of situation, these enslaved asylum-seekers should be resettled and rehabilitated as a matter of priority.

7. On early 2017, the Australian Government had initiated the so-called US/Australia refugee swap deal, which it turns out to be essentially a private sponsorship program. There were about 200 asylum-seekers getting transferred to the US under this program. However, there is undeniable evidence that the Australian government intended this US/Australia refugee deal only as a political manoeuvre, not necessarily as of solving the problem of refugee at hand [#5]. Therefore, in practice, the Australia's offshore detention/enslavement regime, in form and in substance, has remained unchanged.

8. In respect to slavery, Australia with its former colonial territories, the PNG and Nauru, were being covered by 1926 Slavery Convention and 1956 Supplementary Convention on Abolition of Slavery. Of these,



Republic of Nauru and Australia are signatories of ICC. Australia, on the one hand, will cooperate the prosecutors of ICC only with the approval of Attorney-General. Therefore, the prosecutors of ICC are unlikely to get any meaningful cooperation from current LNP Government, or even with the Opposition Labour Government. The United Nations, therefore, should also look into additional procedures of which Australian government should be required to respect the Slavery Conventions.

In closing, I thank Special Rapporteur for your urgent attention to this matter.

Yours respectfully and sincerely,

(U Ne Oo)

Footnotes:

[#1] Enslavement in Manus Island and Nauru.
<http://www.aus4iccwitness.org/node/48>

[#2] Letter to President of ICRC.
<http://www.aus4iccwitness.org/node/54>

[#3] <http://www.abc.net.au/news/2018-05-26/manus-island-refugees-remember-rohingya-man-who-died/9803314>

[#4] <https://www.theguardian.com/australia-news/2018/jun/20/you-will-be-responsible-a-mothers-warning-is-unheeded-on-nauru>

[#5] Analysing Trump-Turnbull phone conversation.
<http://www.aus4iccwitness.org/node/49>