

REFUGEE COUNCIL OF AUSTRALIA

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Press Release Concerning Arrival of West Papuans **23 January 2006**

"The arrival of a boat of West Papuans in North Queensland will put to the test Australia's new more human approach to management of asylum claims," said David Bitel, President of the Refugee Council of Australia.

Unlike arrivals from other countries who used Indonesia as a port of departure to enter Australia, the most recent group of people are Indonesian citizens coming directly from one of its provinces with a long history of military activity against the indigenous population. Over many years large numbers of West Papuans have fled across the land border into Papua New Guinea where they have been granted refugee status as recognised by the Government of PNG and the UNHCR.

"It is hoped that the Australian authorities will ensure that the recent arrivals to Australia will be given every opportunity to have properly assessed any refugee claims that they may choose to make. It is a matter of public record that aggressive military operations by the Indonesian authorities have caused distress to the indigenous West Papuan population. Indonesian troop numbers in the province have recently been significantly increased. Australia has been historically silent in response to the claims of the West Papuans for a genuine act of free choice to determine their future. Many thousands of people have died in pursuing this cause," continued David Bitel.

In assessing the claims of the recent arrivals it is essential that Australia ensure that the process is not prejudiced by political considerations relating to the bilateral relationship between Australia and Indonesia. The Government must also ensure that the process is not prejudiced by a consideration of the consequence of any decisions that may be made granting protection to any of the group who may meet the definition of refugee.

He said; "The Council will be carefully monitoring the process to ensure that Australia maintains its legal commitments in the assessment process and that any decisions taken are taken in the best interests of the individuals concerned in conformity with the definition contained in the Refugees Convention and the Migration Act. It notes the statement by Minister Vanstone yesterday that extraneous considerations will not play a part in the decision making process. However it views with concern the reports that Indonesian consular officials have been permitted access to the asylum seekers. If these reports are true the actions of the Australian government in permitting this are not only contrary to established norms of refugee law and practice but also provide a further foundation for successful claims to protection by the asylum seekers as refugees 'sur place'."

In relation to the decision to transfer the asylum seekers to Christmas Island RCOA maintains its opposition to mandatory detention once initial screening for health and identity have been carried out. In light of the detention system still operating, despite the positive changes enacted last year in relation to family groups, the Council urges the Government to re-think its decision on where the West Papuan claims will be processed.

"The fact that the asylum seekers have reached Australia and are able to engage domestic asylum processes means that they should be allowed to receive legal representation and community support which is best available on mainland Australia. There are no practical or legal obstacles to them being transferred to appropriate detention and community based facilities where such assistance can readily be provided," he concluded.