

## **LAWS 7714 Seminar Six**

### **Access to Asylum and Offshore Processing: The Lived Experience**

*Professor Gillian Whitlock*

This seminar is directed to helping you develop a critical understanding and appreciation of the situation needs and legal rights/interests of asylum seekers and refugees (**Learning objective 2**) who have been subject to regional processing on Nauru and Manus Island (PNG) as part of a government strategy to deter refugees from seeking asylum 'irregularly' by boat.

The seminar will facilitate a discussion of contemporary socio-legal issues and challenges to refugee protection (**Learning objective 3**).

This seminar will prompt you to consider alternative strategies (law/policy reform) for regulating irregular migration while respecting refugees' rights (**Learning objective 5**).

### **Background and Context**

We will consider how refugees and asylum seekers have testified to their experiences in the offshore camps, in correspondence and artwork and, since 2012, using social media and new technologies. These testimonies seek to create a witnessing public in Australia and beyond, and they circulate in networks of human rights and humanitarian activism. To engage with these testimonies, in seminar six, we will go to the Fryer Library (UQ) and then to the University of Queensland Art Museum (opposite the Law School).

#### **The Pacific Solution 2001-5**

There is a distinctive testimonial culture from the first iteration of the Pacific Solution, 2001-5. The men, women and children who were detained in Australia's offshore processing centres on Manus and Nauru in this period bear witness to their experiences of detention, and in particular you will look at letters, artwork and photographs exchanged between asylum seekers and humanitarian activists that are held in the Fryer archives, particularly in the *Burnside Durham* collection that was gifted to the university in 2009.

#### **The Pacific Solution 2012-present**

An extraordinary testimonial culture from the offshore detention centres surrounds us now, from the second iteration of the Pacific Solution, 2012 until the present. This is introduced last week, in seminar five: Eva Orner's film *Chasing Asylum* and the articles in *The Guardian* by Behrouz Boochani. We now have unprecedented access to asylum

seekers' testimony directly, as they represent their experiences using new technologies, that allow them to bear witness in multiple and innovative ways, despite the restrictions (at times) on using smartphones in the camp, and the difficulties in acquiring phones (in negotiation with the local population).

The camps on Nauru and Manus have produced very different testimonial cultures in this recent period. Why?

- They have different populations in terms of gender and ethnicity – men detained on Manus, and men, women and children on Nauru. The camp on Nauru has been more rigorously policed, and dependent on whistle-blowers (as you see in 'Chasing Asylum'). The 'Kids off Nauru' campaign of 2018 is an example of the specific strategies used to campaign on the basis of the specific rights of the child in human rights. See for example the Refugee Council of Australia campaign: <https://www.refugeecouncil.org.au/kids-off-nauru/>
- The offshore processing centres on Nauru and Manus are in different jurisdictions. The impact of this most obvious in the case of the PNG Supreme Court ruling (*Namah v Pato*) that the detention of asylum seekers is illegal, that led to the closure of the Manus camp in November 2017 and the withdrawal of the private contractors Broadspectrum and Wilson. <http://www.fcglegal.com/png-supreme-court/>
- From Manus since 2012 you can see the impact of one individual, the Kurdish Iranian journalist Behrouz Boochani, who is now one of the few men remaining on Manus. Boochani is a journalist who has sustained a constant 'feed' on Twitter, Facebook, and in the press online both in Australia (in *The Guardian*) and overseas. He has co-produced a film and a video installation, and written an autobiographical novel,

For a good overview of the Pacific Solution since 2012 see Madeline Gleeson's book, *Offshore. Behind the Wire on Manus and Nauru* (2016).

You are encouraged to take some time to watch, read or listen to asylum seekers who bear witness to indefinite detention and containment now from within the offshore processing centres.

In seminar six, after considering some of the material in the *Burnside Durham* collection, we will move to the University of Queensland Art Museum (UQAM) in order to consider audible and visual testimonies.

## Seminar Preparation

To prepare effectively for the seminar, please choose at least ONE of the following examples to read, view or hear, and come prepared with some responses and reflections. Many of these testimonies have been awarded prestigious human rights awards in recognition of their achievement. Keep in mind that these are what the men, women and children in the offshore camps create as testimonial acts, seeking a public who will bear witness to their experiences.

### From Manus:

- 'The Messenger' is a podcast based on the exchanged of voice messages send by Abdul Aziz Muhamat, a refugee detained on Manus Island, to Michael Green, a journalist based in Melbourne.

<https://www.wheelercentre.com/broadcasts/podcasts/the-messenger>

Aziz has now been granted sanctuary in Switzerland.

***To prepare for the seminar listen to one episode. What does this audible testimony enable Aziz to communicate to remote listeners?***

- 'Mr Eaten Fish', the cartoonist Ali Doorani  
Visit the home page of Mr EatenFish, who created a unique series of cartoons based on his experiences on Manus. His story was recently set to music and performed at the Sydney Opera House. Doorani has now been granted sanctuary in Norway.

[https://www.facebook.com/mr.eatenfish/?ref=page\\_internal](https://www.facebook.com/mr.eatenfish/?ref=page_internal)

There is a good article about Eaten Fish in the Conversation, by Suvendrini Perera.

<https://theconversation.com/the-tragedy-of-eaten-fish-the-award-winning-cartoonist-on-manus-island-65150>

***To prepare for the seminar, select one of his cartoons and use Perera's article to develop an interpretation.***

- 'The Invisible Man', the episode of *Australian Story* on Behrouz Boochani, was broadcast by the ABC in April 2019, after his novel won the prestigious Victorian Premier's Prize.

Archived here:

<https://www.abc.net.au/austory/the-invisible-man/10950080>

***View this and come along with some ideas about how this is an 'Australian story', and the significance of this production by the national broadcaster in a weekly documentary series.***

- 'Chauka, please tell us the time', a film co-produced by Behrouz Boochani and his co-producer in Eindhoven in the Netherlands, Arash Kamali Sarvestani. Filmed on

a smartphone in the camp, this has been acclaimed internationally in networks of human rights cinema. This is available on Vimeo:

<https://vimeo.com/ondemand.chauka>

There is a short trailer that gives you some idea of the style on YouTube (note the trolls in the commentary here):

<https://www.youtube.com/watch?v=EwaVMPYEzrA>

***Watch this and come along to the seminar with some ideas about the effect of what you see and what you hear here. How does sound and image work together here?***

- The novel *No Friend But the Mountains* by Behrouz Boochani, published last year, and now available internationally. You can read the review by J.M. Coetzee in the current *New York Review of Books*, which presents a critique of the Australian offshore detention regime for an American readership (accessible via Learn.UQ).

***The novel is too long for us to consider it here, but read this review and consider how the novel presents an opportunity for Boochani to access an international literary intelligentsia in THE most prestigious literary review.***

### **From Nauru:**

Here the testimonial culture is dependent on whistle-blowers and journalists as witnesses. You see this in 'Seeking Asylum', Eva Orner's documentary introduced in seminar five.

If you wish to research the testimonial culture that has emerged from the Nauru camp, choose one of the following:

- The Nauru Files, a unique interactive database based on a cache of 2000 leaked incident reports written by staff in the detention centre on Nauru, published by the *Guardian*. As part of this project, the newspaper developed a reader to allow access to the data and to render it legible for a witnessing public.

***This as an example of a testimonial artefact for the seminar, go to the Files and reflect on what kinds of information and experience become available through these reports, and what this secondary witnessing has to say about the agency of asylum seekers on Nauru.***

<https://www.theguardian.com/news/series/nauru-files>

You can also access important information about the experiences of asylum seekers on Manus and Nauru in detention in grey literature, for example human rights reports:

- *Nauru 2017/18* - <https://www.amnesty.org/en/countries/asia-and-the-pacific/nauru/report-nauru/>

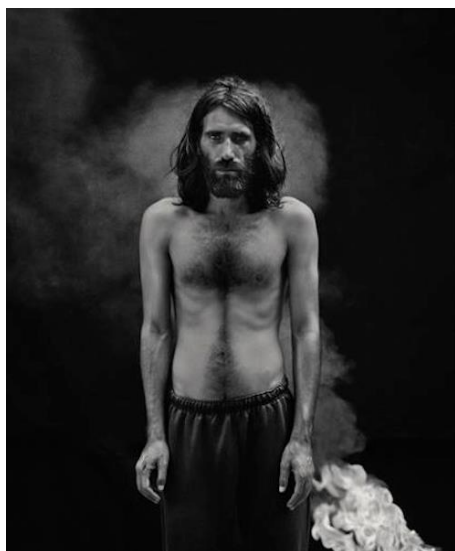
- *Until When? The Forgotten Men on Manus Island* -  
[https://www.refugeecouncil.org.au/wp-content/uploads/2018/12/Until\\_When\\_AIA\\_RCOA\\_FINAL.pdf](https://www.refugeecouncil.org.au/wp-content/uploads/2018/12/Until_When_AIA_RCOA_FINAL.pdf)

***Read 'The Forgotten Men' and reflect on the discourse of human rights activism here, and what it in particular brings to a witnessing public as an authoritative conduit for asylum seeker testimony.***

After a discussion of these various visual, audible, digital and literary testimonial artefacts, we will watch '**Remain**' in the theatre at UQAM.

This two channel video was filmed on Manus Island last year, and co-produced by Behrouz Boochani and the Iranian Australian photographer Hoda Afshar. This is a 25 minute video on a constant loop in the art museum, on the first floor, in its own bespoke theatre the size of a shipping container. In **Remain** a group of five men bear witness to the trauma of indefinite detention, artistically restaging representations of refugees in the mass media (for example the photograph of Aylan Kurdi). This is an audible and visual testimonial that mourns the refugees and asylum seekers who have died on Manus, and brings the Pacific into view. This project also includes Hoda Afshar's prize-winning portrait of Behrouz Boochani which deliberately references and contests stereotyped representations of refugees as passive victims. These are performances that reflect on how refugees are seen, and how they can stage testimonies that created an empathetic response.

***Please listen to Hoda Afshar's short interview on 'Remain', which will be helpful to prepare for the viewing of the video at UQAM:***  
<https://www.youtube.com/watch?v=eijYgDPKgC0>



©Hoda Afshar, Portrait of Behrouz Boochani, Manus Island, 2018, from the series *Remain*, pigment ink-jet print, 110x86cm.