

URGENT ACTION

REFUGEE CRIMINALLY CHARGED FOR SEEKING ASYLUM

Loghman Sawari, an Iranian refugee, faces criminal charges in Papua New Guinea for allegedly using false information to obtain a passport to seek asylum in Fiji. Deported back to Papua New Guinea without due process, he was held incommunicado for 30 hours. Loghman Sawari remains in custody, amid grave concerns for his safety.

Loghman Sawari was unlawfully detained in August 2013 (then 17 years), for around three years, at the Australian run detention centre for adult males on Manus Island, Papua New Guinea while his refugee claim was being processed. The conditions on Manus Island, and the prolonged uncertainty, amounts to torture or other cruel and degrading ill-treatment. Once claims are processed, the Papua New Guinean and Australian governments offer no support, financial or otherwise, to the refugees nor do they provide any identity or travel documents, resulting in many being unable to resettle in Papua New Guinea or to ever leave the country.

Loghman Sawari says he has been persecuted in Papua New Guinea because of his refugee status. He became homeless after a month of relocating to Lae, capital of Morobe Province, after he felt forced to leave his work due to racial discrimination and harassment by his colleagues. Loghman Sawari flew to Fiji on around 24 January 2017, allegedly on false identity documents. On 3 February, following assurances by the Fijian government that he would be able to access asylum processes, Loghman Sawari was apprehended, en route with his lawyer to a meeting with immigration officials, and immediately deported without due process or having his claim for asylum considered.

Loghman Sawari returned to Papua New Guinea at 12.30pm on 3 February 2017, and was held incommunicado for over 30 hours before being allowed to contact his lawyer. Loghman Sawari is allegedly charged with using false information to obtain a passport, a criminal offence which carries a fine of up to 10,000 PNG Kina and up to six months imprisonment. His bail hearing is on 8 February 2017.

Article 31 of the Refugee Convention provides that countries should not apply penalties for the illegal entry or presence of refugees. Therefore, even if false identity documents were used, Loghman Sawari should not face any penalties for leaving PNG to seek asylum elsewhere.

Please write immediately in English or your own language urging authorities to:

- Immediately and unconditionally release Loghman Sawari and drop all criminal charges against him;
- Ensure that Loghman Sawari receives appropriate medical care, psychological support and that his essential needs for food and adequate housing are met;
- Settle Loghman Sawari in Australia, or enable and facilitate resettlement in an appropriate third country.

PLEASE SEND APPEALS BEFORE 22 MARCH 2017 TO:

Papua New Guinea Minister for Immigration
Rimbink Pato
PO Box 639
Waigani, Port Moresby
Papua New Guinea
Fax: +675 325 5206
Salutation: Dear Minister

Minister for Immigration and Border Protection
Peter Dutton
PO Box 6022, Parliament House,
Canberra ACT 2600, Australia
Fax: +61 (02) 6273 4144
Email: peter.dutton.mp@aph.gov.au
Salutation: Dear Minister

And copies to
Papua New Guinea Prime Minister
Peter O'Neill
PO Box 639
Waigani
Port Moresby
Papua New Guinea
Fax: +675 327 7480

Also send copies to diplomatic representatives accredited to your country. HER EXCELLENCY MS WINNIE ANNA KIAP, Papua New Guinea High Commission, 14 Waterloo Place SW1Y 4AR, 020 7930 0922, Fax 020 7930 0828, kunduldn3@btconnect.com, www.pnghighcomm.org.uk

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Loghman Sawari claims he faced persecution due to his refugee status while in Papua New Guinea. He has stated that he was assaulted by a guard at the detention centre in September 2015 (for allegedly asking for more washing powder), and was imprisoned four times at Lorengau Police Station without charge (for allegedly going on hunger strike and asking for a visa). Loghman Sawari says he reported assaults, death threats and a robbery to the Manus Provincial Police Chief David Yapu, but no action was taken.

As of December 2016, around 850 refugee men remain in Papua New Guinea after being sent there by the Australian government. Most of these men live in two facilities on Manus Island, with restricted freedom of movement and no rights to work. Conditions remain overcrowded and cramped, with inadequate medical care. Amnesty International, UNHCR and the Special Rapporteur on Extra Judicial Executions have all condemned the detention of refugees and the failure to protect refugees from violence at the centre.

On 26 April 2016, the Supreme Court held that the detention of refugees and asylum seekers for over three years was illegal and unconstitutional and ordered the Australian and Papua New Guinean governments to immediately close the camps. The camps remain open, however refugees have filed a court case to try and force the closure of the camps.

Three people have died as a result of their detention on Manus Island since 2012 – Reza Berati, an Iranian asylum seeker who was killed after locals attacked the centre in February 2014; Hamid Khazaei, an Iranian who died from a medical infection to his foot in September 2014; and Faysal Ahmed, a 27 year old Sudanese refugee, died on 24 December 2016 following a fall and a seizure. While two people were convicted for the murder of Reza Berati, witness's claim at least two other people were involved who have not faced any charges. In addition to Reza's death, over 100 detainees received medical treatment for their injuries in violence that erupted at the centre but other than the two convictions, no one has been held responsible.

While some refugees may be able to leave the two immigration centres on Manus Island during the day, strict curfews apply. Physical attacks against asylum seekers are reported and are rarely investigated or prosecuted by local police. On around 13 August 2017, two Afghan refugees were violently attacked by locals on Manus Island.

Papua New Guinea is not an obvious choice for refugee processing or resettlement. It is an impoverished country with high rates of unemployment, serious problems with violence—particularly against women—and a general intolerance for outsiders. Police abuse is rampant. It has a poor track record of protecting the limited numbers of refugees (mostly from the Papua province in Indonesia) it has received to date. The prospects of successfully integrating larger numbers of refugees from a greater variety of cultures and faiths are dim.

Australia has also sent just over 1,000 refugees (mostly women and children) under a similar arrangement to the small island nation of Nauru, where refugees have made complaints of violence and sexual assault by local people and the police have failed to adequately investigate such complaints.

Amnesty International continues to call on the Australian, Papua New Guinean and Nauruan governments to end offshore processing, and bring refugees and asylum seekers on Nauru and Manus Island to Australia, or some other appropriate third country.