

TECHNOLOGY, CONTROL, AND SURVEILLANCE IN AUSTRALIA'S IMMIGRATION DETENTION CENTRES

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Abstract

Although mandatory immigration detention for “unauthorized” arrivals in Australia receives considerable attention, the use and abuse by government of technologies within sites of detention is less publicized. Control and surveillance are exercised in a number of ways. Immigration detainees have been denied adequate access to technologies that would enable them to fully communicate with family and friends and are deprived of the capacity to acquire information that can ensure their human rights are realized. At the same time that asylum seekers experience restrictions, devices are in place to control detainees through technological surveillance. Despite the prohibitions and impositions, detainees have adopted alternative means of communication in defiance of the limits foisted upon them.

Résumé

Bien que la détention obligatoire des immigrants dans le cas d'arrivées « non autorisées » en Australie retienne beaucoup l'attention, l'utilisation et l'abus des technologies par le gouvernement au sein des sites de détentions sont moins médiatisés. Le contrôle et la surveillance sont mis en pratique de différentes manières. Les immigrants détenus se sont vus refuser un accès adéquat aux technologies qui leur permettraient de communiquer pleinement avec leur famille et leurs amis, et d'avoir accès à l'information nécessaire pour s'assurer du respect de leurs droits humains. Tout en expérimentant ces restrictions, les demandeurs d'asile détenus sont contrôlés par les technologies de surveillances. Malgré les interdictions et les abus,

les détenus ont trouvé d'autres façons de communiquer pour franchir les limites qui leur sont imposées.

Introduction

On August 28, 2012, Australia watched as participants in the SBS television series *Go Back to Where You Came From*¹ were stripped of their wallets and mobile phones. They were told that they would not be permitted to have contact with friends and families. This simulated asylum-seeker experience involving Australian citizens mirrored the everyday experience of asylum seekers in immigration detention who have consistently been denied means of communication, resulting in minimal contact with families and friends and creating other serious consequences.

Mandatory immigration detention in Australia has been condemned by international and domestic human rights organizations for breaches of human rights norms that are the entitlements of those designated as citizens. The critiques centre on the restriction of rights to liberty, limited access to services in the spheres of law, health, and education, and inhumane treatment in detention facilities. Less explored is the right to communication, which is expressed in Article 19 of the Universal Declaration of Human Rights (UDHR): “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

Although this 1948 declaration was crafted before the technological communications revolution, the spirit of Article 19 resonates today. The way it fails to be applied in immigration detention compounds the denial of liberty. Former Australian Human Rights Commissioner

Catherine Branson states, “Liberty is a fundamental human right. Depriving someone of their liberty carries with it a serious responsibility to ensure that the conditions of detention do not undermine the fundamental human dignity of the person who is detained.”²

This paper examines how control of communication has been exercised in immigration detention facilities for more than a decade, the impact of the communication limits on detainees, and ways in which asylum seekers have taken steps to overcome the bans, including through organized protest. In order to locate the discussion within the context of immigration detention in Australia, technology is defined to include the Internet, telephones, cameras, and facsimile.

Control of the means of communication silences the voices of those whose liberty has been denied and privileges dominant constructions of “refugee,” as portrayed by the immigration authorities. Globally, access to technological means of communication has enabled oppressed groups to have their voices heard. But as technologies spread worldwide, their availability in closed environments becomes constricted and adds to other forms of control that are imposed on those who are incarcerated.

Sources of information for this paper include published literature, the author’s reflective journal from 2003 to 2005, ethnographic reflections of detention, narratives incorporated in the People’s Inquiry into Detention,³ informal conversations with former detainees, and recent research at the Curtin and Christmas Island immigration detention centres. Where possible, priority is given to asylum-seeker perspectives.

Literature on immigration detention broadly interrogates two broad periods of time—the era of Prime Minister John Howard’s conservative government from 1996 to 2007 and the Labor government from November 2007 to September 2013. Many of the critiques about the harsh immigration detention regime focus on the Howard period, particularly after Temporary Protection Visas were introduced in 1999 and when offshore processing of asylum claims initially took hold from 2001. Although over time there have been some positive changes to communication availability under both governments, there are continuities about provision of facilities and constant changes to rules. For example there was a time when the ban on mobile phones was relaxed, only to be later reinstated. Although the emphasis of this paper is on pre-2007, reference is made to more recent policies and technology aspects to demonstrate that surveillance and control of information continue to characterize immigration detention in Australia.

The Framework and Implementation of Control

The policy of mandatory immigration detention of men, women, and children was enshrined in legislation in 1992 and receives bipartisan support. Those subject to asylum-seeker detention are generally those known as Irregular Maritime Arrivals (IMAs), people who arrive by boat without prior authorization. It is lawful to seek asylum in this way, as determined by the 1951 Refugee Convention, to which Australia is a signatory. However, the hyperbole about this group has been unrelenting, enabling control to be increasingly ramped up through the propaganda of official sources that results in a benign acceptance by the general community of harsh measures. Detention facilities have continually expanded in mainland Australia, often in remote sites, on the Indian Ocean Territory of Christmas Island, and offshore in Nauru and Papua New Guinea. The centrality of mandatory detention was incorporated most recently in the first plank of the 2008 Key Immigration Detention Values, which specifies that mandatory detention is a key component of border control.

Despite evidence before them of the harms and human rights violations of the practice of immigration detention,⁴ successive governments have remained intransigent. Australia claims absolute sovereignty of its borders through mandatory detention policies and the location of detention centres in remote and hostile sites.⁵ A manufactured crisis has made border protection a defining concept invoking fears of foreign invasion, which narrates a view that “illegal” entry threatens the integrity of the official refugee program as well as posing risks to national security.⁶ Border security trumps human security. These factors contribute to the mistreatment of asylum seekers in detention, including impeding access to communication. By adopting a criminalizing discourse that portrays IMA’s as “illegals” and “queue jumpers” and exposes their actions uncritically in times of protest, sections of the media also contribute to community perceptions that reinforce a tough and rights-restricted detention environment.

The Immigration Department⁷ keeps tight control on information flow. Through well-resourced public relations machinery, it determines which information is deemed appropriate to release to the general public and to aspiring refugees. The privatization of the operations of detention facilities and even further contracting of specific services to the private sector, including provision of health services, combine with the rhetoric of “client privacy” to obfuscate information flow and reduce transparency. The fact that detention facilities are placed in remote sites or in places offshore locates asylum seekers out of sight and out of mind. The spatial separation of detainees from community means that the human person is not seen; the lack of access

to technological communications means that they are not heard.

Detention environments are highly securitized and control of information flow is intrinsic to these settings. Although some monitoring does occur in immigration detention facilities through bodies such as the Australian Human Rights Commission, Amnesty International, the Commonwealth Ombudsman, and the Red Cross, this is limited to occasional visits. Furthermore, at times of “crisis,” such as during protests in detention and deaths at sea or in detention, the only information readily available is the view of the immigration authorities. What the general public receives is partial and characterized by an information lock-up by governments and their agents.⁸ For McCulloch, state repression of debate occurs through a variety of means including repressive legislation, monitoring, censorship, intimidation, vilification, slander, and denial of information, creating the ground for treating asylum seekers as dangerous others.⁹

By contrast with denial of the right of asylum seekers to meaningful communication systems, the immigration authorities and contracted private detention operators (currently Serco) employ high-tech and low-tech resources for the purposes of containment, securitization, and surveillance. These include extensive closed-circuit television (CCTV) systems, secure gating that requires tightly controlled communication for them to be opened, monitoring rooms whereby the gaze of detention staff can move between compounds in which asylum seekers are located, and security screening devices in order to regulate what and who enters sites of detention. For everyday surveillance, the “old” technology of the “walkie-talkie,” hand-held radio transceivers, is adopted to enable detention operational staff to communicate with each other on what is happening throughout detention facilities in a more secretive way than a public address system would allow.

Michel Foucault’s construction of the Panopticon outlined in his landmark *Discipline and Punish*¹⁰ is germane. He applied Jeremy Bentham’s late eighteenth-century model of the Panopticon to contemporary prisons. Bentham’s model of the Panopticon referred to a tower placed in a central position within the prison from which the guards could observe every cell and the prisoners within them, but with the design ensuring that prisoners would not know whether or not they were being observed.¹¹ Rather than isolating prisoners in dungeons or by transportation, the Panopticon worked on the principle that the best way to manage prisoners was to make them potential targets of authoritative gaze at every moment of the day, with the gaze resting with the system and not with a specific person,¹² creating uncertainty as to when and who will be under surveillance.

Available narratives from asylum seekers who experienced detention, particularly pre-2007, illustrate the themes both of controls of technological and other means of communication and of surveillance through technology. Surveillance was particularly evident when mentally ill detainees were placed in “management units” or separation compounds. In June 2004, then Immigration Minister, Amanda Vanstone, admitted that detainees placed in the “management unit” at Baxter detention centre in remote South Australia for up to twenty hours per day were under constant video surveillance.¹³

Conversely, while the Australian government is incrementally rolling out its National Broadband Network, in recognition of the importance of Internet communications, those inside detention have restricted rights. Electronic communication devices of all types are, however, a necessity for detained asylum seekers in a number of ways including contact with family members, communicating with the Australian public, and accessing a range of information.

Contact with Family Members

Often the biggest source of grief for detained asylum seekers is inability to communicate with the families they have left behind, including spouses, children, parents, and siblings. Although not all of their families have full access to the Internet, anecdotal information reveals that many increasingly have access, including through public facilities or friends and neighbours. Whereas telephone contact is the most readily accessible form of communication, limited availability within detention has inhibited regular contact. Mail can be slow and unreliable and raises concerns about surveillance. Even if these concerns are not justified in reality, the fear that permeates detention facilities results in lack of trust. The inability to contact family members arguably adds to the suffering of detained asylum seekers and combines with other facets of the detention experience to compound anxiety and depression that are common to the immigration detention experience.

A previous entity when the Howard government was in power was known as “closed” detention, which was one of the most severe sources of anxiety for asylum seekers by causing them to lose contact with their families. In closed detention where claims were first processed, there was no communication allowed at all with the outside world.¹⁴ Those “screened out” of the process of applying for a protection visa were kept in separate areas of detention centres and denied access to legal advice, telephones, newspapers, television, and mail.¹⁵ This separation could be for many months. Being screened out referred to whether the immigration officer believed they met the provisions of the Refugee Convention. The only communication allowed was

a standard fax, despite the fact that many families did not have receiving facilities.¹⁶ The wording of the fax was as follows:

This is to let you know that (I) have arrived safely in Australia and am being detained in immigration detention. I am currently unable to telephone or write a letter to you but as soon as I can I will be in touch. I am in good health and being looked after. Return faxes will not be accepted.¹⁷

Even this limited form of communication was not universal. A former detainee, kept in closed detention in 2000, explained that he was not even given the opportunity to send a fax. “We didn’t have TV, we didn’t have radio, we couldn’t phone or fax. Nothing.”¹⁸ Many of those who had been screened out lost contact with their families, who had moved by the time they were able to telephone them.¹⁹ One told the People’s Inquiry into Detention:

When I was in Woomera Detention Centre for eight months they did not let us to contact our family. I lost contact with my wife and my children and after two years my wife contact me through one of the priest to Woomera Detention Centre, which was the happiest day for me to know that they are still alive.²⁰

Even when people were eventually moved to the open camp, they found that communication remained limited as phones were inadequate and queues lengthy. Leung, Finney Lamb, and Emrys describe the problems detainees confronted in relation to paying for calls and having to work for communication privileges, through the purchase of phone cards.²¹ Pay was a pittance and it was hard to raise the money needed for calls. The limited choice of phone cards that were available meant that overseas calls could only be brief. Also, they note, the lack of public telephones in detention resulted in long queues, fights over telephones, and difficulties receiving incoming calls. There was also fear of surveillance with an assumption that phone calls were monitored and there was also a belief that incoming faxes were withheld and that obstructions occurred with outgoing faxes.²²

Although the obligation to work was discontinued, during a visit in 2012 to the newly opened Yongah Hill detention centre in Northam, Western Australia, an advocate was told that men could receive twenty-five points to buy items from the canteen and could only receive an additional twenty-five points by going to prescribed activities. At that centre men could make calls out, but no one could call in to them, creating increased communication barriers.²³

The Pacific Solution in its first stage from 2001 to 2007 was particularly problematic. People taken to Manus Island

during this period were unable to contact their families. Hawraa Alsaai told a magazine that it was only after she was transferred to Australia for medical treatment that her mother could telephone her three brothers in Iraq. The family members said they had believed they were dead and had given funerals.²⁴

On Nauru in the early stages of the Pacific Solution from 2001 there was no capacity for asylum seekers to make phone calls. After a few months phones became available but access remained limited.²⁵ A detainee on Nauru told one of his supporters, “I cannot telephone my family...So I take medicine...its name is Xanax.”²⁶ Even such basic means of communication as cameras were denied or restricted. One asylum seeker detained in Nauru said in a letter to supporters, “We do not have any contact with our families. Today my friends and I walked around the camp to take some photos, but they didn’t let us take photos in front of the main gate of the camp.”²⁷ These restrictions also applied to mainland detention centres where photos have rarely been permitted, resulting in detainees having no way of showing their families at home their newborn children or the progress of older ones.

Communicating with the Australian Community

The lack of direct contact between detained asylum seekers and the Australian community contributes to the lack of opportunity for their voices to be heard above the throng of negative portrayals, which results in the perpetuation of widespread antagonistic views about asylum seekers.

Nonetheless, a small but active asylum seeker/refugee support network has developed in Australia. This includes a number of refugee and human rights NGOs, professionals, church groups, and activist groups, which oppose Australia’s asylum-seeker policy.²⁸ As Gosden notes, in addition to social action many offer social, emotional, practical, welfare, medical, and legal support.²⁹ A number of advocates maintain email lists to convey the plight of people detained, when they are unable to do so themselves. Information on children in detention was and continues to be circulated regularly through a group known as ChilOut.

With closed detention, detainees reported that they were often told that Australians disliked them and they had no means of verification or otherwise.³⁰ When advocacy groups managed to get access to names and “numbers,” the main means of identification, letter writing projects began and those in detention realized not only that some people cared but that many were opposed to the policies and practices of detention. Although letter writing is not within the scope of “technology” the brief discussion below about this communication genre illustrates the importance of contact

and the ways in which problems of email and phone access could be partially overcome.

In her research, Browning draws on some of the thousands of letters sent by asylum seekers detained on Nauru in its first detention formation, as part of a letter-writing campaign by a small group of concerned Australians. Between 2001 and 2003 phone and email access to the camp known as Topside was virtually non-existent. She says that the asylum seekers detained there “had been cast adrift from Australia and had limited presence in the public imagination.”³¹ Letter writing was the initial channel through which people in Australia could know about the existence of the detainees.

The importance of communication with the wider Australian public is also apparent in the groundbreaking *From Nothing to Zero* project,³² which collected letters from refugees in Australia’s detention centres. Through this project, published in 2003, detained asylum seekers were able to convey their concerns and hopes. The importance of connection featured.

Thank you for your letter, your human sympathy, your good hope and your good wishes. Thank you very much for your letter and Phone Card. I am happy because I have a lovely mum in Australia who thinks and cares about me. Be sure, with your support I will never lose my hope and will stand strong. You cannot imagine my excitement. It is just great to receive a letter from you. I understand that you are one of these good hearted Australians who have some kind of compassion for the so-called boat people.³³

Through the Australian branch of human rights organization PEN International, a Writers in Detention Committee was formed and an anthology of writing titled *Another Country* followed in 2007. The aim was to make these writers’ voices heard, for their self-respect and affirmation as writers and because “we wanted Australian readers to find out first-hand what was really happening.”³⁴ This was done by sending emails to women refugee advocates and these networks got in touch with writers in immigration centres to collect their work and make it ready for publication. The stories of “heroism, grief, despair, love and barbarism, humor, courage and cruelty” were told.³⁵ Although establishing contacts was through the medium of emails from outside detention, the stories were those of the detainees themselves and served a humanizing and educating function as well as lifting the spirits of those who wrote them.

Although some people lent a hand through direct visits to detention centres, such visits were difficult in remote locations. Those who did visit gained some insight into the controls operating as they too were subjected to technology control. Cameras, telephones, and electronic devices

were not permitted,³⁶ and visitors were exposed to electronic searches of property and body before entering. This continues. For example, in the newly opened Yongah Hill detention facility in Western Australia there are five cameras in the visiting area.³⁷

For those not able to visit, communication options have been limited. For example in the rural Baxter Immigration Detention Facility up to its closure in 2007, although calls in were permitted, phone lines were constantly busy. More recent practices in detention centres such as the remote Curtin facility and Yongah Hill forbid inward calls.

Detainees find ways of recounting their experiences through advocates. In 2005 when email was totally banned, those in the Port Augusta Baxter facility told their advocates by phone or during visits about the mistreatment of Cornelia Rau, a wrongly detained and mentally ill Australian, and their concern for her well-being. As intermediaries, advocates were able to use advocacy email lists to tell the general public about these concerns. Furthermore, once it was revealed that Rau was in fact an Australian resident and subsequently released, Baxter asylum seekers used the same means to promote their own despair.

God sent Cornelia here to send our cry to all Australian people. We are all happy that she be free from such a terrible place. We all pray that she will get well. She remains in our minds and hearts as a heroine for ever and ever.³⁸

Access to Information

In research conducted by Leung, Finney Lamb, and Emrys, former detainees stated that they believed communication technologies were deliberately obstructed by detainee officers, as a form of control and victimization.³⁹ One consequence of the restrictions and obstructions was the inability to access both lawyers and legal material. For those with lawyers, communication restrictions made it difficult to contact them. The situation was particularly severe for detainees in closed detention who were not provided with legal advice until they had been interviewed by the Immigration Department. A lawyer told the People’s Inquiry:

They had new boat arrivals put separately to any other detainees so that there would be no people able to tell them what they needed to do to access legal advice, what they needed to say for an asylum claim to be officially noted and therefore the process to begin.⁴⁰

A former detainee told the Inquiry:

After the first interview the manager of the camp came and said that we can’t have a visa and we have to go back to our country. He

said we could have a lawyer at our own expense, but nobody had any money or access to telephone, fax or mail.⁴¹

In May 2005, the Human Rights and Equal Opportunity Commission found that separately detaining asylum seekers breached international human rights law.⁴²

One detainee who had experienced detention in Sydney's Villawood centre in the time of Prime Minister Howard told of how he had requested access to the Internet and a law library so that he could prepare for his court case. The response from the Immigration Department did not provide him with hope:

The department is currently expanding the reading resources available at immigration detention centres to include reading material of a legal nature, such as the Migration Act 1958. Consideration is also being given to the feasibility of providing detainees with electronic copies of core legislation and important High Court decisions. However, this may not happen in the near future because of the scale of the project.⁴³

Another Villawood detainee expressed similar concerns about that period:

They don't help you legally, you have to scrimp if you don't have money, borrow phone cards. When they put a case against you, they have access to everything. If you want to fight it, you don't even have access to the Internet to get the information you need.⁴⁴

Another concern was the difficulty in keeping up with outside news including in countries of origin. There was competition inside detention facilities over which television programs to watch. One detainee told me that, when there was no Internet access, he was so hungry for knowledge about Australia that he avidly read any newspapers or magazines that were scattered around. He said his major source of information was from women's magazines.⁴⁵ Some, whose English ability was less, were disadvantaged in gaining access to news and stories. One detainee advocated access to the Internet to obtain educational material and access to current affairs in the languages of the detainees. He found television and radio alone did not keep him informed, as he could not always understand English language reports.⁴⁶

Obstructions in speaking with the media presented another communication barrier. Theoretically detainees could use fixed line telephones for this purpose, but the small number of phones and the queues for their use limited such prospects. Fears also existed of telephone surveillance and repercussions that might flow.

A power imbalance exists that defies Article 19 of the UDHR, which states that everyone has the right to seek, receive, and impart information and ideas through any media. This provision is denied to the rights-less but readily available to the immigration authorities. The way the power imbalance is imposed is evident from a letter published in *From Nothing to Zero*. One detained asylum seeker wrote:

I have been in detention a long time and reading the newspaper and watching the TV. I realize that the Australian public is getting one side of the story from the government. I want the Australian public to know why and which circumstances we came here to ask for protection. Politicians are using us for their own political gain because we are the government soft touch.⁴⁷

Not only does the Immigration Department have a well-developed website and the technical means to issue regular press releases, it utilizes other technologies to inform would-be asylum seekers that they are not welcome. For example, in 2012, the federal government developed a campaign titled "Australia by boat? No advantage," with videos distributed on YouTube and as DVDs, as well as brochures and posters. Narrations are in the main languages of asylum seekers. The then Minister for Immigration, Chris Bowen, stated: "This multimedia and communications campaign reinforces the message that asylum seekers should think twice before getting on a boat to Australia, because they will be risking their lives at sea for no advantage—absolutely no advantage."⁴⁸

This technique of video usage is not new. In June 2000, the then federal Minister for Immigration, Philip Ruddock, released a triple video set for distribution to consulates and embassies in countries from which asylum seekers might be expected to arrive. Stratton⁴⁹ explains that the purpose of the videos was to portray the difficulties of the journey and to show Australia in an undesirable way, in effect an anti-tourism campaign. One video even included imagery of the dangerous fauna of Australia—sharks, crocodiles, and snakes.

Overcoming Barriers

The dire consequences of excessive control and stringent restrictions resulted in immigration detainees developing creative means both to communicate with people close to them and to have their voices heard. This occurred in a variety of ways. Many advocates provided telephone cards directly to detainees and some found ways to smuggle mobile phones into the centres.

Mobile phones did not officially exist although it was possible to call those who had one late at night when they were unlikely to be discovered using them. Full marks to those who smuggled

them in (usually women) and to the detainees who successfully hid them.”⁵⁰

Those detainees who did possess mobile phones had to go to great lengths to hide them as, if discovered, they would be confiscated.⁵¹

A former detainee from Curtin who was subject to closed detention told of a child who was permitted to go from the closed camp to the more open camp for schooling, concealing letters in clothing to pass on to those in the open setting and, in the afternoon, took back letters from them. He also told me that in the middle of the night detainees were able to pass notes through the fence without the gaze of guards.⁵² To overcome the restrictions that detainees experienced in being able to obtain legal advice, those in closed compounds talked to people in the main compound who were behind two layers of fences fifteen metres away.

We had to talk quietly because guards were everywhere. People on the other side who had access to phone told us they knew a migration agent. They tied his number on a stone and threw it [sic] to us. Most of us talked to the Department of Immigration about getting a lawyer. The manager came to us angry that how could we get the phone number.⁵³

Ways were found to overcome media restrictions. With the assistance of detainees, media outlets have also been able to secretly record or film inside detention. One of the best known of these films occurred in 2001 when the ABC television program *Four Corners* secretly recorded in the Villawood detention centre the plight of seriously ill six-year-old Shayan Badraie. The parents took the video that showed distressing images and explained how Shayan would not eat or drink and became mute after witnessing acts of violence and self-harm.⁵⁴ The effect of this program did not merely highlight Shayan’s plight but communicated to viewers the atrocity of detaining children.

Detainees knew the importance of communications for staff within the detention centres and in response to their own lack of access decided to subvert this. In the Baxter centre, a group of detainees managed to obtain a staff walkie-talkie and began giving orders to staff via this means, thrusting the detention regime into momentary panic.⁵⁵

But opportunities to subvert and create were not always present and the failure to convey despair resulted in detainees engaging in a range of protests in order to gain media attention that would be conveyed to the general public. Although this goal was frequently achieved, the way in which the protests were generally received by the public was not sympathetic. This was particularly evident from talk-back radio and letters to newspapers with comments related

to queue jumpers, wasters of taxpayer money, terrorists, and Muslim fanatics. The collateral damage of the protests was increased criminalization of asylum seekers.

Disturbances

Conditions of detention, including communication prohibition, merge with indeterminate mandatory detention to create a climate of unrest. In a submission to the Joint Select Committee on Australia’s Immigration Detention Network, the Department of Immigration and Citizenship (DIAC) documented incidents that occurred across the detention network that included self-harm, hunger strikes (renamed by DIAC as “voluntary starvations”), peaceful protests, damage, and physical altercations resulting in injuries.⁵⁶ In 2011 alone there were eight incidents documented but this is under-reported as it excluded the detail of riots that occurred in Christmas Island and Villawood detention centre in that year, as the government had commissioned an independent review into the circumstances of the events.

Lip sewing was one method used by detainees to convey their plight. One detainee told researcher Lucy Fiske⁵⁷ that he had wished to reveal his sewn lips to the wider world. He stated that he revealed himself to a sympathetic visiting psychiatrist as he considered he would be able to express the actions to journalists in a way that the detainees wanted. The detainee said he wanted his actions to be understood as protest arising from pain and despair and a response to unjust policies, and not an indication of individual pathology.⁵⁸ With hunger strikes, the starving body became a critical means of communicating the fractured chaos that invaded the lives of detainees.⁵⁹

The year of the Sydney Olympics, 2000, provided an opportunity for detainees to reveal their situation to the public. As Australia was preparing to host the Olympics and the Olympic torch was making its goodwill tour around the country, detained asylum seekers decided to present a contrasting image. With few options open to them, a plan was struck with detainees from different detention centres to stage a breakout and march near each centre before returning the next day. This was planned for June 9 to coincide with the launch of the Australian leg of the torch relay.⁶⁰ The mass breakout attracted significant media attention and nominated detainee spokespersons told the media of processing delays, isolation from the outside world, and mistreatment in detention. A man involved in the breakout from Woomera detention in rural South Australia saw it as a strategy to provide information to the general public. “The main purpose is not to go anywhere but to bring the attention of the public that there is [sic] people locked here and mistreated.”⁶¹

Browning refers to a protest in Nauru in 2000 that included demands for access to lawyers and means of communication at a time when the detainees had been held incommunicado with no access to telephones or sending or receiving mail.⁶²

The case study of fires in a number of detention centres in 2002 to 2003 are instructive in demonstrating how detainees leveraged a coordinated approach to draw attention to their plight and how the authorities responded with a lockdown of all means of communication with the outside world.

Fires

In late 2002 and early January 2003, detention centres of Woomera, Baxter, Port Hedland, Christmas Island, and Villawood were severely damaged by fire, with estimates of property damage reaching more than nine million dollars.⁶³ Each day there were radio reports about a spate of fires. The fires began following a statement by Immigration Minister Ruddock that immigration detention centres were like five-star hotels, as well as rejection of a United Nations report that criticized Australia's detention centres.⁶⁴

Following the fires, detainees were refused access to phones and denied communication with anyone except their lawyers or human rights organizations—some for up to six weeks.⁶⁵ As Grewcock argues, “Punishment is the inevitable corollary of criminalization.”⁶⁶ During the period of incommunicado I maintained my journal. I was concerned about detainees in Baxter who relied on me for telephone contact and particularly worried about one man with a severe disability. After the fires and before telephones were disconnected, a detainee called me from a detention centre saying he believed that the phones were controlled. He told me, “Phones are controlled, don’t say my name, don’t say your name. Visits have been banned. No letters are getting through.”⁶⁷

The restrictions had the effect of prohibiting contact with family and friends and ensuring that the media could not speak with detainees. To circumvent the restrictions I sent a fax to one detainee trying to make it sound importantly “legal” and I found out later that it had been received. A number of people telephoned the Commonwealth Ombudsman to complain about the cut in communication. In response to my query, I was told that the explanation from the Immigration Department was that “the phones have been cut off for operational reasons.”

Another advocate was told that the ban on telephones was a “withdrawal of privileges.”⁶⁸ A letter I received from an asylum seeker on January 16 advised that detainees were told that facilities would be restored if they told who lit the fires.⁶⁹ My local Member of Parliament at my request made inquiries to the Immigration Department and was told that

access was only being denied to those suspected of involvement in the fires.⁷⁰

Detainees were able to send letters and it seemed that most of these reached their destination; however, letters into detention were not received. In addition, newspapers were withdrawn.⁷¹ When phones were restored at the Port Hedland detention centre, there were fears of surveillance and the belief that all phone calls were being taped, transcribed, and translated in the hope of catching people out.⁷²

The Current Situation

On its current website the Immigration Department promotes among the services available at each detention centre access to telephones, newspapers, television, computers, and the Internet.⁷³ The following information describes the situation in both the Curtin and Christmas Island detention facilities. This is derived from reports submitted to the Immigration Minister following five visits to Curtin in 2011,⁷⁴ and a two-week visit to Christmas Island in April 2010.⁷⁵ Finally, some information is presented on the offshore processing centres in Nauru and Manus Island (Papua New Guinea) that were reopened in late 2012.

Curtin

The Curtin detention centre is located in remote Western Australia, more than 2,000 kilometres from the mainland city of Perth. At the time of the 2011 visits, there were eighteen computers for the more than one thousand men at the Curtin immigration detention centre. In order to try to access a computer, the men must start queuing at around 5:00 a.m. in order to try to book a computer for one hour that day. The Internet access that has been organized for Curtin is slow and sporadic. All of this makes it very difficult for the men to make email contact with family and friends, or to find information through the Internet that may be relevant for their refugee claims. Detainees were told in late 2010 that there would be one hundred computers and telephones soon available. During our May 2011 visit we were told by DIAC that more computers were soon to be coming to Curtin IDC.

Telephones are available for the men to make outgoing calls if they have purchased phone cards. All of the telephones are located in non-air conditioned areas, however, so that during the many hot days in this region it is very uncomfortable to make calls. In the evenings of many months of the year there is also the problem of mosquitoes in these areas. Public telephones are not available for incoming calls, further limiting avenues of communication between the men, their families, friends, lawyers, and migration agents.

Communication between migration agents/lawyers and their clients are particularly problematic. Several lawyers have informed us that it has taken up to two weeks for the private operative, Serco, to organize telephone meetings between detainees and their legal representatives. We are aware of at least one case where a migration agent needed to contact a detainee urgently and was unable to do so for five days.

Visitors too are subject to surveillance. Not only do they go through electronic security checking upon arrival, but their movements are scrutinized during visits and, as with the concept of the Panopticon, they have no idea how or when. During one visit I lost my way to the bathroom facilities and wandered slightly off track. This was noticed and the next day I was advised by the Compliance Manager that I would be escorted to the bathroom.

Christmas Island

Christmas Island is extremely isolated from the Australian mainland. An Indian Ocean Territory of Australia, it is 2,600 kilometres from Perth and 360 kilometres south of Jakarta in Indonesia. Communications on Christmas Island are difficult at the best of times. During my 2010 visit, it was concerning to note the inadequate ratio of computers to detainees, the time restrictions on (already slow) Internet access, and the blocking of sites which would enable detainees to correspond with people outside of detention through email or through uploading information on sites such as the United Nations High Commissioner for Refugees or the Australian Human Rights Commission.

A detainee mentioned that at least one of the three telephones in what is known as Gold Compound did not work. We were advised that a request had been lodged for repair but that this would take some time because of the island's remoteness and the difficulty of getting spare parts and technicians to the island.

Mobile phones were previously permitted in the Christmas Island detention centre which enabled detainees to have better communication with friends, family, and lawyers who could call the detainee directly rather than having to go through the process of calling the centre. Once this access was withdrawn, difficulties arose. On numerous occasions, we witnessed Serco staff not knowing the extension number in the compound to which to transfer the call, or staff not answering the phone if he/she was out of the control office. If a staff member does pick up the phone it is necessary to search for the detainee, which is a difficult task in light of the numbers of people held at the maximum security facility, known as North West Point, at the time of our 2010 visit.

In total I visited Christmas Island four times and witnessed some disturbing behaviour. In the site where families were detained, Construction Camp, I overheard a guard yelling in front of children for people to finish their valued telephone calls. During another visit, young detainees were given the opportunity to put on a performance to celebrate the anniversary of the death of an heroic figure in their culture. They were permitted to invite friends but no photographs were allowed to record this event that was so important in their lives.

At the time of writing, very little information is reaching the public domain from Christmas Island detainees. However, in 2012, after announcements about the re-establishment of detention facilities in Nauru and Papua New Guinea, those facing the prospect of transfer from Christmas Island communicated their concerns to advocates, which were conveyed to media outlets and via advocacy network emails. In a statement "Why we don't want to go to Nauru or Papua New Guinea," the detainees expressed their concerns in a four-page letter.

Nauru and Papua New Guinea (Manus Island)

The Pacific Solution was an invention of the government of former Prime Minister Howard, which transported asylum seekers from Australian shores to desolate camps in both Nauru and on Manus Island. Although the Labor government closed both facilities soon after taking office, former Prime Minister Julia Gillard's Labor government reinstated both in 2012 as a means of deterrence. The reinvention of the Pacific Solution is directed at asylum seekers who arrive in Australia by boat after 13 August 2012. Facilities were hastily constructed in both countries and began operating later that year. Families and children were included in the group sent to Manus. As these facilities have not proved to be a deterrent to boat arrivals in Australian waters, arrangements have had to be made for the majority of post-August 13 entrants, creating what is in effect a lottery system of who will be sent offshore.

To date, information about technology access from Nauru and Manus is sketchy although some concerns have been expressed about limitations on access. However, those detained have been able to reveal their plight through the access they do have to the Internet, including updates on their situation through social media, telling of acts of defiance and incidents of self-harm and through presenting secretly taken photos of the facilities and drawings of children. As it is almost impossible for advocates to gain permission to visit the centres to garner first-hand information, the Internet provides some means to convey the impact of changing policies.

Conclusion

Although there have been some improvements to communications technology for those held within Australia's detention facilities, particularly Internet access, the provision has been erratic, changeable, and inadequate. In maintaining a large network of detention facilities in Australia and offshore, priority is not given to the technologies of communication that are so pivotal to the lives of asylum seekers. As the immigration authorities struggle to deal with boat arrivals, overcrowded detention facilities, and the construction of new policies and new detention centres, it is unlikely that the situation will be rectified in the short term. Unless resources can be diverted from the technologies of surveillance and border control, the policy of mandatory immigration detention will continue to fall short of the provisions of Article 19 of the 1948 Universal Declaration of Human Rights.

NOTES

1. The series was televised on the multicultural Special Broadcasting Service (SBS) and involved Australians making asylum-seeker journeys including to a number of countries of origin.
2. C. Branson, "Applying Human Rights in Closed Environments: Practical Observations on Monitoring and Oversight" (speech, Implementing Human Rights in Closed Environments Conference, Monash University, Melbourne, February 21, 2012).
3. The People's Inquiry into Detention was a citizens' inquiry held between 2005 and 2008, led by the Australian Council of Heads of Schools of Social Work. The findings are presented in L. Briskman, S. Latham, and C. Goddard, *Human Rights Overboard: Seeking Asylum in Australia* (Melbourne: Scribe, 2008).
4. Evidence of harm arising from detention has been presented by mental health specialists. Broader human rights violations associated with the deprivation of liberty have received attention from such bodies such as Amnesty International and the Australian Human Rights Commission.
5. L. Weber and S. Pickering, *Globalization and Borders: Death at the Global Frontier* (Houndsmills: Palgrave Macmillan, 2011), 211.
6. M. Grewcock, *Border Crimes: Australia's War on Illicit Migrants* (Sydney: Institute of Criminology Press, 2009), 154.
7. "Immigration Department" is used as a generic term through most of the paper. The name of the department has changed from time to time and at the time of writing is the Department of Immigration and Citizenship (DIAC).
8. S. Washington, "Ruddock's Secret Report," *Business Review Weekly*, October 9–15, 2003, 18.
9. J. McCulloch, "Enemies Everywhere: (In)security Politics, Asylum Seekers and Enemies Within," in *Asylum Seekers: International Perspectives on Interdiction and Deterrence*, ed. A. Babacan and L. Briskman (Newcastle: Cambridge Scholars Press, 2008), 114.
10. M. Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage, 1995).
11. G. Danaher, T. Schirato, and J. Webb, *Understanding Foucault* (St. Leonards: Allen and Unwin, 2000), 53.
12. *Ibid.*, 54.
13. Briskman, Latham, and Goddard, *Human Rights Overboard*.
14. L. Leung, C. Finney Lamb, and E. Emrys, *Technology's Refuge: The Use of Technology by Asylum Seekers and Refugees*, University of Technology Sydney Shopfront Monograph Series No. 5 (Sydney: UTS, 2009), 13.
15. Briskman, Latham, and Goddard, *Human Rights Overboard*.
16. *Ibid.*, 18.
17. M. Crock, B. Saul, and A. Dastyari, *Future Seekers 2: Refugees and Irregular Migration in Australia* (Annandale: Federation Press, 2006), 199.
18. "Ali," personal communication, 2012.
19. Briskman, Latham, and Goddard, *Human Rights Overboard*.
20. *Ibid.*, 68–69.
21. Leung, Finney Lamb, and Emrys, *Technology's Refuge*.
22. *Ibid.*
23. Personal communication to C. Fleay, 2012.
24. D. Leser, "Children Overboard: Two Women, Two Stories," *Australian Women's Weekly*, August 2007, 64.
25. J. Browning, "States of Exclusion: Narratives from Australia's Immigration Detention Centres, 1999–2003" (PhD thesis, University of Technology, Sydney, 2006).
26. *Ibid.*, v. (Xanax is medication to relieve symptoms of anxiety).
27. Cited in *From Nothing to Zero: Letters from Refugees in Australia's Detention Centres* (Melbourne: Lonely Planet Publications, 2003), 80.
28. D. Gosden, "From Humanitarianism to Human Rights and Justice: A Way to Go," *Australian Journal of Human Rights* 13 (2007): 149–176.
29. *Ibid.*, 154.
30. "Ali," personal communication, 2004.
31. Browning, "States of Exclusion," 46.
32. *From Nothing to Zero*.
33. Cited in *From Nothing to Zero*, 151–152.
34. R. Scott, "Another Country," in *Acting from the Heart: Australian Advocates for Asylum Seekers Tell Their Stories*, ed. S. Mares and L. Newman (Sydney: Finch Publishing, 2007), 175–176.
35. *Ibid.*, 176.
36. Crock, Saul, and Dastyari, *Future Seekers*, 191.
37. Personal communication to C. Fleay, 2012.
38. Briskman, Latham, and Goddard, *Human Rights Overboard*.
39. Leung, Finney Lamb, and Emrys, *Technology's Refuge*, 20.
40. Briskman, Latham, and Goddard, *Human Rights Overboard*, 66.

41. Ibid.
42. Ibid., 67.
43. Ibid., 90–91.
44. Ibid., 90
45. “Hamid,” personal communication, 2006.
46. Leung, Finney Lamb, and Emrys, *Technology’s Refuge*, 19.
47. Cited in *From Nothing to Zero*.
48. D. Wroe, “Videos to Deter Asylum Seekers,” *The Age*, September 3, 2012, accessed September 5, 2012, <http://www.theage.com.au/opinion/political-news/videos-to-deter-asylum-seekers-20120902-258hu.html>.
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50. Briskman, Latham, and Goddard, *Human Rights Overboard*, 277.
51. Leung, Finney Lamb, and Emrys, *Technology’s Refuge*, 13.
52. “Mohammed,” personal communication, 2004.
53. Briskman, Latham, and Goddard, *Human Rights Overboard*, 66.
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55. “Ali,” personal communication.
56. DIAC (Department of Immigration and Citizenship), “Services Available at Immigration Detention Facilities,” online: (nd) accessed September 9, 2012, <http://www.immi.gov.au/managing-australias-borders/detention/about/services-available.htm>.
57. L. Fiske, “Insider Resistance: Understanding of Refugee Protest against Immigration Detention in Australia, 1999–2005” (PhD thesis, Curtin University, Perth, 2012): 188–189.
58. Ibid., 189.
59. Browning, “States of Exclusion,” 97.
60. Fiske, “Insider Resistance.”
61. Briskman, Latham, and Goddard, *Human Rights Overboard*, 164.
62. Browning, “States of Exclusion,” 86.
63. Briskman, Latham, and Goddard, *Human Rights Overboard*.
64. Fiske, “Insider Resistance.”
65. Briskman, Latham, and Goddard, *Human Rights Overboard*.
66. Grewcock, *Border Crimes*, 196.
67. “Abbas,” personal communication, December 30, 2002.
68. Journal entry, January 11, 2003.
69. “Ali,” personal communication to author, January 15, 2003.
70. Journal entry, January 23, 2003.
71. Journal entry, January 11, 2003.
72. Journal entry, January 19, 2003.
73. DIAC, “Services Available”.
74. C. Fleay and L. Briskman, “The Hidden Men,” *Report to the Minister for Immigration on visits to the Curtin Detention Centre* (Perth: Centre for Human Rights Education, 2011).
75. L. Briskman, L. Fiske, and M. Dimasi, “Beyond Reach,” adapted from *Report to the Minister for Immigration and Citizenship on a visit to Christmas Island, April 6–20, 2010* (Perth: Centre for Human Rights Education).

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