

REPORT TO THE SECRETARY

DEPARTMENT OF IMMIGRATION AND BORDER PROTECTION

REVIEW INTO THE EVENTS OF 16 – 18 FEBRUARY 2014 AT THE MANUS
REGIONAL PROCESSING CENTRE

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**REVIEW INTO THE EVENTS OF 16 – 18 FEBRUARY 2014 AT THE MANUS
REGIONAL PROCESSING CENTRE**

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Terms of Reference Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre

From Sunday 16 February to Tuesday 18 February 2014 there were two significant incidents at the Manus Regional Processing Centre (RPC) involving violence, property damage to the centre and the death of a transferee.

A number of transferees have been arrested by PNG Police and a number of individuals received injuries, some serious, during the incidents requiring medical treatment off-site. The incidents were the culmination of a protracted period of regular protests at the Manus RPC.

The Secretary of the Department of Immigration and Border Protection, Mr Martin Bowles PSM, has initiated a review to investigate and report on the key issues surrounding the incidents and leading up to the events, in particular:

- to determine exactly what the facts were
- to ensure that those facts are available to any authorities for any action that would take place as a result
- to ensure that the department is provided with clear recommendations on any improvements that can be made to assist in the management of future incidents.

This review will be undertaken in cooperation with the PNG Government.

This will involve, but not limited to, assessing:

- breaches of security
- the clarity of roles and responsibilities in managing security at the centre and in managing the incident
- intelligence in the lead up to and factors that gave cause to the outbreak of peaceful and then violent protest
- appropriateness of key stakeholder and service provider response
- ability of service providers to manage protest activity within the centre
- procedural matters that relate to the management of transferees, including those that pose a risk to the facility
- any other issues deemed necessary.

Any evidence of possible criminal activity obtained by the review will be made available to relevant authorities.

The review may make recommendations to strengthen relevant arrangements at the centre and prevent recurrence of any similar incident in the future.

The review is to commence immediately and report to the Secretary of the Department of Immigration and Border Protection by April 2014 or such other dates as may be negotiated with a progress report to be provided by 31 March 2014.

**REVIEW INTO THE EVENTS OF 16 – 18 FEBRUARY 2014 AT THE MANUS
REGIONAL PROCESSING CENTRE**

EXECUTIVE SUMMARY

The Manus Regional Processing Centre

The Manus Regional Processing Centre is a Papua New Guinea regional processing facility on the Lombrum Naval Base under the control of an Administrator appointed by the PNG Government. Australia engages the providers who deliver welfare, medical and garrison (including security, catering, cleaning and guarding) services at the Centre and bears all of the Centre's capital and recurrent costs.

The contract between the Australian Government and the garrison service provider, G4S Australia Pty Ltd, specified that 50% of its security officers had to be PNG nationals or engaged through a local business. For other services (catering, cleaning and gardening), the requirement was 75%.

The Centre was reopened in late 2012 as a temporary, low security offshore processing centre initially accommodating men, women and children. However, in a significant policy change, on 19 July 2013 the then Prime Minister Kevin Rudd announced that transferees sent to Manus Island would be resettled in PNG, not Australia, if they were determined to be refugees.

Following that announcement:

- The transferees then at the Manus Centre were taken elsewhere
- The first transferees covered by the new policy arrived at the Centre on 1 August 2013, and
- The number of transferees at the Centre grew very quickly from around 350 to 400 men accommodated in one compound to 1,340 single adult male transferees in four

compounds (known as Delta, Foxtrot, Mike and Oscar) at the time of the events under investigation.

This was a very significant change in the nature of, and risk associated with, the Centre.

Before August 2013, the transferees at the Manus Centre were largely compliant as they knew it was only a matter of time before they were brought to Australia if their refugee claims were accepted. Now, a much larger number of them were to be accommodated at the Centre on the basis that they would never come to Australia.

Immediate responses

The change in policy required immediate response.

At a practical level, the facilities at the Centre were rapidly increased to accommodate the new arrivals. By the end of August 2013, Oscar compound was ready for occupation and the ground had been prepared for the construction of Mike, which was completed and occupied before the end of the year.

However, the caretaker period soon intervened following the issue of writs on 5 August 2013 and no significant progress on policy and financial issues was made until after the election on 7 September 2013.

The newly appointed Minister for Immigration and Border Protection implemented Operation Sovereign Borders on 18 September 2013. As part of that Operation, the Joint Agency Task Force headed by Lieutenant General Angus Campbell DCS AM undertook a Force Security Review at the Manus Centre which was conducted in the week of 14 – 18 October 2013.

The Government accepted the Task Force's assessment and allocated funding to meet its recommendations. The Task Force provides monthly risk remediation updates covering the key security risks.

Since late September 2013, the Government has been actively engaged with the PNG Government in expediting the refugee status determination and resettlement processes and resolving other significant matters affecting the Centre.

This engagement has been formalised through monthly meetings of a PNG – Australia Joint Ministerial Forum which are attended by Australia's Minister for Immigration and Border Protection and Minister for Foreign Affairs and the PNG Minister for Foreign Affairs and Immigration and Minister for Justice and Attorney General. The third Ministerial Forum was held in Port Moresby on 8 May 2014.

This Review

The Review was initiated to investigate and report on the key issues leading up to and surrounding two significant incidents at the Manus Regional Processing Centre on 16 – 18 February 2014 following a protracted period of regular protests.

The incidents involved violence, the death of a transferee, other injuries requiring medical treatment, property damage to the Centre and the arrest of several transferees by the Papua New Guinea police.

The lead up from 26 January 2014

It is important to note that many transferees told the Review they did not participate in the protests or violence. G4S confirmed this advice with its estimate that only around 400, or 30%, of the transferees took part in the protests on 17 – 18 February 2014.

The intelligence reports compiled by G4S monitored the growing tension in the Centre after Australia Day and accurately predicted severe protests and violence around 16, 17 and 18 February 2014. The intelligence briefs also reported that some of the transferees were preparing makeshift weapons for use in the anticipated disruption.

The tension that had been building reached a flashpoint following a meeting between community leaders from all four compounds and PNG and Australian immigration officials on the afternoon of Sunday 16 February 2014.

At that meeting, the transferees were given official answers to questions they had raised on 5 February 2014 primarily about refugee status determination, timeframes and resettlement procedures. The transferees felt that, after waiting for 12 days, they were given no new information at the Sunday meeting and that their questions had not been satisfactorily answered.

Sunday, 16 February 2014

The transferees' frustration and anger following that meeting resulted in disruption and violence in Oscar compound that evening and noisy protests in Foxtrot and Mike compounds.

About 30 to 35 transferees escaped from Oscar when the gates were opened for the dinner delivery but they were caught by guards and returned. G4S guards also entered Oscar and attacked transferees, causing physical injuries and some property damage.

When he was brought back into the compound, one transferee was attacked from behind by an unidentified PNG national G4S guard who slashed his neck, causing a 10 to 12 centimetre horizontal slit across his throat. The transferee, who has recovered, was very

lucky because, although the slash cut clear through the skin on his neck leaving a gaping wound, there was no internal damage.

Eight transferees were arrested and charged by the PNG police as a result of their participation in the protest.

Monday – Tuesday, 17 – 18 February 2014

The atmosphere in the Centre was tense on Monday but there were no protests during the day. Some staff did not want to go into the compounds that day and the service providers did not oblige them to do so. The Salvation Army, the welfare service provider, opened the canteens but did not conduct any programs.

As there was an expectation of further trouble, G4S took precautionary measures in an effort to reduce the likely problems later in the day. Those steps included emptying wheelie bins every hour so they could not be used as mobile fire containers and removing all but essential containers, vehicles, files and other items from the Centre.

On the evening of 17 February 2014, there was a violent protest by some transferees in Mike, Oscar and Foxtrot compounds (the transferees in Delta compound took no part). Before the disruption started, all non-essential staff were sent out of the Centre.

The violent protest involved fences being pushed over; property being damaged; and both transferees and service provider staff being injured.

The G4S Incident Response Teams (referred to as IRTs) worked as hard as they could to control the riot, protect transferees and prevent damage to the Centre and its infrastructure. However, the IRTs do not have any weapons. They have only personal protection gear (helmets, clothing and shields). There was a limit to what they could achieve when compound fences were breached and they were confronting large numbers of transferees trying to push through them.

The IRT that was holding the line at the main entrance to Mike compound finally had to withdraw back along Route Pugwash (the road outside the Centre) to Gate 1. The mobile squad, a division of the Royal Papua New Guinea Constabulary stationed permanently outside the Centre, remained near the gates to the green zone between Foxtrot and Mike.

The mobile squad was understood to be responsible only for dealing with external threats to the Centre, not internal disruption, but the Review notes it is a criminal offence in PNG for a member of the Police Force not to suppress a riot in his neighbourhood unless he has a reasonable excuse.

After the IRT left and without any warning to or arrangement with G4S, the mobile squad pushed over the fence and entered Mike. As G4S no longer had an incident response team

there at this point, the Review relies on transferee accounts, medical reports, observation of bullet holes and the obvious outcomes of the disturbance to describe what occurred next.

The Review was told that PNG nationals and a few expatriates, some identified as service provider employees, followed the mobile squad into Mike compound and started bashing transferees. A little while later, a G4S IRT held at the fence line between Foxtrot and Mike compounds (the fence having been pushed over) lost control of its PNG national members who also dispersed into the compound.

The nationals and sometimes expats and police went into bedrooms in Mike and dragged transferees outside to be beaten. Some transferees reported that they bought immunity from bashing with cigarettes, the Centre's currency. Transferees also reported that the intruders stole their personal property.

The police fired a tear gas canister that landed in the Administration area and had no effect in controlling the unrest. The mobile squad also fired an uncertain number of shots, some of which penetrated the walls of buildings at about chest height and some of which were fired into the residential buildings.

The result of the police intervention was that the riot in Mike did not continue for much longer and G4S was able to re-enter the compound, establish some form of order and assist in the transfer of injured persons to the emergency triage centre set up on the wharf next to the Bibby Progress, a staff accommodation barge berthed a few hundred metres away.

At the same time, G4S was able to regain control of the situation in Foxtrot and Oscar.

The riot concluded in the early hours of the morning and G4S staff worked through most of the night returning transferees to compounds and setting up emergency sleeping arrangements in Mike as the bedrooms were not able to be used.

The Review notes that, during the riot, G4S IRTs acted bravely and at considerable personal risk to protect many transferees from harm. They extracted hundreds of non-participating transferees from the three compounds involved in the disturbance and took them to safety in Bravo and Charlie compounds or the adjoining Naval Base soccer oval.

Following these incidents, PNG nationals employed by service providers were not permitted to enter the compounds and they have not yet been reintegrated into the normal operation of the Centre.

Injuries

The worst injury was sustained by Reza Barati. Mr Barati suffered a severe brain injury caused by a brutal beating by several assailants and died a few hours later.

The Review interviewed an eye witness to Mr Barati's assault. He said the attack was led by an identified PNG national employed by The Salvation Army and he named several other witnesses who he says can corroborate his statement.

Two other serious injuries were sustained by a transferee who lost his right eye as a result of the bashing he received and a transferee who was shot in the buttocks, with the bullet lodging in his right hip.

Mr Barati and those other two men were treated at the emergency triage centre and sent to the hospital in Lorengau, the provincial capital.

Between 16 – 18 February 2014, the medical service provider, International Health and Medical Services Pty Limited treated at least 69 transferees for a range of injuries, including broken bones and lacerations. Eight patients were taken to Port Moresby and one to Australia for more specialised medical treatment.

Some transferees, no doubt, received minor injuries but did not seek medical attention. Some transferees told the Review they were hurt but decided against going to the IHMS for personal reasons. In the days following the incidents under investigation other persons came forward for treatment, particularly for post-traumatic stress disorder.

Immediately following these incidents, IHMS deployed another nine mental health practitioners to cope with the additional workload.

While there were some physical injuries to service provider staff, only one was categorised as serious by G4S.

Contributing Factors

The events that occurred on 16 - 18 February 2014 were the result of increasing tension in the Centre and the transferees' frustration and anxiety caused by:

- Anger at being brought to Papua New Guinea
- Anger with the policy that, if they are found to be refugees, they will be resettled in PNG, not Australia
- Frustration at the delay in processing their refugee status determinations and lack of information about the likely timing for completion of those determinations
- Further anger and frustration resulting from the consequent uncertainty about their future, including in particular how long they will be kept at the Manus Centre, and

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- Frustration arising from a lack of information about what resettlement in PNG would mean for them and their families.

Those principal causes were aggravated by the antagonism that had developed between some transferees and PNG nationals employed at the Centre and their supporters in the local community.

Some transferees treated PNG nationals employed in the Centre in a disrespectful and racist manner and criticised their country. The Report was told about those transferees making increasingly offensive taunts and threats passing between transferees and PNG nationals (both Centre employees and locals gathered along the fence lines). The nationals responded to this provocation and the Review was told some of them would make throat slitting gestures towards transferees.

There were other underlying factors as well which contributed to the loss of control during the incidents and the duration of the disturbance on the second night:

- The physical security arrangements at the Centre (inadequate fencing, inadequate lighting and no CCTV) were not up to the requirements for managing a large number of non-compliant transferees, and
- A lack of clarity in the roles and responsibilities of the provincial Royal Papua New Guinea Constabulary based at Lorengau and the mobile squad stationed at the Manus RPC and the coordination of their actions with G4S.

The meeting on the afternoon of 16 February 2014 brought all of these factors together at one flashpoint. That meeting – and the transferees' dissatisfaction with the answers they were given – was the final catalyst for the incidents that followed.

Given the combination of causes or contributing factors that led to the incidents on 16 – 18 February 2014, departmental officers and service providers at the Centre acted appropriately as tension grew and events unfolded although some individuals employed by service providers committed criminal offences, acting on their own initiative, contrary to any instruction they were given by their employer and in breach of their terms of employment.

The responsibility for offences which caused death, injury, loss of personal property or property damage lies with the offenders, including expats and transferees. Those matters should be investigated by the police, where appropriate, and prosecuted when the available evidence supports that course of action. The Review understands that police investigations in Manus Province are now well advanced.

It is not possible to isolate one factor which, if handled differently, may have resulted in less injuries and damage or to apportion blame for causing the incidents directly to one or more of the parties involved.

It could be argued that, if the mobile squad had remained outside the Centre, then the transferees would not have been assaulted by the PNG nationals and some expats who entered Mike compound with the police when they breached the fence. However, that conclusion requires considerable speculation about how the incident on 17 – 18 February 2014 may have progressed if it had gone on unchecked.

The best opportunity to prevent such incidents recurring in future lies in addressing all of the underlying causes to minimise or even remove the factors that contributed to tension in the Centre developing to a dangerous level and ensuring that the physical security is better matched with the Centre's risk assessment if any disturbance does take place. The Review's recommendations seek to address these issues.

The investigation

In the course of its investigation, the Review interviewed departmental and service provider officers and staff and considered hundreds of reports and other documents relevant to the inquiry.

The Review conducted four, two hour question and answer sessions with community leaders from each compound, interviewed four transferees individually and received 270 written personal accounts from, or on behalf of, over 300 transferees.

Other Government action

Departmental officers have been mentoring and assisting PNG officials in processing refugee claims and the first initial assessment notifications were handed down in the week commencing 28 April 2014.

The development of PNG resettlement policies and procedures is moving forward.

In December 2013, the Government regularised the previous short term financial arrangements for the Manus Regional Processing Centre in the Mid-Year Economic and Fiscal Outlook process. The Department now has significantly increased funding for the Centre for the current year and over the forward estimates.

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CENTRE

This financial certainty will allow the Department to complete the implementation of significant physical infrastructure improvements to the Centre in line with the Joint Agency Task Force's Force Security Review.

The infrastructure improvements include improved fencing, better lighting, CCTV, relocating the logistics hub outside the transferees' accommodation compounds, improved accommodation and a new medical centre at the Manus RPC and a new post-assessment accommodation centre at East Lorengau.

In March 2014, the Government consolidated accountability for and management of key garrison, security and welfare services under a single, integrated service provider, Transfield Services, for both Manus and Nauru Regional Processing Centres.

RECOMMENDATIONS

Recommendation 1: To further and support the Royal Papua New Guinea Constabulary's investigations into the events which took place on 16 – 18 February 2014, the Review recommends that the following information be provided to the RPNGC:

- The 145 transferee feedback forms containing allegations by transferees that they were the subject of a criminal offence or witnessed criminal offences taking place during the incidents under investigation
- The transcripts of interviews with transferees [REDACTED], [REDACTED], and [REDACTED]
- The records of interviews with IHMS medical staff.¹

Recommendation 2: To assist Transfield Services' management of transferees' welfare and, in some cases, the physical or psychological injuries they suffered during the events of 16 – 18 February 2014, the Review recommends that the following information be provided to Transfield on the basis that it protects the transferees' privacy and maintains the confidentiality of the personal information of individual transferees:

- The Review's *Summary of all Transferee Feedback Forms*
- All of the feedback forms the Review received from transferees
- The summaries of the question and answer sessions the Review conducted with community leaders from each of the four compounds, and
- The records of interviews with IHMS medical staff.

Recommendation 3: That the current measures and any further initiatives which will expedite the finalisation of PNG refugee status determinations and resettlement and removal processes be implemented as quickly as possible with appropriate assistance.

¹ This information was handed to Deputy Police Commissioner Kauba in Port Moresby on 7 May 2014

Recommendation 4: That the Government of Papua New Guinea be requested to enact similar statutory powers for the garrison and security provider as presently exist in Australia.

Recommendation 5: That Transfield Services (and Wilson Security), the RPNGC provincial police and the mobile squad clearly establish and understand their respective roles and responsibilities in regard to the maintenance of law and order within the Manus Regional Processing Centre (including agreement on a process for handover and handback of an incident that is beyond the control of the garrison security provider and the levels of force to be used).

Recommendation 6: That the Department review risk involved in the conduct of the Manus Regional Processing Centre and continue to strengthen its risk management procedures and the Centre's physical security infrastructure.

Recommendation 7: That the Department encourage and support initiatives by Transfield Services to maximise the opportunity offered by the change of service providers to restore trust and cooperation between service providers and transferees.

Recommendation 8: That Transfield carefully consider all the information provided to it under Recommendation 2 to ascertain if it has unwittingly engaged employees who have been identified as assaulting transferees between 16 – 18 February 2014 and, if so, deal appropriately with them (including dismissal).

Recommendation 9: That the Department and Transfield Services improve communication with transferees, including implementing the several proposals set out in Section 11.7 of this Report.

Recommendation 10: That the Department put in place a comprehensive and continuing community liaison program to more fully inform the local population about the Regional Processing Centre and the direct benefits it brings to the Manus community.

Recommendation 11: That Transfield consider the recommendations made in other reports about conditions and possible improvements which can be made at the Centre and, where practical, implement those welfare improvements it considers appropriate.

Recommendation 12: That Transfield assist transferees to replace personal items lost or stolen during the incidents.

Recommendation 13: That Transfield implement a comprehensive and ongoing training program for PNG national staff to develop their professional skills and improve their future employment prospects.

REVIEW INTO THE EVENTS OF 16 – 18 FEBRUARY 2014 AT THE MANUS REGIONAL PROCESSING CENTRE

SECTION 1. ENGAGEMENT

The Minister for Immigration and Border Protection, the Hon Scott Morrison MP, announced this independent Review on 21 February 2014.

Following the Minister's announcement, I was engaged by the Secretary of the Department of Immigration and Border Protection, Martin Bowles PSM, to undertake the Review.

The Review was initiated to investigate and report on the key issues leading up to and surrounding two significant incidents at the Manus Regional Processing Centre on 16 – 18 February 2014 following a protracted period of regular protests. The incidents involved violence, the death of a transferee, other injuries requiring medical treatment, property damage to the Centre and the arrest of several transferees by the Papua New Guinea police.

The Review commenced immediately.

The progress report required by 31 March 2014 was delivered to the Secretary on 25 March 2014 following my return from Manus Island. The Review was completed in May 2014 and includes recommendations in accordance with the Terms of Reference.

The Department provided me with facilities and assistance throughout the course of the Review. In particular, I was assisted by a team of five departmental officers.

SECTION 2. MANUS REGIONAL PROCESSING CENTRE LEGAL AND ADMINISTRATIVE ARRANGEMENTS

2.1 Legal arrangements

The former Government's decision to reopen the Manus Regional Processing Centre was announced by the then Prime Minister Julia Gillard MP and the Minister for Immigration and Citizenship, Chris Bowen MP, on 8 September 2012. Their media release stated:

Prime Minister Julia Gillard and the Minister for Immigration and Citizenship Chris Bowen today announced that Australia and Papua New Guinea have entered into a new Memorandum of Understanding in relation to regional processing on Manus Island

The objective of the *Memorandum of Understanding between the Government of the Independent State of Papua New Guinea and the Government of Australia, relating to the Transfer to and Assessment of Persons in Papua New Guinea, and Related Issues* was to enable joint cooperation to address people smuggling and irregular migration in the Asia-Pacific region. As part of this agreement, Papua New Guinea agreed to host *an assessment centre in Manus Province or elsewhere in Papua New Guinea.*²

The first transfer of asylum seekers to Manus Island occurred on 21 November 2012. From that date until July 2013, the Regional Processing Centre accommodated, at various times, single adult males and family groups.

The policy governing the use of the Manus Regional Processing Centre changed on 19 July 2013 when Prime Ministers Kevin Rudd and Peter O'Neill signed the *Regional Resettlement Arrangement between Australia and Papua New Guinea on Further Bilateral Cooperation to Combat People Smuggling.*

The press release announcing the new policy stated:

As of today asylum seekers who come here by boat without a visa will never be settled in Australia. Under the new arrangement signed with Papua New Guinea today – the Regional Resettlement Arrangement – unauthorised arrivals will be sent to Papua New Guinea for assessment and if found to be a refugee will be settled there.

As a consequence of this policy change, all of the transferees then at the Manus Regional Processing Centre were transferred to Australia by 25 July 2013 with the exception of 26

² Paragraph 12

transferees facing criminal charges arising from their conduct while in Papua New Guinea. Those 26 men were transferred to Australia later.

A Memorandum of Understanding between the Government of the Independent State of Papua New Guinea and the Government of Australia, relating to the transfer to, and assessment and settlement in, Papua New Guinea of certain persons, and related issues which supported the Regional Resettlement Arrangement was signed on 6 August 2013. This MOU superseded the MOU signed on 8 September 2012.

The 2013 MOU states:

The Participants have reached the following common understanding regarding a transfer, assessment and settlement arrangement whereby Australia would Transfer persons to Papua New Guinea for processing of asylum claims that Transferees may raise and Papua New Guinea would settle those Transferees it determines are refugees.³

The MOU also notes that:

- *Papua New Guinea will host a Processing Centre or Processing Centres in Manus Province and may host other Processing Centres in Papua New Guinea for the purposes of this MOU⁴*
- *Papua New Guinea may also host Transferees under other arrangements, such as community-based arrangements, at various locations in Papua New Guinea⁵, and*
- *The Government of Papua New Guinea undertakes to enable Transferees who enter Papua New Guinea under this MOU who it determines are refugees to settle in Papua New Guinea.⁶*

The MOU provides that *the Government of Australia will bear all Costs incurred under this MOU.⁷*

The policy of regional processing and resettlement was supported by both major parties in the lead up to the federal election in September 2013.

After the election, the incoming Government made a number of significant changes to border protection policy, including:

³ Page 2

⁴ Paragraph 11

⁵ Paragraph 12

⁶ Paragraph 13

⁷ Paragraph 6

- Immigration and border protection were brought under one Minister in accordance with revised Administrative Arrangements, and
- The Minister for Immigration and Border Protection implemented Operation Sovereign Borders, a military-led, border security operation directed by a Joint Agency Task Force headed by Lieutenant General Angus Campbell DCS AM, on 18 September 2013.

The policy of offshore processing and resettlement continued as a component of Operation Sovereign Borders. At the Operation Sovereign Borders update on 30 September 2013, Minister Morrison said:

While we will continue to provide that support through our offshore program, anyone seeking to illegally enter Australia who come illegally by boat, will not be resettled in Australia in accordance with the government's policy. They will be transferred to Manus Island or Nauru where they will be processed, and if found to be a refugee will be resettled in a country other than Australia.

This position was reinforced in the communique released following the 22nd Papua New Guinea – Australia Ministerial Forum held at Parliament House in Canberra on 11 December 2013. In that communique, the Australian Government reiterated its commitment to the Regional Resettlement Arrangement and welcomed Papua New Guinea's strong leadership in combating people smuggling in the region, particularly in implementing the Regional Resettlement Arrangement.⁸

2.2 Administrative arrangements

The Memorandum of Understanding signed on 6 August 2013 provides for administrative measures that give effect to the objectives of the MOU to be settled between the participants.⁹

However, as no further measures have been settled, the Administrative Arrangements which were signed on behalf of the Government of PNG on 23 April 2013 and the Government of Australia on 30 April 2013 under the first MOU have continued in operation.

Section 3 of the Administrative Arrangements sets out *Arrangements at the Manus Island Temporary Regional Processing Centre*. The key provisions are:

3.1 The Centre will be established by Australia and managed by the Administrator, supported by contracted service providers. Management of the contracts will be the responsibility of the Government of Australia.

⁸ Paragraph 16

⁹ Paragraph 9

3.8 The PNG Minister for Foreign Affairs and Immigration under section 15D of the PNG Migration Act 1978 will appoint an officer for the purposes of that Act to be the Administrator of the Centre.

3.9 The Administrator will delegate the day to day management and control of the Centre to an Operational Manager.

3.10 The Government of Australia will appoint an Australian official as a Coordinator to work with the Operational Manager to assist in the management and control of the Centre.

3.11 The Australian Coordinator will be responsible for managing all Australian officials and service providers. This will include ensuring all contractors deliver services to standards outlined in their contracts. This will be done in close liaison with the Operational Manager.

At the time of the incidents under investigation, the Administrator was PNG's Chief Migration Officer, Mataio Rabura, the Operational Manager was Jeffrey Kiangali and Wilson Kuve was the Assistant Operational Manager. The Australian Coordinator was Anthony Kneipp, a departmental officer.

When the Manus RPC was reopened, the Australian Government entered into contracts with the following service providers:

- A contract dated 1 February 2013 with G4S Australia Pty Ltd for operational and maintenance services including guarding and security (and G4S sub-contracted some security services from Loda Security, catering services from Eurest and cleaning services from Spic 'n Span largely using PNG national staff to meet the local employment requirements in its contract)¹⁰
- An interim Heads of Agreement operating from October 2012 and a subsequent contract made on 1 February 2013 with The Salvation Army (New South Wales) Property Trust to provide welfare and support services for the people transferred to Nauru and Manus Regional Processing Centres, and
- An interim Heads of Agreement operating from 12 September 2012 and a subsequent contract made on 29 January 2013 with International Health and Medical Services Pty Limited for the provision of health services for the people transferred to Nauru and Manus Island.

¹⁰ The contract required G4S to engage local personnel either directly or through sub-contracts with local businesses at the following minimum levels: security 50% and other garrison services 75%.

As some families were accommodated at the Manus Regional Processing Centre when it first reopened, the Government also entered into an interim Heads of Agreement with Save the Children Australia. That agreement operated from 10 October 2012 until it expired on 31 July 2013 after all women and children had been removed from the Centre.

At the time of the incidents in February 2014, a transition between service providers was taking place.

On 29 January 2014, Transfield Services (Australia) Pty Ltd announced that its contract with the Department of Immigration and Border Protection to manage offshore processing centres would be expanded on an interim basis. Transfield already provided services on Nauru. Now it would also be responsible for welfare and garrison services (including case management, security and guarding) on Manus Island. The Australian Government finalised its new contract with Transfield Services on 25 March 2014.

The handover of welfare services from The Salvation Army to Transfield Services commenced on 17 February 2014. Transfield Services assumed full responsibility for these services on 22 February 2014.

The handover of garrison and security services from G4S to Transfield Services (and its sub-contractor, Wilson Security) commenced on 10 March 2014 and Transfield took over full responsibility on 28 March 2014.

As a result of this combination of arrangements, the day-to-day operation of the Manus RPC is managed by PNG and the service providers who are coordinated by officers of the Department of Immigration and Border Protection. This cooperative arrangement is reflected in the records of the regular meetings held at the Centre and the combined responses provided to the administrative concerns arising and incidents occurring from time to time.

2.3 Arrangements with Papua New Guinea police

The Royal Papua New Guinea Constabulary is responsible for policing in Papua New Guinea.

The RPNGC has local police based at Lorengau, the capital of Manus Province. The provincial police have responsibility for day-to-day policing on Manus Island, including at the Regional Processing Centre.

Policing activity which may occur from time to time at the Regional Processing Centre includes the execution of search warrants and the investigation of criminal activity such as assaults and damage to property.

The RPNGC has also stationed a mobile squad at the Regional Processing Centre. Its role and responsibilities are discussed later in this Report.

Decisions about nature and numbers of policing resources deployed on Manus Island are the responsibility of the RPNGC. This position was made clear by Minister Morrison at a press conference held on 21 February 2014:

Well the arrangement with the PNG police is that the Australian Government makes a payment to the PNG Police in Port Moresby. The process of who and what force is deployed to Manus Island is a matter for the PNG Police, not the Australian Government and their remittances and other things are made by the PNG Police in Port Moresby. So that's how those arrangements are made. Now where they are deployed and how closely they're deployed, they're matters that are determined under the jurisdiction of the PNG Police.

SECTION 3. THE MANUS REGIONAL PROCESSING CENTRE

The Manus Regional Processing Centre is situated on the Lombrum Naval Base on Los Negros Island (although the Centre's location is commonly described as Manus Island). Los Negros Island is part of Manus Province and immediately adjacent to Manus Island, separated by a narrow stretch of water the width of a small river.

The Centre is about half an hour's drive from the local airport. The road to the Centre is in varying states of repair and much of it cannot be traversed at a high or constant speed, due to potholes and unmade sections. The journey to the Centre passes through sparsely populated forest, sometimes following the edge of the Bismarck Sea.

The trip to the Centre from the provincial capital takes about 40 minutes or so. Once you cross from Manus to Los Negros Island, the road from Lorengau joins up with the road from the airport.

Earlier this century, the Manus Centre was used by the Australian Government as a temporary processing centre and then closed, as there was no further use for it at that time.

When the Centre was reopened in late 2012, the arrangements with the PNG Government envisaged it would be a temporary¹¹, low security centre where transferees would be processed and, if determined to be refugees, resettled in Australia.

Schedule 1.1.5 of the G4S contract dated 1 February 2013 states:

The Regional Processing Centres are low security and allow a certain level of freedom for Transferees. Engagement with the local community will be encouraged.

¹¹ Pending the construction of the proposed permanent facility

Transferees employment within local communities, Transferee relationships with PNG nationals and the management of high risk Transferees will need to be considered once the Department develops a position on these issues.

As a result, the transferees were able to take part in excursions, such as visits to local towns or swimming trips and the level of physical security in the Centre was considerably less than in an onshore detention centre.

This difference is apparent as soon as one arrives. The fences are single, chain link fences less than two metres high that can be pushed over easily by a group of men intent on doing so. There are no CCTV cameras. There are limited separation facilities for transferees who have been behaving badly or need, for various reasons, to be away from their normal accommodation. Key infrastructure installations (such as electricity supply) are situated within transferee compounds and so the list goes on.

In his report on the disturbance at the Nauru Regional Processing Centre, Keith Hamburger AM observed:

To be successful, the 'open centre' concept relies upon people accommodated therein being largely compliant with their circumstances. From evidence provided to the review, DIAC officers in deciding upon an 'open centre' operational objective for the Nauru RPC were of the understanding that the centre was to be a Processing Centre and not a Detention Centre. They understood it was to be part of a Regional Solution to the challenge of people smugglers and asylum seekers.¹²

The same observation about the need for transferees to be compliant applies to the Manus Centre. Concerns about the level of security at the Manus Centre are supported by recent risk assessments undertaken by KPMG for the Department and by C5 Management Solutions for Wilson Security.

The Review also notes that the new contract with Transfield Services does not contain a provision similar to Schedule 1.1.5 in the G4S contract. Instead, the Transfield contract says:

Security infrastructure at existing sites will be improved and security arrangements are to be enhanced to reduce the risk of damage from major disturbance such as occurred on 19 July 2013 on Nauru. The Service Provider is expected to put in place policies and procedures to support security enhancements and to minimise tensions at OPCs.¹³

Following the announcement of the reopening of the Manus facility in September 2012, the Australian Defence Force was commissioned to re-establish the Centre as a matter of

¹² Nauru Review 2013 – Detailed Report and Findings of the Review into the 19 July 2013 Incident at the Nauru Regional Processing Centre, 8 November 2013, page 13

¹³ Schedule 1, Part 1, Paragraph 1.1.4

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urgency. Some of the existing facilities were repaired and brought back to a usable condition. Army tents were erected for accommodation. Departmental and service provider staff were, due to lack of accommodation at the Centre, living for a short time after 19 July 2013 on the HMAS Choules (a Bay Class Landing Ship Dock with living quarters for several hundred people) which was anchored a little way offshore.

In July 2013, the families were transferred from Manus Island, leaving only single adult males at the Regional Processing Centre. The men moved into what had previously been the Families (now Foxtrot) compound.

By late August 2013, the hard walled accommodation now known as Oscar compound had been built on the soccer pitch previously used for exercise within the Centre. The area that had been occupied by the Single Adult Male compound had been cleared in preparation for the construction of the new Mike compound which was completed in late 2013.

Most of the construction at the Centre is built in a modular, containerised style used extensively in remote industries such as mining and construction to accommodate a mobile workforce.

In summary, there are now four transferee compounds at the Manus Regional Processing Centre and as at 15 February 2014:

- Delta compound accommodated 252 men
- Foxtrot compound accommodated 329 men
- Mike compound accommodated 417 men in a new facility built to the design and standard of an Australian mining camp by a company called Red Seas, and
- Oscar compound accommodated 339 men in recently constructed, hard walled, marquee accommodation with separate showers and ablution blocks built by Toll Logistics.

There are also administration areas, interview rooms, the medical clinic, a staff mess and two smaller compounds (Charlie and Bravo). Charlie compound accommodates transferees who have decided to return to their home country and Bravo compound is used for a variety of purposes (including as a waiting room adjacent to the medical clinic).

Three men were in Charlie compound making a total of 1,340 transferees.

There is still no staff accommodation at the Centre. Departmental and service provider staff along with short term visitors to the Centre live on a three-storey residential barge called the Bibby Progress berthed at the wharf a few hundred metres away.

SECTION 4. METHODOLOGY

At the commencement of the Review, I prepared a four part investigation plan which was implemented as follows:

- Phase One (24 February to 11 March 2014) involved finalising administrative arrangements; giving preliminary consideration to relevant documentation available from the Department (such as situation reports, intelligence reports, daily reports, medical reports and media items); conducting initial enquiries and interviews; and preparing to visit Port Moresby and the Manus Regional Processing Centre
- In Phase Two (12 to 18 March 2014), the Review consulted with relevant Ministers and officials in Port Moresby¹⁴ and transferees and departmental and service provider personnel at the Manus Centre
- On returning to Australia, Phase Three (19 March to 4 April 2014) comprised finalising interviews; reviewing documents provided to the Review; following further lines of inquiry; and the commencement of the drafting of this Report, and
- In Phase Four (from 5 April 2014 to completion), the Review team completed the assessment of all the material collected during the course of the investigation and held further meetings with PNG Ministers and officials. I also spoke to the Minister for Immigration and Border Protection about the Force Security Review and the arrangements for the Third Ministerial Forum¹⁵ which I attended in Port Moresby on 8 May 2014. The Report was then finalised and delivered to the Secretary.

On 5 March 2014, I wrote to the service providers engaged at the Manus Regional Processing Centre at the time of or leading up to the incidents under investigation: G4S Australia Pty Ltd, International Health and Medical Services Pty Limited and The Salvation Army (New South Wales) Property Trust.

In those letters, I asked them to cooperate with the Review by providing the name of their senior officer at the Centre who could facilitate interviews with their staff and a list of

¹⁴ This Review is one of several inquiries into the incidents which took place on 16 – 18 February 2014. Other inquiries being conducted in PNG include a review by the Chief Migration Officer, criminal investigations by the Royal Papua New Guinea Constabulary and a coronial inquest. It was agreed by both Governments that, to avoid duplication or overlap, the findings made in this Review would be shared between Australia and PNG.

¹⁵ The Ministerial Forum was established by the Minister for Immigration and Border Protection and his PNG counterpart to oversee the implementation of refugee status determination and resettlement processes and related matters. The Forum meets monthly and is attended by the Minister and the Minister for Foreign Affairs, the Hon Julie Bishop MP together with the PNG Minister for Foreign Affairs and Immigration and Minister for Justice and Attorney General

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personnel who were on duty during the incidents on 16 – 18 February 2014 and could give a first-hand account of those events.

In addition, I asked IHMS to provide details of persons treated for injuries resulting from the incidents including the nature of the injury and, if known, its cause.

The service providers were invited to make a written submission to the Review about the incidents and to put forward recommendations which could strengthen relevant arrangements at the Processing Centre and reduce the likelihood or prevent the recurrence of any similar incidents.

I wrote to Transfield Services along the same lines, even though it did not take over welfare and case management services at the Centre until 22 February 2014 and security services (through its sub-contractor, Wilson Security) until 28 March 2014.

I also:

- Invited the Department to make a submission if it wished to do so, and
- Rang Mr Ian Rintoul of the Refugee Action Coalition on two occasions and asked him if he or his colleagues could suggest the names of any transferees known to him who it would be useful for me to speak to when I visited Manus Centre, but I did not receive a response to that request.

During the course of the Review, I received:

- A formal submission from G4S on 16 April 2014
- Short submissions from The Salvation Army and Transfield Services
- The details requested from IHMS, and
- A written briefing from the Department on Refugee Status Determination, Returns, Removals and Settlement.

The bulk of the information received by the Review about the incidents came through formal interviews, an examination of relevant Centre and other records, the question and answer sessions with the transferees and the feedback forms referred to below.

The meetings which took place in PNG are of particular significance.

As the Manus Regional Processing Centre is a PNG facility, the Papua New Guinea Government is closely involved in the several investigations taking place into the events of 16 – 18 February 2014. As a result, it was important for me to meet with and brief key Ministers and officials about this Review.

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I met Mataio Rabura, the PNG Chief Migration Officer and Centre Administrator, when he was in Canberra on 11 March 2014. In Port Moresby on 13 March 2014, I met with the Minister for Foreign Affairs and Immigration, the Hon Rimbink Pato OBE MP; the Minister for Justice and Attorney General, the Hon Kerenga Kua MP; the Prime Minister's Chief of Staff, Isaac Lupari; and the Deputy Police Commissioner, Simon Kauba.

The Review visited the Manus Regional Processing Centre from 14 to 18 March 2014 where I conducted a number of interviews with departmental officers and service provider staff. I also met with PNG's Assistant Operational Manager, Wilson Kuve, at the Manus Centre and the Executive Advisor to the Governor of Manus Province in Lorengau.

I engaged with transferees in four ways.

First, I interviewed four transferees who could provide me with specific information relevant to this Review. They included the man who was an eye witness to the attack on Reza Barati but had declined to talk to police without his Australian lawyer present and the man who had his throat slashed in Oscar compound on the evening of 16 February 2014. The meetings with individual transferees were conducted with only an interpreter present.

Secondly, I conducted four, two hour question and answer sessions with community leaders representing each language group in each of the four accommodation compounds together with the necessary interpreters. Those sessions were attended by between 18 and 24 people (including about eight interpreters on each occasion).

Thirdly, at those sessions, we handed out feedback forms and invited the transferees present to complete the form and hand it back to me if they wanted to give me their personal accounts. They were also invited to give the form to other transferees in their compound. As a result, the Review received a large number of feedback forms before we left Manus Island. Altogether the Review has considered 270 accounts or comments received from more than 300 transferees (as some of the feedback forms were from several transferees or community groups).

Finally, at the invitation of the transferees, I inspected Mike compound where they showed me not only the bullet holes apparent from an external inspection of the buildings but other bullet marks and holes inside the buildings and bedrooms.

The several meetings with G4S officers were conducted at their request with other persons present (Alistair Nicholas from Weber Shandwick and, in PNG, Bill Neill from Ashurst Lawyers) as noted in the records of interview.

Two members of the Review team assisted me in the conduct of the four meetings with transferee community leaders. They also prepared notes of those four meetings and my interview with Chris Manning, G4S' Managing Director Immigration Services.

I conducted all of the telephone interviews in one-on-one conversations (not on loud speaker) and prepared a written record of interview promptly after each interview finished.

With the exception of the interviews with the transferees (due to communication difficulties), the draft records of interview were submitted to each interviewee where possible for approval as a true record (and correction or amendment, if required).

On 29 and 30 April 2014 and 6 and 7 May 2014, I outlined the Review's findings and recommendations in meetings with PNG Ministers and senior officials. I attended the Third Ministerial Forum on 8 May 2014 and presented a detailed briefing on my Report. All of those meetings were held in Port Moresby.

It is important to note that I have reported what I was told by the people I interviewed and by transferees in their feedback forms. However, I have not sought to test the veracity or accuracy of individual accounts other than to weigh them against all the other information available to the Review.

SECTION 5. THE LEAD UP TO 16 – 18 FEBRUARY 2014

Before dealing with the events leading up to the incidents that took place on 16 – 18 February 2014, two significant points need to be made.

5.1 *Not all transferees took part in these events*

The first point is that, while all of the transferees are no doubt concerned about the length of time they will spend in the Manus Regional Processing Centre and their future resettlement (if they are determined to be refugees), the transferees are not united in their reaction to their present situation.

There are also distinct cultural, behavioural and attitudinal differences between transferees from different national and ethnic groups which have led to tensions, disagreements and animosity between them.

Many of the transferees did not support or participate in the protests leading up to the incidents that occurred on 16 – 18 February 2014. Most of them did not want to be involved and did not take part in the disturbances which occurred over those three days. Some of them only took part in the protests and disturbances because they were threatened and bullied into doing so by other transferees.

None of the transferees in Delta compound participated in the events that took place up to and including the night of the major incident (17-18 February 2014).¹⁶

Some transferees approached G4S guards during the day on 17 February 2014 (including transferees in Oscar compound at 1702hrs) asking to be taken out of their compound to a safer place. Others sought and received help from G4S guards during the course of the events that night to get them away from the violence.

Some transferees stayed in their rooms to keep out of trouble during the incidents but were assaulted anyway.

These different attitudes can be seen in the following sample of comments made in the feedback forms provided to the Review when we visited the Manus Regional Processing Centre.

Before trouble when everyday it was protest, I was so scared and tense and sit in room because I didn't want to join protestBut when trouble started on 16th Feb I was in room then come out and officer told me to go to mess. I go there. I was so scared and officer took card from me and bring me to Bravo. I was there until 4.00am and came back to Oscar. Then on 17th Feb when trouble started in Mike, again I took to Bravo at night time. When firing started, officers took us to the "oval" ground. I was there for few hours. When come back from there before entering Oscar I told to officer that I'm not safe in Oscar because of anger people, so officers bring me to Charlie compound and on 7th March they organise a place for me in Delta and I come here: [REDACTED], Delta Compound

Before the accident day, we talk with the G4S and TSA¹⁷ and told them we are not a part of the protest movement. TSA told us to write a request that we are not a part of the protest and G4S told to us that in case of incidence stay in your rooms. We follow instructions like we wrote a request and also stay in the room during the day of incidence: [REDACTED], Mike Compound, signed by 20 transferees (Boat numbers supplied)

On the day of the event, I stayed in my room; never participated in the protest, nor was warned by anyone else, just stayed in the room and thought about my safety since it was not my business: [REDACTED], Delta Compound

As you know with regard to the recent events in Manus, we were all under pressure of bullying people who wanted us to help them stand against the Australia and Guinea. I refused to get along with them and then they entered my room and

¹⁶ See Anthony Kneipp interview transcript, page 4, lines 2-3

¹⁷ The Salvation Army

damaged all my home appliances: [REDACTED], Delta Compound

We do not feel safe here. We are really afraid to walk around anywhere including canteen, toilet, classroom etc. We are really scared to talk to other country people. Since we did not participate in the riots that occurred here, other country people are very angry on us: [REDACTED], Foxtrot Compound

I have emigrated from an unstable country and want the Australian government to help me not go under any attack in Manus; because there are many bullying people here who frequently ask me to help them stand against Australia and Guinea; and they threaten to kill me should I fail to follow their request: [REDACTED], Delta Compound.

5.2 Antagonism between the transferees and PNG nationals working at the Centre

The second point is that there was over this period increasing antagonism between some of the transferees and PNG nationals working at the Centre.¹⁸

No one interviewed had any clear explanation for this increasing tension between the two groups. Some possible contributing factors suggested to the Review are set out below.

From the point of view of the transferees (particularly the Iranians), they did not want to be in PNG which they regarded as a developing country with a lesser standard of living and lower economic opportunities than the country they had left.

In my meetings with transferees, some of them referred to PNG in derogatory terms. They commented on the crime rate and the incidence of AIDS and said they would not be welcome or safe in the PNG community. At least one transferee I spoke to called PNG a 'barbaric country'.

[REDACTED] (who I will refer to as Mr T1) said:

But Australian Government brought us to a country who has more than 70% HIV, 65% TB, malaria and the other diseases. They are still living in tribes and its capital is the second unsafe city in all the world.

[REDACTED] said:

¹⁸ Note that the Review obtained information about this antagonism from interviews and the G4S submission. However, it was not identified as an issue in G4S intelligence assessments examined by the Review

... the Government of Australia without considering the possible consequences has sent us to a country whose people do not have a good historical background and are lacking in the culture of living with foreigners and are poor people The first solution is that people with such a background – that have been cannibals 100 years ago should be educated in a short course of time and learn the culture of living with foreigners; and that AIDS and thievery and plundering must be washed out from this country ...

Those transferees looked down on the PNG nationals employed at the Centre as less well educated and less skilled than they were. The PNG nationals became a focus for frustration with their present situation.

According to a senior G4S officer, they demonstrated their views by treating the PNG nationals with disrespect and niggling at them on a regular basis, for example by:

- Pulling at the badges and equipment attached to their uniforms
- Threatening to blackmail them about bringing contraband into the Centre, and
- Spreading rubbish on the floor while it was being cleaned.¹⁹

A number of interviewees commented on the Iranians' superior attitude towards other transferees and PNG nationals, describing them as the Centre bullies. Some people I spoke to said the Iranians had a racist attitude towards PNG nationals.

One service provider employee told me that *Iranian and Iraqi transferees have a particularly racist attitude towards PNG nationals* (mentioning the use of expressions such as *swinging from trees* and *cannibals*).

The record of my interview with another service provider staff member notes these observations:

Some of the Iranians behave in a racist manner and look down on PNG nationals and make them very much aware of it. The locals regard this attitude as disrespectful to them and their country. The locals took the view that, while the transferees did not want to be in PNG, PNG did not want them there either.

Some of the Iranians bully other ethnic groups in the Centre and the interviewee believes that this causes significant distress in those transferees who are subjected to bullying.

¹⁹ See record of interview with G4S officer CD

As a result of the antagonism built up between the locals and the transferees, the response from the PNG nationals to the events on 17 February 2014 was personal, not just professional.

Darren Boyd, G4S' Regional Managing Director for the South Pacific, agreed:

There is a common perception within the Manus RPC, which he has heard expressed by many people, that the Iranians in the Centre often behaved as bullies within their compounds. This was reflected in reports that they attempted to 'stand over' other transferees and often expressed a superior and racist attitude to other transferees as well as the PNG nationals.²⁰

From the PNG nationals' perspective, they resented this disrespectful treatment and took the view, as noted above, that if the transferees did not want to be in PNG, then they did not want them there either. Some transferees said the nationals responded to this treatment by telling them to go back where they came from, making throat slitting gestures towards them and threatening that they would be attacked.

Manus is not a wealthy Province and many local people live in difficult situations. It was suggested to the Review that some of the PNG nationals may have resented the fact that the transferees are living in better physical circumstances than they are, with three prepared meals a day and readily available medical care.

Whatever the causes, this antagonism was part of the increasingly tense atmosphere in the Centre from Australia Day. It was exacerbated by particularly offensive and disrespectful behaviour by some transferees on 17 February 2014²¹ which inflamed the antipathy between the two groups and, as Darren Boyd of G4S said in his interview, increased the level and intensity of the fighting that took place.²²

5.3 *The period preceding the incidents*

Against that background, the unrest which culminated in the incidents on 16 – 18 February 2014 may well have started in December 2013 when there was a widely spread rumour that there would be an amnesty at Christmas. It was apparently expected that the amnesty would result in the transferees being brought to Australia.

The G4S Monthly Intelligence Report for January 2014 noted:

²⁰ See record of interview, page 3

²¹ Details of this behaviour are set out in Section 7 and elsewhere in this Report

²² See record of interview, page 2

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Transferees received news indicating that there could be a change in Australian Government policy. This information was introduced to the MIRPC²³ by Transferees who had contact with family in home locations. The media attention given to the release of the UNHCR and Amnesty International reports (both prior to and post the reports' official release) gave further weight to a potential change. The Transferees from certain cultural backgrounds linked these elements together and the potential for Christmas amnesties was discussed.²⁴

Anthony Kneipp was the Department's Centre Coordinator from November 2013 to 23 February 2014. He told the Review:

From what I understand, it was ... a rumour that had started onshore and I think a large part of it was that it's a cultural thing in a lot of the countries that the transferees come from. It's not unusual for their governments to provide amnesty during significant, particularly religious, holidays ...²⁵

The rumour persisted despite the fact that Minister Morrison had visited the Centre on 26 September 2013 and delivered a clear message that the transferees would remain at the Centre until they went home or resettled in a country other than Australia.

The Salvation Army's Regional Processing Centre Contract Manager told the Review that welfare officers and case managers tried to quash the rumour. They repeated the Minister's message to transferees but they felt it was not believed.

The Contract Manager suggested in her interview there were other factors that contributed to a general sense of unrest among the transferees around that time:

- Most importantly, there was no information about the timing for their refugee status determination process or what resettlement in PNG would mean for them and their families, and
- The transferees who had been at the Centre the longest had recently been moved into the new and substantial Mike compound which, as an apparently permanent rather than temporary facility, gave transferees the impression they would be there indefinitely.

In addition to those factors leading to concern, dissatisfaction and tension, the Contract Manager expressed the personal view that two other issues may have partly contributed:

²³ Manus Island Regional Processing Centre

²⁴ Page 4

²⁵ Interview transcript, page 3, lines 4-7

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- First, there are differences in the standards of accommodation between compounds (for example, only some compounds have air conditioning in some areas; only some have direct access to internet and telephone facilities; Delta compound is cramped with little access to direct sunlight; and so on), and
- Second, while the transferees knew from 13 December 2013 that The Salvation Army contract was coming to an end, the appointment of a new welfare and case management service provider was not announced until early to mid-February 2014, creating further uncertainty about their situation.

Although nothing came of the amnesty rumour, there was general agreement among the persons interviewed for this Review that the Centre remained calm over the Christmas period until Australia Day. Strategies to reduce flashpoints during this time included showing more movies, additional access to games and other activities, construction of additional shade and excursions away from the Centre.²⁶

The daily and other reports between December and the end of January examined during the course of the Review confirm that the Centre maintained a low risk or Green threat rating²⁷ until 31 January 2014 when the Daily Report recorded that *the Centre security rating is Amber and the mood is moderately tense.*²⁸

It is not clear why but Australia Day marked the beginning of the protracted period of protests leading up to the incidents under investigation. Interviewees told the Review that the tension in the Centre increased noticeably after that date.

The G4S Monthly Intelligence Report for January 2014 noted in regard to the Australia Day protest:

The actual demonstration appeared to be ill planned and an ad hoc arrangement. The banners²⁹ were incomplete and the Transferees self-restricted the procession to just the centre of the Oscar compound. No other compounds joined in and no attempt was made to gain the support of other compounds.³⁰

Mr Kneipp said:

²⁶ See G4S Monthly Intelligence Report for January 2014, page 6

²⁷ Green means the Centre is calm, there is limited potential for protest or violent unrest, but there is no intelligence to suggest that any such behaviour is imminent

²⁸ Amber means the Centre is moderately tense, there is some disquiet, and intelligence indicates that protest or violent unrest is likely but not necessarily imminent

²⁹ That is, banners written on sheets

³⁰ Page 5

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*So on Australia Day there was a peaceful protest in Oscar compound. It ... involved a number of transferees getting together and chanting, chanting for freedom... it was a relatively small number.*³¹

The G4S Monthly Intelligence Report also said:

*Further initiatives have included scheduled meetings with the designated leaders with all stakeholders, inclusive of DIBP³². These have resulted in a plateauing of unrest, with a shift to an evening only event. Delta compound remains the only compound not to join in. There is information that further unrest is still planned and a timeline has been presented that indicates sometime about the 15th to 20th ... depending on outcomes from meetings with DIBP.*³³

Mr Kneipp confirmed that, after the initial demonstration, the protests continued on a daily basis:

*It was a daily basis, yes, and it started off in the late afternoon and then, I think, at first it started around about 3.00 in the afternoon and then it shifted to 5.00 in the afternoon and then it shifted to between 9.00 and 10.00 o'clock at night. ... So as the protests went on they started off by obviously chanting their grievances and then they also used bed sheets as banners and put a couple of grievances on the bed sheets.... The bed sheets tended to have things on them like 'freedom'.*³⁴

As a result of the increasingly tense atmosphere, a meeting was convened on 5 February 2014 between Centre managers and transferee community leaders to clarify the concerns behind their protests. Those concerns were captured in 11 questions which the PNG Immigration and Citizenship Services Authority and the Department of Immigration and Border Protection agreed to answer within 12 days.

In the Daily Report email for 5 February 2014, the Assistant Centre Coordinator, Katrina Neuss, advised the Department she:

... met with the community leaders today to record and escalate their questions. A brief of these questions has been forwarded to Canberra for a response.

The G4S intelligence reports note rising tensions and protests up to 12 February 2014 while the transferees waited for the answers to their questions.

³¹ Interview transcript, page 3, lines 14-16

³² The Department of Immigration and Border Protection

³³ Page 6

³⁴ Interview transcript, page 4, lines 40-42 and page 5, lines 19-25

The weekly intelligence assessment for 3 to 9 February 2014 notes:

A specific search warrant was executed on the Oscar compound on the 9th February to seek items of contraband, potential weapons and also to assist in reduction of tension across the MIRPC. A number of contraband items, including lighters and suspected illegal drugs were uncovered but no items likely to be used as weapons. The search was conducted smoothly and helped re-establish the parameters for that compound in behavioural expectations. This also is expected to have a positive flow on effect across the MIRPC.

The G4S Intelligence Assessment for 10 February 2014 noted:

Intelligence suggests that there will be an escalation of disorder in the days after the DIBP meeting (05.02.2014) if the meeting fails to resolve issues for the Transferees in Oscar compound. Information from various sources is still being presented that the demonstrations will continue and conclude in a larger event. A timeline of two weeks has been identified as possibly significant so the days leading to the 17/18 February 2014 continue to be of particular focus.³⁵

During the period leading up to 17 February 2014, G4S staff cleared loose rocks and stones from the compounds to reduce the material that could be used as weapons in the event of disruption later on.³⁶

In the Mike compound question and answer session, the transferees confirmed the removal of rocks and stones took place about a week before the incidents.

The G4S Intelligence Assessment for 12 February 2014³⁷ added:

... information was also reported ... from staff in Oscar compound that suggests transferees will target expat staff with violence on 16, 17 and 18 February. The information suggests that they intend to arm themselves and inflict violence. Additionally they intend to breach the fence line to execute an outcome as yet to be determined. Moreover, they intend to co-ordinate a series of code calls at the allotted time of the alleged escalation to offset staff across a number of compounds. The information suggests that they are well aware of the Police Special Task Force

³⁵ Page 3

³⁶ See record of interview with G4S officer AB

³⁷ This intelligence assessment is dated 11 February 2014 but it appears that it in fact relates to 12 February 2014

and that the thought of being engaged with lethal force doesn't bother them. There is urgent work underway to establish the bona fides of this information.

Daily reports and G4S Intelligence Assessments record there were no protests on 13, 14 or 15 February 2014.

There are several G4S Incident Reports of confrontations between a transferee and a service provider during the first half of February 2014. One of them attracted some media attention in Australia and the Minister responded that this Review would also investigate that incident.

The incident in question took place on 14 February 2014. The following summary of the incident is based on Incident Report MI0570³⁸:

At approximately 1230 hours on Friday 14 February 2014, transferee [REDACTED] was in the Oscar compound mess. He was standing at the servery receiving his lunch from a PNG national Eurest³⁹ staff member and G4S officer [REDACTED] observed they were engaged in a heated argument.

[REDACTED] witnessed the transferee push a serving table aside, lean forward towards the staff member and slap him across the face with an open palm. The staff member immediately retaliated and with a closed fist he punched the transferee once to the left side of his jaw.

[REDACTED] intervened. He called: 'Enough! Stop this!' in a loud, clear voice and grabbed hold of the transferee by wrapping his arms around him and restraining him. He then walked the transferee out of the mess and he was escorted to the medical clinic where he was treated for a small cut on the left hand side of his jaw line.

The staff member declined any medical attention but stated that his face was sore.

Both men gave conflicting verbal versions of the events and were encouraged to provide written statements as to the cause of the incident. The staff member was removed from Oscar compound and is the subject of an internal investigation. The transferee was initially isolated but was subsequently returned to Oscar compound where his behaviour is to be monitored by G4S staff members.

³⁸ Note that this extract from the Incident Report has been modified to remove personal information of the people involved

³⁹ The catering service provider

Two other minor catering incidents around this time (including one on the morning of 16 February 2014) involved disagreements about the size of food servings.⁴⁰

Following the meeting on 5 February 2014, the PNG Immigration and Citizenship Services Authority and the Department worked on and settled answers to the transferees' questions. G4S told me it was not consulted in regard to the responses.

The G4S Intelligence Assessments for 15 and 16 February 2014 both recorded:

The most likely catalyst for any escalation of the protests, within the MIRPC, remains the DIBP/PNG response to the questions that the Transferees posed on 05.02.2014 in the DIBP meeting; the meeting is scheduled to take place on 16.02.2014.

The follow up meeting with transferees took place on 16 February 2014 as noted in the Intelligence Assessments.

It was agreed between the Department and PNG ICSA that Jeffrey Kiangali, the Centre Operational Manager, was the appropriate person to provide the replies to the transferees.

The plan was that he would read out the prepared answers and the meeting would be at an end. The questions and scripted answers are set out below.

ANSWERS TO TRANSFEEE QUESTIONS

1. *Is there a process? What is it?*

In short, the process includes:

- a. Initial transferee interviews – to obtain information about you and your journey*
- b. Claims Assistance Provider interviews – to help you to document your refugee claims*
- c. Refugee Status Determination interviews – to gain further information to assist the PNG Government to assess whether you are a refugee*
- d. Review – independent assessment of your claims and review of the initial assessment for people who were assessed not to be refugees*
- e. Determination – the final decision on your refugee status by the PNG Minister for Foreign Affairs and Immigration.*

People who are determined to be refugees will be permitted to settle in PNG.

⁴⁰ See G4S Incident Reports MI0567 and MI0577

People who are determined not to be refugees must return to their home country or another country where they have a right of long term residence.

2. How long are we going to be here?

You are free to leave PNG and return to your home country or another country where you have a right of long term residence at any time. The IOM⁴¹ is able to assist you with this.

If you choose to remain, this will be a lengthy process. There is no definite timeframe how long you are going to be at the Manus Regional Processing Centre. Your claims will be assessed in order of your arrival and no preference is given to anyone in this refugee claim process.

3. When will we have our freedom?

You have the freedom to leave PNG and return to your home country or another country where you have a right of long term residence at any time. The IOM is able to assist you with this.

If you choose to remain in PNG, you are required under PNG law to remain at the Centre for as long as it takes to process your refugee claims. This is likely to be a lengthy process.

After your 30 days quarantine period, you will be permitted to go out on escorted activities outside the Centre.

4. Will transferees who have been deemed refugees in other countries be given priority in processing?

No. Your claims will be assessed in order of your arrival and no preference is given to anyone in this refugee claim process.

If you have been granted refugee status elsewhere, your documents will be forwarded to the UNHCR for verification. You should advise your Claims Assistance Provider if you have been granted refugee status elsewhere.

If you have a right of long term residence to the country where you were assessed to be a refugee, you are free to return to that country.

5. Why is there no PNG partnership?

The Centre is administered by the Government of PNG under PNG law with the operational and funding support of the Australian Government. PNG Government Officials are always present and maintain overall management and control of the Centre.

⁴¹The International Organisation for Migration

If you have any questions that require my attention, please do not hesitate to forward them to me via the service providers.

6. Some of the transferees have been interviewed some time ago. What is happening with our process? What is the hold up?

The Refugee Status Determination process is complex and lengthy. There is no definite timeframe how long it will take. Your claims will be assessed in order of your arrival and no preference is given to anyone in this refugee claim process.

You are free to leave PNG and return to your home country or another country where you have a right of long term residence at any time. The IOM is able to assist you with this.

7. Who is responsible for us here on Manus PNG or Australia? (transferees that arrived in Darwin)

The Manus RPC is established under PNG law and the Government of PNG is responsible for the management, administration and control of the Centre.

The Government of Australia provides funding and operational support, including through contracted service providers such as IHMS, The Salvation Army and G4S.

8. Why won't Immigration allow media to come and interview us?

Strict controls have been placed on access to the Centre in order to protect the privacy, identity and dignity of all people who reside here.

9. Will the Australian government take responsibility for our mental health problems?

The Papua New Guinean Government is responsible for the Manus RPC. However, the Australian Government has contracted appropriately trained and experienced service providers to provide services to people at the Manus RPC, including providing health and mental health care services. It is important that you take responsibility for your general and mental health well-being and that you do this in partnership with your medical practitioner. The services that are provided to you are there to help you do that.

10. The Playfair lawyer⁴² said there was a third country option. Why can't we be sent to this other country?

People who are found to be refugees will be permitted to settle in PNG.

Neither the Governments of PNG or Australia, nor the UNHCR, will assist people who are found to be refugees to arrange third country resettlement.

⁴² The refugee claim advice provider

Refugees who do not wish to settle in PNG may independently seek to identify a third country that is willing to accept them for resettlement. You are free to leave PNG and return to your home country or another country where you have a right of long term residence at any time. The IOM is able to assist you with this.

11. Why are our human rights not respected?

The PNG Government is a signatory to the UN Refugees Convention and PNG is committed to respecting your human rights, including by providing appropriate safety, security and care arrangements for you while your claims are being assessed.

With all rights come responsibilities: it is the responsibility of everyone to abide by PNG laws. If you break any of PNG's laws, you will be dealt with under those laws.

I would also like to remind you that your behaviour and conduct at the Centre will be taken into consideration during your Refugee Status Determination. If you are found guilty of an offence, it may have an impact on your assessment.

The meeting to deliver those responses commenced at 2.30 pm and was held in the Mike compound dining room. As the transferees from all compounds were represented, it was a large meeting attended by around 70 people (including interpreters).

A G4S guard brought the meeting to order and explained what was going to happen. Then Mr Kiangali addressed the meeting. He is quietly spoken and, given the hubbub of talk as interpreters relayed what he was saying, it was difficult to hear him. When Mr Kiangali finished giving the prepared responses, he was plied with questions which he endeavoured to answer.

In some cases, Mr Kiangali was given a note by the Department's Katrina Neuss to assist in his response to a question from the floor which caused uncertainty (according to some transferees) about Australia's role at the Centre. The answers also apparently caused some confusion because they were not clear, were misunderstood or were misinterpreted.

However, the transferees well understood the central message that refugee processing was going to take a long time and they could expect to be at the Manus RPC for an uncertain period, possibly up to four years.

The meeting was filmed by G4S on a camcorder and I have viewed that footage. Very little of what was said is audible but the body language of the transferees clearly became more agitated as the meeting progressed. In the question and answer session, transferees were calling out several questions at a time, standing up and waving their hands at Mr Kiangali to attract his attention. By this stage, the meeting was serving no useful purpose and the management representatives withdrew.

Ms Neuss described the conclusion of the meeting in her interview:

Jeffrey engaged with them and he wasn't giving them the answers that they wanted so they were getting ... more and more boisterous. I was trying to ask Jeffrey to cut the questions off and leave because I could sense what was happening. They basically told – the – some of the transferees told me to shut up because I was from the Australian immigration department and I had no right to talk. They – when finally Jeffrey agreed to cut the questions off they started chanting 'freedom' and that's when we – we left.⁴³

The basic thrust of the transferees' discontent at the outcome of this meeting is that they did not receive satisfactory answers to their questions. Some made comments to the effect that, having waited 12 days for the responses, they knew nothing more now than they did on 5 February 2014. In other cases, they simply were not prepared to accept that their options are to return home or be settled in PNG, notwithstanding the Minister had made that clear to them in September 2013 and service providers had repeated that message over the four months since the Minister's visit.

The transferees' adverse reaction to this meeting led directly to the incidents that followed that night and the following day.

When asked if the possibility of trouble after the meeting had led to increased security preparations, Mr Kneipp replied:

There had been. G4S, in particular, had had a strong concern that things would continue to escalate and so in order to be in a position to manage it they requested that 130 Port Moresby based staff from within their organisation were transferred across and so that was negotiated with National Office, because there are obviously cost implications with that, and agreed to.⁴⁴

Further information about the increased security preparations is set out in Section 9.3 of this Report.

It is also worth noting the following points made by Mr Boyd, the G4S Regional Managing Director, in his interview:

- The incident was well planned by the transferees and the violent protests has been triggered by the responses the transferees received to their questions on 16

⁴³ Interview transcript, page 3, lines 29 - 35

⁴⁴ Interview transcript, page 11, lines 36 - 40

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February and the manner in which the responses had been delivered to them. They had prepared some weapons in anticipation of trouble: sharpened steel rods, legs off beds, sharpened blades taken from fans, rocks and weighted water bottles. Mr Boyd reinforced the point that G4S had no powers to search the Centre for weapons, which can only be done under a police warrant⁴⁵, and

- The antagonism between the transferees and the PNG nationals was not the cause of the incidents on 16 – 18 February 2014 but it increased the violence which occurred.

SECTION 6. SUNDAY, 16 FEBRUARY 2014

It is important to state at the outset that the details set out in reports of the incidents on 16 – 18 February 2014 are sometimes inconsistent or are incomplete. Variations in reporting include:

- The precise time and place that events took place
- The identity and number of service provider personnel, transferees, police and other PNG nationals involved
- The number of persons injured and the nature and extent of their injuries, and
- Other factual details of particular incidents.

This lack of detailed consistency is understandable, given:

- The confusion surrounding the incidents on 16 – 18 February 2014
- The speed with which events took place and the number of events occurring at the one time across the Centre, and
- The limited observation or awareness each individual had of those events.

It is not possible for this Review to reconcile those individual differences nor is it necessary as the totality of the available evidence is highly consistent and supported by official records of the incidents.

⁴⁵ Record of interview, page 2

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The meeting with the transferees concluded around 4.00 pm on 16 February 2014. The transferees returned to their respective compounds and they explained the outcome of the meeting to the other transferees.

The G4S MIRPC Intelligence Report for February 2014 notes:

The answers to the original questions, posed by the Transferees, were not well received by the community representatives and the protest action began, in Oscar, as Transferees who attended that meeting returned to the compound.

Disorder subsequently escalated, in Oscar compound at 18.18hr, including a breach of the Oscar fence line, and spread to Mike and Foxtrot compounds. G4S personnel cleared non-involved Transferees from Oscar compound into Bravo and Charlie compounds which were utilised to get those who did not wish to protest to a safe place away from the flashpoints in Oscar compound.

One G4S officer interviewed by the Review said:

When the transferees broke out of Oscar compound, they were confronted by some PNG nationals who were young and scared. The transferees pushed through them but then the PNG nationals took the offensive. They tackled the transferees with rugby tackles; wrestled with them; picked up sticks and threatened but did not hit them; and dragged them back to the compound.⁴⁶

G4S Incident Report MI0580 records:

At approximately 1750hrs on Sunday Code Green⁴⁷ called by G4S Safety & Security Officers in Oscar compound. This call was verified by G4S Safety Security Supervisor [REDACTED] who was at the route Pugwash⁴⁸. It was reported that approximately 30 – 35 Transferees scaled the South side of fence in Oscar compound.

Number of G4S staff and Police mobile squad officers responded to code green and managed to capture 7 x Transferees on route Pugwash. G4S officers and Police officers managed to push Transferees back into Oscar compound through Golf three gates. ... 6 x Transferees medically cleared⁴⁹ and released to Police custody.

Ms Neuss told the Review that, when she left the Department's office in the Administration area to go the Bibby, she walked along the internal road⁵⁰ with another departmental officer, past the medical clinic. At that point:

⁴⁶ Record of interview with G4S officer CD

⁴⁷ Code Green – Escape – Attempted Escape

⁴⁸ The main road outside the Centre

⁴⁹ By IHMS

⁵⁰ Route Charlie

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By the time we got to the end we turned – turned around because we heard some loud shouting and that's when the chairs and rocks and things were coming over the fence (of Oscar compound) and then we saw a lot of locals – local G4S officers, nationals, running towards the fences throwing things back and then a lot of – [REDACTED] and I actually had to stop a lot of locals that live around the area running up to the Centre because they were all armed with big sticks and pipes and stuff like that because they were wanting to get involved and we - we actually had to stop them from getting involved.⁵¹

The situation escalated with G4S locally engaged staff entering the Centre through the front gates with large sticks and pipes. As the transferees rushed forward to respond to this threat, it is reported that G4S expat staff attempted to return the PNG nationals to the car park outside the perimeter fence and the transferees to the compound. Multiple witnesses reported that the PNG nationals who entered the RPC appeared to be a combination of G4S officers in uniform and other PNG locals.

A number of eye witnesses reported that PNG nationals also entered rooms in the Oscar compound, broke windows and doors and attacked transferees within their accommodation.

Delta compound is directly opposite Oscar compound. A group of transferees accommodated in Delta gave the Review a feedback form which said:

This is to inform you that, on 16-02-2014, when we were standing in the queue for dinner behind Delta compound at about 6 pm in the evening, we heard a huge uproar of many people and we rushed to Gate No 1 of Delta compound. Having reached there we found many PNG people, wearing uniforms of G4S, entering into Oscar compound having clubs, iron rods, brickbats and piece of stones in their hands and beating up innocent refugee people. Some more PNG people were gathering on the road and throwing brickbats and stones from outside. Seeing the fate of the victims we also shouted in fear and as a result of which they started throwing brickbats and stones on to us too. Such horrible situation continued for about one hour. After some time, when the situation settled down, we found many people of Oscar Compound were injured. Seeing such condition of them we panicked a lot. Thus, with immense panic we had to pass the entire night.

The Review received a number of feedback forms making similar reports. One such individual report came from [REDACTED] from Oscar compound:

On February 16 I was walking in an area of the Oscar camp when suddenly a large number of G4S and PNG entered the camp by attacking it. After seeing them I went to my room and from the inside I could see that the G4S is attacking the refugees

⁵¹ Interview transcript, page 4, lines 15 - 22

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with stones and large metal rods, and at the time my room was also attacked violently and without any reason – they broke the window of my room. After that incident I cannot sleep normally and even when I do go to sleep I have nightmares and wake up ...

Disturbances also occurred in Mike and Foxtrot compounds. According to Incident Report MI0580:

1821hrs Code black⁵² called in Oscar compound. Injured transferee (TBC) removed from Oscar compound to X-ray compound for further treatment.

Mike and Foxtrot compound supervisor reported that Transferees are agitated and becoming violent towards G4S staff.

At 2100hrs 2x Incident Response Teams (IRT) deployed to Green Zone (GZ) area to stop transferees breaking into GZ from Foxtrot compound. Foxtrot Transferees managed to pull the colour bond fence down. IRT managed to stop transferees breaching to GZ area. Transferees threw number of items (rubbish, bins, rocks, chairs, tables) towards IRT.

IRT pushed violent transferees to centre of compound and established safe defence line. Transferees backed off and move towards Alpha 6 gate.

On all the evidence available to the Review, it is clear that on the evening of 16 February 2014:

- About 30 to 35 transferees broke out of Oscar compound but were caught and returned by G4S guards assisted by the police and other PNG nationals
- In total eight transferees were taken into police custody and transported to Lorengau Police station where they were charged with criminal offences and detained for several days⁵³
- There was a violent riot in Oscar compound which involved rocks and other objects being thrown both from and into the compound and property being damaged
- G4S guards and other PNG nationals entered Oscar compound to quell the disturbance and a number of transferees were injured in the violence that followed
- Violent clashes occurred in both Foxtrot and Mike compounds. Foxtrot transferees pulled down a fence but were forced back into the compound by the IRT

⁵² Code Black – Serious Injury/Death

⁵³ Six transferees were taken into police custody at 2000hrs and a further two transferees at 2151hrs

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- The Emergency Control Organisation⁵⁴, which is a central command point for the Centre during any disturbance, was stood up for the duration of this event, and
- Eventually, Mr Kneipp said: *So with the ... local people who were throwing rocks and being pushed back and that then calming things down the transferees then finished up, went to bed. I think at the end of the night the G4S guys were taking in crib meals which are small boxed meals because protesting ... pushed through dinner and they weren't fed so this was the opportunity for them to be fed and then they went to bed. The casualties were treated and ... the Emergency Control Organisation was stood down.*⁵⁵

The Review noted that the Department's Regional Processing Guidelines on Digital Audio Visual Records Procedures provide:

- Where possible, the garrison service provider must capture audio and visual records of all instances where (among other things) the use of force is planned and evidence may be required of the actions of service provider personnel, and
- A camcorder or recording device is to be allocated to the service provider personnel at the beginning of each shift.

However, there is no visual or audio record of the incident on 16 February 2014.

IHMS treated more than 25 casualties in the medical centre but details of some patients were not captured due to the lack of interpreters and the speedy treatment of their injuries.

Eighteen casualties required more lengthy medical treatment and five of them remained in the medical centre overnight.⁵⁶ Injuries included broken bones, lacerations, loss of consciousness, a lung contusion and pain in various parts of the body. IHMS treated five G4S officers for injuries including abrasions, lacerations and bruising.

I interviewed two IHMS staff members who were on duty at the Centre clinic during 16 – 18 February 2014 but had come back to Australia shortly after.

One medical officer told me that some of the:

... injuries suffered by transferees included the results of beatings to the face, across the back and the right side of the victims' arms. These injuries suggested that the

⁵⁴ The ECO was at that time made up by senior representatives from PNG ICSCA, the Department, The Salvation Army and IHMS and headed by G4S

⁵⁵ Interview transcript, page 18, lines 4 - 13

⁵⁶ See G4S Incident Report MI0580 containing information taken directly from an IHMS report prepared by the Health Services Manager

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victims had been running away when they were hit or crouching down trying to protect their face and head behind a raised arm.

One serious injury sustained that night was described as a 10 to 12 cm neck laceration suffered by [REDACTED] (who I will call Mr T2). I interviewed Mr T2 at the Manus Centre. He told me through an interpreter that he and another 14 transferees⁵⁷ ran out of Oscar compound through the gate when it was opened to allow the food car to bring in dinner.

He said their intention was to go to the church⁵⁸ and pray and ask Jesus Christ to help us⁵⁹ but he was caught by G4S guards and assaulted. Mr T2 described to me how each of his arms was held by a G4S officer and he was taken back into Oscar compound. He estimated this took place around 6 pm, as it was still daylight.

At that point, an unknown person placed his arm across Mr T2's left shoulder and slashed his throat from below his right ear and finishing almost level with his left ear. I observed the large and no doubt permanent scar across Mr T2's throat during the interview.

Mr T2 believes his attacker was a PNG national employed by G4S as he was able to observe the colour of his attacker's skin and identify the shirt sleeve on his left arm as a G4S uniform. He also believes other transferees in the compound witnessed the attack.

Mr T2 was naturally stunned and not sure what had happened but there was blood everywhere. In the transcript of his interview he describes what happened next, how he was taken to the adjacent IHMS clinic and the treatment he received.

The following extract is taken from the medical officer's record of interview:

When he arrived at the Centre the first casualty he observed was a man on the floor with his throat slashed from side to side.⁶⁰ He heard someone say the person's throat looked like it could have been slashed with the corner of a sheet of iron.

While his first impression was that the person might not have much chance of survival, closer inspection revealed that he was very lucky as the cut was not deep enough to be fatal.

I also interviewed the doctor who treated Mr T2 and this extract is taken from her record of interview:

This man was the first casualty received at the IHMS clinic on 16 February 2014.

⁵⁷ Official reports put the total figure at 30-35 transferees

⁵⁸ There is a non-denominational church within the Lombrum Naval Base used for various religious services

⁵⁹ Interview transcript, page 2, line 19

⁶⁰ Mr T2

This man's injury was dramatic looking but essentially a skin wound in the end. There were other more serious injuries that night including fractures, severe concussion and deep scalp lacerations.

The doctor said, when he was brought into the IHMS clinic, the man was sweating, terrified and fearful of death. The injury looked dramatic – a gaping wide 10 to 12 centimetre horizontal slit across his throat with blood everywhere. It was near the carotid artery and the trachea.

However, when the wound was cleaned it was apparent that it was only a skin injury. The skin layer had been cut clean open but everything else was untouched.

A drip was inserted, another IHMS doctor stitched the wound and the patient was treated with antibiotics.

The treating doctor cannot recall how long the man stayed in the clinic but they kept a close watch on him to guard against infection.

The wound has healed very well. Numbness in the man's neck would be caused by severing nerves in the skin which are so small they cannot be treated medically. Hopefully they will recover in time and the numbness will disappear.

SECTION 7. MONDAY – TUESDAY, 17 – 18 FEBRUARY 2014

G4S has prepared a Chronological Order of events that took place on 17 – 18 February 2014.

That document presents a comprehensive overview from G4S' perspective of those events as they unfolded over a 13 hour period commencing on Monday at 1347hrs when the Emergency Control Organisation was stood up. The Chronological Order is based on the ECO occurrence log. It is supplemented by records of interview, intelligence reports, incident reports, IHMS reports in relation to its treatment of injuries sustained during the incident on that night and information received from departmental, G4S, IHMS and Salvation Army officers.⁶¹

In order to gain a complete picture, it is also necessary to consider interview transcripts, feedback forms and other information received from the transferees.

⁶¹ More details are provided in Section 9

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Taken together, this material amounts to hundreds of pages of documentation recording a huge number of individual events which occurred over those two days. This Section summarises what the Review understands took place.

The first part of this analysis looks at official records and interviews with and information provided by departmental officers and service providers. The second part deals with interviews with and information provided by transferees.

On the morning of Monday 17 February 2014, the atmosphere in the Centre was quiet and calm but Mr Kneipp said:

So on the Monday we got up in the morning and started putting in place some planning because there was a strong suspicion that something would happen again; the violent protest would continue. ... G4S and The Salvation Army decided not to send any of their local national staff into any of the compounds ... and IHMS started preparing for contingency ... double checking all of their contingency planning.⁶²

These preparations included ensuring that the G4S incident response teams were ready for deployment when necessary; assessing available capacity in the medical centre which was largely occupied by casualties from the previous day's events; and ensuring that all organisations were briefed on intelligence reports.⁶³

In his 17 February 2014 intelligence update, G4S' intelligence collator noted the following:

- *SSO received information, direct from source, that suggests there will be violent disorder this evening starting in Mike compound, spreading to Foxtrot, before moving on to Oscar*
- *Information suggests that tonight's event will be more dangerous as the Iranians will have had the day to plan for tonight's activities*
- *The Iranians intend to arm themselves with metal bars and wood so they can fight G4S PNG nationals, and*
- *Transferees across all compounds are scared of the locals coming and attacking them – the fear is that there are not enough expats to defend them if it goes hot – TSA⁶⁴.*

⁶² Interview transcript, page 20, lines 3 – 13

⁶³ See Section 9.3 for further details of precautionary measures

⁶⁴ TSA refers to The Salvation Army

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The G4S chronology reports that tension started to build up in Mike compound around 1347hrs when Salvation Army personnel who arrived to conduct activities were received in a hostile manner.

Both G4S and The Salvation Army decided not to send their locally engaged staff into the Centre. The record of interview with The Salvation Army Contract Manager notes:

While the suggestion was that service providers should adopt a business as usual approach during the day, the Contract Manager was concerned for the safety of TSA staff. Some of them felt unsafe ... She also noted there was lot of animosity in the compounds.

After consultation with Psychare (the TSA's contracted adviser), she advised staff who did not feel comfortable working that day to stay on the Bibby and some of them did so. The 20 or so officers who did work staffed the canteens (supplying cigarettes etc) but TSA did not conduct any programs or activities that day.

Between 1524hrs and 1548hrs, G4S personnel held discussions with transferees in Foxtrot who requested that PNG national employees not take part.⁶⁵

At 1644hrs, chanting began in Oscar compound which was understood to mean *Death to PNG* but the other compounds were reported to be calm. The G4S chronology of events reports that transferees in Oscar compound were threatening to charge Delta compound for not participating in the previous day's protests.

Around 1700hrs, the log records:

Oscar threatening to charge Delta compound for failing to participate in protest action previous date. The accompanying scribe comment says: Oscar compound threatens to storm Delta compound.

Incident Report MI0580 records that a 1702hrs a number of transferees asked to be moved out of Oscar compound as they did not want to be involved in protest activity.

All non-essential service providers were removed from the compounds by 1712hrs⁶⁶ and then to the Bibby or, for locally engaged staff, their homes.

The log records *more transferees with runners* at 1734hrs. In intelligence terms, wearing runners is an indication transferees are preparing to cause trouble. However, transferees

⁶⁵ See Incident Report MI0580

⁶⁶ ~~There might be some question about~~ this exact timing. The Department's situation report number 9 suggests it may have been later, at 1747hrs

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told the Review they believed they were going to be attacked that night and they were preparing to run away.

At the same time (1734hrs), a large number of transferees who did not want to participate in the protests were transferred to Bravo compound.⁶⁷

At some point before it got dark, two police dogs were walked along the green zone between Mike and Foxtrot compounds with the Department's agreement as a show of force.⁶⁸

In his interview, I asked G4S' Chris Manning whether the transferees (particularly the Iranians) were taunting the PNG nationals with offensive language and treating them disdainfully.

He replied:

*The transferees were taunting 'F... PNG' and exposing genitals. I only heard this. There was a significant level of provocation but there was clearly a distrust between PNG guards and the transferees.*⁶⁹

The G4S weekly intelligence assessment for 17 to 23 February 2014 states:

The Mike compound protesters were attempting to verbally and physically assault personnel outside the RPC. Stone and rocks were being thrown at personnel outside the RPC and the protesters were attempting to insult Papua New Guinean nationals with shouts of 'F... you PNG', 'F... you baboon' and 'Fight, fight PNG'.

One service provider I interviewed observed that PNG is a conservative society. She said the local nationals would have been shocked and very offended by chants such as 'F... PNG' and threats to assault local women. The locals would have been greatly incensed by this disrespectful behaviour.

According to the Department's situation report number 9:

At 1805hrs G4S met with transferees in Oscar compound. The transferees stated that they wanted the 8 detained by police yesterday returned to the OPC tonight or they would undertake action at midnight. G4S told the transferees that they were liaising with PNG Police and it is likely the police process will be completed by tomorrow and the 8 transferees returned. They told the transferees that if they continued to demonstrate that they too would face criminal charges.

⁶⁷ See the Department's situation report number 9

⁶⁸ See records of interview with Chris Manning and Darren Boyd

⁶⁹ Interview transcript, page 3

G4S requested local staff gathered on Pugwash, the main road outside the Centre, to move out of the transferees' view at 1807hrs.

At 1839hrs it was reported that the lights (mostly external lights) went out in Mike but were restored within six minutes. At several stages during the night, the lights went out in different parts of the Centre, sometimes as a result of sabotage by transferees and sometimes for other reasons. For example, at 1941hrs the lighting stoppage was reported to have been caused by transferees in Foxtrot interfering with the distribution box in that compound. At another time, a power generator went out because a filter was clogged with impurities from low quality fuel but this stoppage was promptly fixed.⁷⁰

By 1900hrs, there were 46 mobile police officers outside the Centre with K9 units and four police dogs. Service providers were arranging for delivery of dinner to the compounds.

The G4S chronology noted that a message was thrown from Foxtrot into Mike compound in an empty water bottle at 2125hrs. The report speculated that it was the first trigger for probable protest action after meals, noting there was an *excessive amount of runners on transferees* and recommending not to release the day shift guards.

The lights went out at 2141hrs when the Pugwash generators stopped and G4S immediately noticed masked transferees in Mike compound armed with clubs and stones. At this time, it was recommended that the dog squad enter the green zone to deter the masked men from approaching the green zone. The dogs were walked in, prompting a hail of missiles and rocks, causing the dog team to withdraw almost immediately.

Transferees pushed their way through the fence line into the green zone between Mike and Foxtrot compounds. Some G4S staff were trapped at the end of the green zone where they were being attacked with rocks and clubs.

A G4S incident response team entered the green zone from Pugwash and pushed through the transferees to reach the stranded officers at the other end. They formed a circle around them and, protected by their shields and helmets, forced their way back to the safety of the main road.

As fences were breached, the IRTs endeavoured to plug the gap but could not hold the line indefinitely when they were being pelted with stones and their shields were being hit with sticks or metal poles. According to G4S' chronology, by 2200hrs it had become impossible to plug the gaps due to multiple breaches.

Chris Manning stressed in his interview that the IRTs only have personal protective gear (helmets, clothing and shields).

⁷⁰ See Chris Manning's record of interview, page 4

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The G4S chronology reports that at 2151hrs transferees in the Delta compound were seen to be *arming themselves with improvised weapons, stating their reason is for protection as they fear PNG nationals will enter the compound*. As they were not attacked, Delta compound took no part in the protests or violence.

Around 2200hrs, the lights were out in Mike and Foxtrot and transferees had broken through the fence and armed transferees from Foxtrot entered Mike compound. In Oscar compound, transferees were ripping up mattresses in anticipation, according to one opinion expressed to this Review, of setting them on fire.

By 2218hrs, the transferees had broken the IRT barrier and had control of Mike compound. The IRT withdrew to Golf (that is, gate) 7. At 2237hrs, the IRT was extracted from Mike compound and regrouped at Pugwash.

G4S recalled all expat SSO (security) personnel from the Bibby to duty at the Centre.

The lights in Mike came back on at 2220hrs. Over the next half an hour or so the Chronological Order records:

- Lots of missiles were thrown from Mike compound at G4S' IRTs
- Foxtrot transferees were observed breaking into Mike huts looking for more improvised weapons and removing fence poles from the ground
- Transferees in the accommodation and canteen area in Mike compound were *looting and breaking everything*
- A guard hut was *torn down and destroyed by rioting transferees*
- IHMS staff prepared to relocate to the Bibby wharf and establish an emergency triage centre there, and
- Chants of *freedom* had recommenced in Oscar compound.

Around this time, a decision was taken to split the Emergency Control Organisation into two groups. G4S and the Assistant Operational Manager, Wilson Kuve, were to remain in the Centre while the rest of the ECO shifted to the Bibby.

Katrina Neuss explained:

We got evacuated from the actual command suite probably around 10.30 into a mobile command suite, which is in a minibus just outside the main gate where you sign in. We sat there 45 minutes to an hour and I had a radio with me so I could hear

*what was going on. The situation got worse. We then were moved down to IHMS outside on Pugwash. ... we sat there for maybe ten minutes.*⁷¹

At 2248hrs, the G4S incident response team withdrew to Golf 1, leaving the PNG mobile squad outside Mike compound. The record of interview with G4S officer AB notes:

On withdrawal of G4S personnel from Mike compound, AB spoke to the police collected near the gate into the green zone and told them the IRT and G4S personnel were withdrawing. He said words to the effect: 'If the transferees come out onto the road, you will have to deal with the situation'.⁷²

G4S' Andrew Dewsnap⁷³, who took part in the Darren Boyd interview, said (although he was obviously not part of the conversation):

When AB saw the mobile police getting armed, he told them G4S did not want them to use arms. The response was to the effect: 'Okay and we understand that we are not going into the (Mike) compound'.⁷⁴

Chris Manning has a similar understanding. He said:

No consent was given to the mobile squad to go into the Centre. I understand the police went over the fence as the gates were locked. Through the G4S police liaison officer, we requested 'Please put your weapons away' – weapons had been witnessed. That's how the message was relayed – 'Do not go into the compound'. The planning has taken place with the police command that day.⁷⁵

However, G4S Incident Report MI0580 notes that:

At approximately 2248hrs, OB advised that the responsibility for restoring law and order in Mike compound now belonged to the Mobile Squad.

In this report, OB is code for the leader of the IRT at Mike compound who is referred to in this Report as AB. MI0580 may be an inaccurate record because it suggests G4S officer AB considered that the mobile squad was now responsible for restoring law and order *inside* Mike compound, which is the opposite of the information he and senior G4S managers gave to the Review in their interviews.

At this time, IHMS was relocating to the Bibby and casualties started arriving around 2300 to 2330hrs.

⁷¹ Interview transcript, page 7, lines 21 - 32

⁷² Record of interview, page 1. AB said that, in his opinion, the comment he made as he was leaving Mike could not be construed in any way as a formal handover of authority for the incident. AB also said he was concerned about any involvement of the mobile squad and the tactics they would employ

⁷³ General Counsel and Company Secretary

⁷⁴ See record of interview with Darren Boyd, page 4

⁷⁵ Record of interview, page 3

The Chronological Order notes that shots were fired in the vicinity of Mike compound at 2322hrs.

Ms Neuss continued:

I noticed that IHMS were being evacuated. They got all their staff and all my interpreters out, and then we heard the gunshots. As soon as the gunshots happened we were taken straight down to the Bibby. ... Initially it was bang-bang, and then it became more frequent and, yeah, we didn't hang around. We moved straightaway. But as soon as I got to the Bibby everyone knew there was gunshots because you could hear them from the Bibby.⁷⁶

There is no record of when the police entered Mike compound but the chronology records that police were identified in Mike at 2327hrs and the G4S submission to this Review notes there was *violence in the Mike compound* at this time (which is confirmed by the chronology).

The chronology notes that a G4S IRT was confronted by transferees at the Mike gate from Foxtrot at 2329hrs. At 2330hrs, the IRT leader advised that she had lost control of her national IRT members who had dispersed into the immediate area (that is Mike compound).

Also at 2330hrs, 150 transferees from Oscar compound were in the middle of Route Charlie (between Oscar and Delta compounds) but G4S formed a makeshift barrier to stop them gaining access to the Administration area and through to Foxtrot.

The G4S Chronological Order notes that logs ceased at 2337hrs due to multiple evacuation requirements at Golf 1 from Foxtrot, minimal staff present and medical response coordination from Golf 1.

The log resumes at 0035hrs noting that 200 plus transferees have been evacuated to the oval. At 0058hrs the record indicates G4S staff have re-entered Mike compound and are assisting injured transferees.

Elsewhere in the Centre, the Transferees were trying to push through to Foxtrot compound and the situation was escalating by the minute at 0056hrs.

The remainder of the Chronological Order records the wind down of the incidents until it concludes at 0240hrs on Tuesday, 18 February 2014 although it took some further time to wind up the protests and restore some form of order across the Centre.

However, G4S Incident Report MI0580 records how G4S personnel re-entered Mike at approximately 2330hrs, after the police had subdued the riot in that compound and withdrawn, and commenced evacuation of casualties.

⁷⁶ Interview transcript, page 7, lines 32 - 43

That report suggests the police withdrew at approximately 2330hrs but that may not be a strictly accurate estimation.

Incident Report MI0580 says:

In Mike compound all Transferees appeared to be frightened and distracted. Under direction of G4S personnel all Transferees moved into the Mike compound dining hall without issue. Given the number of casualties 2 x medical staff from IHMS deployed into Mike compound for further triage of casualties. ... G4S Acting Centre Manager Perera assessed the damage in Mike compound and recommends accommodating all Transferees in recreational areas within Mike compound. ... Mike compound Transferee accommodation areas, buildings MA1 to MA8, declared as being unfit for habitation due to the level of damage to buildings. ... All Transferees in Mike compound issued with stretcher beds. Mike compound Transferees accommodated in 3 x TV rooms, internet telephone rooms, recreational area and open recreational area. No transferees accommodated in dining room.

The information provided by G4S officers also details how they protected many non-participating transferees from Mike, Oscar and Foxtrot compounds from direct injuries and also assisted them to withdraw from the violence to safety. In many cases, those transferees were held first in Bravo and Charlie compounds and then taken to the Naval Base soccer oval immediately adjacent to the eastern border of the Centre.

Mr Dewsnap gave me two specific examples based on discussions he has had with staff.

An IRT pushed into Foxtrot compound from the southern end to assist in the evacuation of transferees who wanted to get away from the disturbance to a safe place.

The IRT advanced in three stages. First to the mess where it held while transferees got out behind the IRT's protective barrier; when directed, the IRT advanced to P Block where it held again; and finally on direction it advanced to and held at Foxtrot 1, being where the fence had been on the border of the green zone. As shots were fired, the team hit the ground to take cover.

The IRT was not instructed to go beyond the green zone fence line. However, some members of the IRT did so without any order and contrary to the instruction to hold at that point. This appears to have happened after they heard gunshots and after police and PNG nationals were already sighted within Mike compound.

After the police entered Mike, a number of G4S guards shepherded transferees in the open volley ball area immediately in front of the accommodation blocks and formed a ring of protection around them. They acted bravely and in a spontaneous manner. They did this at great personal risk to themselves and in an effort to protect the

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transferees in Mike. Then the G4S guards made two protective lines so the transferees could safely move between them (about 20 transferees at a time) to the mess hall, which offered better protection. The guards involved in this action comprised about 15-20 expats and five PNG nationals.

Ultimately there were 304 transferees who had been evacuated from Mike compound into the mess hall for their protection (a head count was taken). The Acting GM took control at that point helping to coordinate emergency triage, getting the transferees out through the back door and onto the main road and taking the injured to the emergency medical facility set up on the pier next to the Bibby.⁷⁷

No audio or visual record was made of the events on 17 – 18 February 2014. G4S provided this explanation why:

- First, an officer trying to record the disruption would have been attacked, and
- Second, an IRT member could not hold and use a camcorder while holding a protective shield, which was a higher priority.

Now I turn to a consideration of material provided to the Review by transferees.

Before doing so, it is worth noting these preliminary points:

- A total of 1,340 transferees were accommodated at the Centre on 15 February 2014
- G4S has estimated that over 100 transferees from each of Foxtrot, Mike and Oscar compounds took part in the protests which occurred on 17 – 18 February 2014, some of whom may have been coerced and intimidated into protesting by threats from other transferees
- As a result, approximately 70 to 75% of the transferees did not participate in those disturbances
- The belligerent attitude of some of the transferees was at least in part a reaction to the injuries inflicted on transferees by PNG nationals in Oscar compound the night before, that is, 16 February 2014
- G4S IRT officers were subjected to serious and violent attacks but they had the benefit of their protective gear which reduced the injuries they sustained, and

⁷⁷ Record of interview with Darren Boyd, pages 4 - 5

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- All of the serious injuries treated by IHMS between 16 – 18 February 2014 were sustained by transferees and they were generally consistent with having received a beating, often a severe beating and, in the case of Reza Barati, a fatal beating.

I also note that the transferees often refer to *G4S nationals* but that expression could include not just guards but other subcontracted PNG national staff engaged as caterers, cleaners or gardeners. The transferees also refer simply to *locals* and *nationals* which would cover all PNG citizens employed at the Centre (including nationals engaged by The Salvation Army) and Manusians living nearby. In some cases, particularly in regard to G4S national guards, the transferees are quite precise, as they know or recognise them from their presence in Centre compounds. In other cases, they are not clear and that is understandable. As a result, it can be difficult to determine exactly who is intended when the transferees use these broad terms.

During the course of this investigation, I was struck by the way the same situation or facts could be interpreted quite differently by the different parties. For example:

- As previously noted, when the transferees put on their runners, the intelligence assessment was that they were preparing to cause trouble but they said to me they were preparing to protect themselves if they were attacked and had to run away
- When G4S took stones and rocks away from the compounds to remove potential ammunition, the transferees saw it as a move to make them defenceless if and when they were attacked, and
- The intelligence assessment was that the transferees were assembling some makeshift weapons to cause trouble while they saw those weapons as some protection if and when they were attacked.

The transferee who I call Mr T1 attended one of the two hour meetings conducted by the Review. He explained why the transferees in Mike compound were trying to break through to Foxtrot during the disturbance that night:

... the guys realised the locals will attack them, they tried - the guys from Foxtrot and the guys from Mike compound - they tried to break the fence between, because, you know, there is a fence between Foxtrot and Mike compound, they tried to break the fence and get to the Mike compound to be together to protect themselves better in front of the locals' attack - to be more numbers.

When the PNG mobile squad went into Mike compound, an unknown number of PNG nationals came with them along with a few expat G4S guards, according to the reports received from the transferees.

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I have already explained the extent of my consultation with transferees. Across all of those consultations, their accounts have been consistent. In substance they say:

- They were beaten by PNG police, nationals and a few expats (but the only expat clearly identified by the transferees is a [REDACTED] G4S guard [REDACTED]) whether or not they had been involved in the disturbance
- Some of them say they were hiding in their bedrooms, even under the bed, when the intruders came in, dragged them out and beat them
- Some transferees attacked in their rooms were able to buy immunity from a beating with cigarettes – the Centre’s currency – if they were fortunate enough to have any on hand
- When the intruders left their bedrooms, they took any readily available personal items belonging to the occupants with them
- Some of the transferees have made official complaints about these attacks but nothing has been done
- Many of them now live in fear of further attacks and this fear affects their ability to sleep, and
- In some cases, the disturbance and gunshots in particular has revived previous trauma and contributed to post-traumatic stress disorder. In this regard, I note that IHMS put on an additional nine medical health practitioners to deal with the increase in patients suffering PTSD after 16 – 18 February 2014.

I have set out below a few examples of the information given to the Review but a perusal of the records of my four question and answer sessions with compound community leaders, the transcripts of my interviews with particular transferees, the 270 plus feedback forms, the IHMS records of the nature of the injuries treated by the medical staff and the eye witness account of the attack on Reza Barati all support the transferees’ accounts.

[REDACTED]; Mike compound) gave the Review a feedback form which included this information:

However, on that night, G4S forces and people with black guard uniforms, along with Manus locals poured into my room. Although I told them many times I was sick and suffered from serious physical problems, they did not care and insulted me all the time. They further beat me very hard, after which I had my head broken, had a blood clot in my left eye, had a bruise under my eyes, had my right arm torn, and damaged

and had my left shoulder severely damaged. ... They also stole my MP4 player and sunglasses and some of my other stuff.

[REDACTED]; Mike compound) said:

The local securities of G4S company smashed the windows of my room by big stones and several times by punches, staff and water pipe smacked to my face and head. ... the local officers also robbed my properties from my locker (speaker, iPod, MP3 player, two flash memory, three RAM etc).

[REDACTED]; Mike compound) said:

I told them that I am not involved by the riot, they didn't hear to me and about 8 guard start to beat me as I am a murder and they broke 3 chairs on me and at my back and they hit me by the back of the pipes which they hold ... they swear me and start to annoy me by bad words like 'Son of bitch you want freedom. Take the freedom mother f..ker'. Also the police was with them, the Australian guards was watching that and they didn't at least try to let them leave me...

[REDACTED]; Mike compound) said:

I was beaten on the night of February 17 and many of my belongings were stolen. Therefore, I wrote complaints several times, and a reply was issued saying that the PNG Police would process your complaint. I was hurt by the Police and G4S on the night of the incident, and all of my belongings were stolen. Who is responsible for these incidents? No one would answer for the beatings, physical injuries and traumas I have suffered.

[REDACTED]; Foxtrot compound) said:

... I was sitting on my bed in my room, when the G4S and the Police PNG attacked the camp and entered the hallway, and then suddenly opened the door of the room and the police fired a shot which went above my head, and then managed to pull me out of the room and started beating and punching me and started hitting me with the back of the gun on my hand which was in the framework of the door ...

A transferee at the Delta compound two hour question and answer session said (but note this remark is hearsay):

In Mike if they give them 10 pack of cigarettes they didn't beat them. Because there the cigarette is like a chequebook. One cigarette it means ... it is just like that. If you give them cigarette they won't say nothing to you. This is the only thing we have at the moment to make ourselves count and then 1 pack, 2 pack, 3 pack. Those people who give more than 5 or 6 packs they didn't beat them in Mike.

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Another signed but unidentifiable statement received from a transferee in Mike compound said:

...police, locals, G4S went to the rooms and broke the windows to scare them and asked for cigarettes to save their lives ... and they stole lots of our stuff, my stolen ones: Beats headset, G-Shock watch, iPod ... my shoes ...

Mr T1 from Mike compound told the Review:

But the locals were guarding from the back fence. They (locals) got to their (transferees') rooms and they break some of the locks and they break the windows of the rooms and they asked for cigarettes to save their lives or they steal lots of our stuff. I myself lost my headset, lost my MP3 player, lost my iPod, lost my watch and my shoes.

Many other similar accounts can be found in the feedback forms the transferees gave to the Review.

An IHMS Manus Island Update, 0330, 18 February 2014 prepared for departmental officers in National Office in Canberra reported that:

Our medical team set up a secondary mass casualty site opposite the Bibby Progress and reviewed and triaged casualties there. Current figures indicate that we have seen 77 patients. Of these, 40 have been discharged back to their accommodation. Of the remaining 37, 22 have minor injuries, 13 have serious injuries, one has critical injuries and one died at approximately 0400 Sydney local time. ... The serious injuries include open and closed head injuries with fitting and loss of consciousness; and a gunshot wound to the buttocks. Of these, it appears that nine will require CT scanning and probable further neurosurgical review. The critical injury is a probable basal skull fracture with loss of consciousness.

The record of interview with The Salvation Army Contract Manager notes:

The atmosphere in the Centre on that Tuesday was very subdued, almost eerie. TSA did not go into the compounds that day but she commented that the gunshots had 'scared the living daylights out of the transferees'.

I met with two employees of Survivors of Torture and Trauma Assistance and Rehabilitation Services who had spoken to their clients at the Centre on 18 February 2014. In Mike compound, they:

... observed a scene that resembled a war zone where all of the men were in a state of shock and sat looking dazed and disoriented outside of their rooms. .. STTARS clients and others approached both of them to seek support for both physical injuries (broken noses, severe bruising, lacerations, dislocated knees and hands, head

injuries) and emotional distress. ... The men expressed fear for their safety, anger towards G4S and PNG locals/G4S and police and towards the Australian Government and the need for support and to contact their families as soon as possible.

Finally, after my two hour session with community leaders from Mike compound on 16 March 2014, they invited me to visit their compound so they could show me bullet holes or marks both outside and inside the buildings. I did so at 4.30 pm that afternoon.

Mr T1 was my principal guide and this is what I saw.

First I was shown bullet holes in the walls of buildings from the open areas of Mike compound. Near the main gate to the compound on Pugwash there were:

- Bullet holes in the wall of the building immediately on the right as you enter the compound
- A bullet hole in fascia of the roof of the open recreation area, and
- Bullet holes in the wall of the building immediately on the left as you enter the compound.

The bullet holes in the walls of the buildings were at about chest level for a man of medium height.

At the rear north west corner of the compound, that is, at the back of the accommodation blocks called MA 1 and MA 2, there were more bullet holes in the building structure, one of which had drilled into a steel beam supporting the staircase. One bullet hole was at chest height and another would have been about two thirds of a metre above the ground.

After that external inspection, I was taken to the upper level (MA 2) and shown more bullet holes. In one bedroom, the holes indicated a bullet had entered the building just to the left of the bottom of the window sill (above the bottom and below the upper bunk), continued across the room on an upwards trajectory and exited through the wall above the upper bunk on the other (northern) side of the room. Then I was taken into the bedroom next door and observed where the bullet had buried into the ceiling of that room.

One of the occupants in the first of those two rooms told me he had been beside the window – directly in the path of the bullet – looking down on what was happening outside during the disturbance. He was still shaken by the possibility that, if he had stayed there longer, he may have been hit.

There are metal grate passage ways between the bedrooms in MA 1 and MA 2 and the doors open outwards from the bedrooms. On the lower level (MA 1), I was shown a number

of marks on the walls which were said to be marks made by bullets fired along the passageway from the rear of the compound.

I was taken to one room in particular on the ground floor. I was told the door of the room had been open and projecting into the passageway at a right angle at some point after the police entered the compound. My guide pointed out five indentations on the inside of the door – three in a rough line along the top of the door and two lower down at about knee level – which were said and appeared to be marks made by a shotgun pellets.

SECTION 8. THE DEATH OF REZA BARATI AND OTHER MAJOR INJURIES

Over the period 16 – 18 February 2014, IHMS treated at least 69 people. Other people no doubt received minor injuries but did not seek medical attention. Some transferees reported that were hurt but decided against going to the IHMS clinic due to various personal concerns.

Other persons came forward for treatment, particularly for post-traumatic stress disorder, in the days following the incidents under investigation. The IHMS senior personnel interviewed at the Manus Centre told me they had put on nine additional mental health practitioners immediately after 18 February 2014 to cope with the patients suffering from PTSD.

Eight patients were taken to Port Moresby and one to Australia for more specialised medical treatment.

In addition, many of the transferees who provided feedback forms to the Review said that they have trouble sleeping, suffer nightmares and are scared for their safety, fearing another attack. In some cases, this anxiety was at such a level that they reported they no longer slept at night, only during daylight.

The majority of persons injured and all of the people sustaining serious injuries were transferees. Of those, the four most significant cases were:

- Reza Barati (Boat number FRT067) who died as a result of his injuries
- [REDACTED] who lost his right eye
- [REDACTED] who was shot in the buttocks, and

- Mr T2 who was slashed across the throat.

Details of Mr T2's injury have already been set out in Section 6 of this Report. The circumstances surrounding the other injuries are set out below.

8.1 Reza Barati

Mr Barati was a young Iranian man residing in Mike compound. He was about two metres tall and one of the more prominent transferees in that community. His friends in Mike told me he was a very gentle person.

During the disturbance on the night of 17 February 2014, Mr Barati was attacked by a number of people and the attack was witnessed by [REDACTED] who I will call Mr T3. Mr T3 said he and Mr Barati were friends who had come together from Indonesia on the same boat.

Mr T3 had not spoken to the PNG police about the attack when I interviewed him because he said:

*I don't feel safe. I feel they want to kill me.*⁷⁸

Mr T3 had previously advised that he would only provide a statement to the police if his Australian lawyer (who is not admitted to practise in PNG) accompanied him but the Department declined to pay for him to come to Manus for that purpose.⁷⁹

Nonetheless, Mr T3 spoke openly to me in a recorded interview. This is what he told me.

He lives in accommodation block MA 6. His room is on the upper level and he could look along the passage way between the rooms towards the central area of the compound. There is a metal staircase with a first floor landing external to the buildings. As these events unfolded, Mr T3 was watching through the open door of his room.

At the time, other witnesses were in the room with him. Mr T3 identified three of them as [REDACTED] in a handwritten note he gave to me during the course of the interview.

⁷⁸ Interview transcript, page 19, line 16

⁷⁹ Subsequently, the Department funded an Australian lawyer practising in Port Moresby to come to Manus and attend police interviews relating to the death of Mr Barati with Mr T3 and 10 other transferees in the week commencing 14 April 2014. Once the transferees saw there was nothing to be concerned about in attending police interviews, another 18 transferees came forward without requiring a lawyer to be present.

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The witness [REDACTED] is believed to be [REDACTED] who stated in the feedback form he gave to this Review:

I saw the scene of killing my friend out of the window of my room. I saw how he was killed brutally. From that night on, I'm not in good mental conditions. I can't sleep, I'm always distressed, see nightmares, always scared.

In his feedback form, [REDACTED] said:

... because I saw the killing of my roommate I am mentally tortured.

The Review also received a feedback form from [REDACTED] in which he said:

I saw in front of me Reza Barati was murdered they 'MOBO Squad' and G4S hit them on head with stones and sticks and we could not save our friend.

Mr T3 says that, when the riot happened, Mr Barati was in the internet room at first and then, after gunshots were fired in Mike compound, he observed Reza Barati coming up the stairs towards his room. Mr Barati was being followed by a PNG national known to him as [REDACTED] who worked with The Salvation Army.

[REDACTED] has been identified as [REDACTED] and The Salvation Army has confirmed it employed him. When I visited the Centre, there was a notice [REDACTED] displayed at the stop for the minibus to the Bibby outside the main gate. The notice said in effect that under no circumstances was this man to be allowed to enter the Centre

Mr T3 continued:

Yes, he's the one who – when he (that is, Mr Barati) was trying to come upstairs, he hit him twice with a very long stick, and at the door of the room, when he was trying to come upstairs he further fell down. When he fall down, more than 10 officer passed him and all of them, they kicked him in his head. I know these officers by their face. If you have the face of those officers who work that night, I can recognise all of them, it was including PNG locals, PNG guards and Australian expats. I know all of them. Then, at the end, when he was down, all of those officers, they had the riot gear ... and the locals from the outside, because whoever attacked us, attacked us from the back wall, from the back wall of the Mike. They break the fences, they jumped the fence and they come and attacked us, and guards from the front. When he fall, all of the guards who were passing, they kick him in his head, and the last

one, one of the PNG locals [REDACTED], the man [REDACTED], he put a very big stone at his head.⁸⁰

It is not clear how Mr Barati was shifted from the top of the stairs and back into the central open area in Mike compound.

However, Dinesh Perera, a G4S Operations Manager became involved at that point. He explains what he did in this extract from his record of interview:

Mr Perera and another G4S officer were at the main gate of Foxtrot compound when they heard shots fired at 11.26 pm. They returned to Mike compound along the main road and saw the fence to the left of the main gate had been broken. There were a number of injured transferees outside the compound. They assessed a couple who appeared to have been badly injured and sent them to IHMS.

Then they opened the gate and went into Mike. Transferees were sitting on the ground around the dining area and outside the residential buildings.

Reza Barati was lying in the ground on a blanket near the dining room. Mr Perera, who has a first aid qualification, checked his pulse, slapped his face and called his name but he was not responding. They placed Mr Barati on an IRT protective shield and sent him straight to IHMS in a utility vehicle found outside the compound.⁸¹

When Mr Barati arrived at the emergency triage centre on the wharf beside the Bibby, he was observed and treated by the same IHMS medical staff who treated Mr T2 the night before.

The medical officer's record of interview contains this information about Mr Barati:

He spent time on and off assisting with Mr Barati's treatment at the triage centre. When he was brought in, Mr Barati was alive but the medical staff knew from his injuries that he was not going to survive.

Mr Barati's head was shattered by a crack on the left side of his skull. ... He also had facial abrasions and knocks indicating he has received a more general beating (not just the blow to the skull).

The treating doctor's record of interview adds the following observations:

When Mr Barati was brought to the emergency triage centre on the pier, she observed he was breathing, his heart was beating and his blood pressure was fine.

⁸⁰ Interview transcript, page 3, lines 6 - 18

⁸¹ Record of interview, pages 2 - 3

However, he had fixed, dilated pupils which did not react to light which was medically a very bad sign suggesting a high level of pressure on the brain and a catastrophic cranial injury. His skull had an open fracture ...

The patient was bleeding externally from the back of the skull onto the ground and the medical staff stopped that bleeding.

A nurse stayed with the patient to ensure his airways stayed open so he could breathe because pressure on the brain could effectively stop him breathing. The doctor first inserted a tube through the patient's mouth in an attempt to intubate him. When doing so, there was internal bleeding from the back of the nose and throat which entirely obscured the view so she had to perform the procedure blind. When this was unsuccessful the doctor made the decision to make an incision in the patient's throat through which to insert a tube to secure his airway. This was done successfully and Mr Barati remained stable throughout the procedure.

Mr Barati was taken to hospital in an ambulance accompanied by another IHMS doctor and a nurse. In the ambulance, his heart rate dropped from 80 to 60 to 40 beats per minute leading to his death from a cardiac arrest which the treating doctor said is a classic secondary response to raised intracranial pressure secondary to severe brain injury.

In the treating doctor's opinion, Mr Barati would not have survived this injury even if it had occurred in, say, Sydney and he received the best available medical care in that city.

8.2 *The transferee who lost his right eye*

I was not able to interview the man who lost his eye in PNG as he had been taken away from the Manus Centre for expert medical treatment elsewhere.

The only information available to the Review relates to the extent of the injury he sustained on the night of 17 – 18 February 2014.

When this man arrived at IHMS' emergency triage centre, he was assisted by the same medical practitioners who looked after Mr Barati.

The medical officer's record of interview notes:

The man who lost his right eye was brought to the triage centre for medical attention. He said that, just observing him, it appeared the victim had been beaten with a stick or iron bar. His face was incredibly swollen, red and bloodied.

The treating doctor's record of interview adds the following observations:

On arrival, she observed that the right side of the patient's face was very swollen to the extent that his skin was as tight as a drum and he was bruised black and blue. His right eye was enclosed by the swelling. The patient was in huge pain and very distressed. On examination, the doctor was more concerned about the man's eye than severe brain damage.

The doctor was concerned that his level of pain could mean he had suffered a retro orbital haematoma which can squash the optic nerve and cause loss of sight in that eye. If so, she would have to make a slit in the canthus lateral to the eye to relieve the pressure.

When the doctor prised the eye open, blood and pigmented matter flowed out suggesting that the patient had a globe rupture... This meant that making the lateral slit was no longer a clinical priority.

They treated the patient for pain and he was sent to hospital in Lorengau. The treating doctor went with him.

The doctor said it was clear that his injuries had been caused by a severe beating with a blunt object.

8.3 The transferee who was shot in the buttocks

When the Police mobile squad entered Mike compound and started shooting, [REDACTED] was shot in the buttocks. [REDACTED] was still receiving treatment in Port Moresby when I visited the Manus Centre so I did not interview him.

However, from the information available, it appears that no one observed how this injury happened although some transferees reported their role in assisting him when they realised he had been injured.

The IHMS medical officer told me:

When the man who had been shot was carried into the triage centre, the people assisting him were calling out 'Gunshot! Gunshot!'

The IHMS staff quickly established the wound was not life threatening, did some basic treatment and dispatched him to hospital.

The treating doctor made the following observations about [REDACTED]:

The G4S guards bringing this man to the triage centre on the pier were calling out 'Bullet wound!' as they came in. He was in some pain but it was not excessive. The patient didn't know exactly what had happened to him but examination showed he had a visible 2 centimetre hole in his upper right buttock. Monitoring over time suggested that he was not haemorrhaging internally. The medical staff inserted a drip, gave him intravenous fluids and laid him down covered by a blanket. First a nurse watched over him and then a Salvation Army worker once the patient was clearly clinically stable.

Later, the doctor went with this patient and the man who lost his eye to the Lorengau hospital in a four wheel drive vehicle that had seats for up to five or so people along each side of the rear cabin. The patient was very stable and did not complain of pain during the journey which lasted approximately one hour.

An x-ray taken at Lorengau confirmed the presence of metal fragments in the man's pelvis. Clinically, no major organs or blood vessels appeared to be damaged at that time, so he was very lucky.

Later, the patient was transferred for further medical treatment in Port Moresby.

After several procedures in Port Moresby, it was decided to leave the bullet in [REDACTED] pelvis as it was not causing any discomfort, it did not pose a long term health problem and there were medical difficulties involved in trying to remove it.

There was some question as to whether [REDACTED] had been hit directly (either accidentally or on purpose) or may have been hit by a ricochet. The Review obtained a copy of [REDACTED] x-rays and submitted them to forensic experts at the Australian Federal Police for examination even though the AFP indicated most successful examinations of this kind are carried out when the bullet has been removed from the body.

The AFP provided the Review with the following advice from a Forensic Firearms and Tool Mark Examiner by email on 3 April 2014:

The images in the x-rays are distant and very granular when blown up.

Due to the quality of the images and the angles from which they are taken, I am unable to form any opinion if this projectile has ricocheted off a surface prior to striking the body.

8.4 Other assaults

As noted earlier in this Report, the Review received 270 feedback forms which the Department had translated from their various languages into English.

The Review compiled a list of all the feedback forms received from transferees and highlighted on that list:

- All feedback forms which contain allegations by transferees that they were the subject of a criminal offence or offences, and
- All feedback forms which contain statements by transferees that they witnessed criminal offences against other transferees.

In particular, the list includes a number of allegations of assault made against an expat G4S guard [REDACTED].

A folder comprising all of those highlighted feedback forms and other related material was handed to the Royal Papua New Guinea Constabulary in Port Moresby on 7 May 2014.⁸²

9. SUBMISSION FROM G4S

G4S provided a lengthy submission to the Review on 16 April 2014 which sets out a comprehensive list of what G4S considers to be *the root causes of the incident and outcomes on 17 February*.⁸³ They are:

- *The policy change which eliminated the opportunity for transferees to be resettled in Australia, and the manner of communicating the implications of this policy to transferees at the meeting of 16 February 2014*
- *Limitations on the information available to transferees concerning their status*
- *Delays in processing refugee status determinations of transferees*

⁸² See Recommendation 1

⁸³ See Submission, pages 7 and 8 and further details at pages 25 – 37

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- *The physical environment at the Centre which saw a large number of single adult males with limited amenities as further transferees arrived*
- *Inadequate security infrastructure to deal with a situation in which transferees used force; fencing that was not fit for purpose, vulnerabilities in the arrangements for strategic logistic assets such as water, power and sewerage, inadequate access control infrastructure, the absence of CCTV and unreliable lighting*
- *Absence of legal powers for G4S to exercise search powers to ensure that transferees could not stockpile makeshift weapons and projectiles or to use force, unlike the position in onshore Australian immigration detention facilities*
- *G4S had no authority over the police mobile squad. Whilst G4S had expressed concern about the potential for the use of firearms by the police mobile squad, the actions taken by the police to breach the perimeter fence and enter Mike Compound on the night of 17 February were unexpected and unforeseeable, and G4S had no means or authority to prevent the police instigating such actions, and*
- *The contractual requirement of G4S to employ at least 50% local Manus staff, preferably through local business entities, in an environment where mitigating the infrastructure limitations required experienced staff. If it is established that some sub-contracted security staff broke ranks and entered Mike Compound with the police, this was entirely unexpected and unforeseeable from G4S's perspective and was contrary to their training, instructions and the scope of their duties. G4S notes that police investigations into this aspect remain underway and it has, and will, continue to fully co-operate with all aspects of the police investigation.*

The G4S assessment is generally consistent with the findings made and conclusions reached by this Review.⁸⁴

The G4S submission included 18 appendices which provide a significant amount of additional information in support of its position. The submission and appendices deal with several matters of direct interest to this Review:

- Risk assessments

⁸⁴ However, see comments relevant to the penultimate dot point in Section 11.3 and the last dot point in section 11.10

- Notifications to the Department
- Precautionary measures taken prior to the incidents
- The incidents of 16 – 18 February 2014
- The role of the RPNGC mobile squad, and
- The outcome of the incident on 17 – 18 February 2014.

These matters are considered below.

9.1 Risk assessments

In March 2013, G4S' Chris Manning made a presentation entitled *Lessons Learnt CI⁸⁵ and Villawood* to the Department and a Joint Agency Task Force⁸⁶. The power point slides for that presentation are Appendix 8 to the G4S submission.

The presentation noted that, in its 31 May 2011 submission, the Australian Human Rights Commission had stated that delays in processing refugee claims and lack of information about progress caused detainees to become angry and distressed, *causing the detention centre to become tense and volatile, a situation where relatively minor incidents can quickly escalate.*

Against this background, G4S recommended that:

Chain-link gates and fencing not be used within IDCs⁸⁷, particularly medium or high security IDCs, but more substantial weldmesh or solid materials be used so as to provide additional protection against damage and breach.

This message about the limitations on the physical security at the Manus Regional Processing Centre was repeated several times.

When it was proposed to remove families from the Centre in mid-2013, G4S prepared a formal *Security Risk Assessment for Single Adult Males Only* dated 23 May 2013 (Appendix 10). At that time, it was contemplated that the Centre would accommodate about 400 male transferees.

⁸⁵ Christmas Island

⁸⁶ Note that this is not the Operation Sovereign Borders Joint Agency Task Force

⁸⁷ Immigration Detention Centres

Obviously there is a higher risk in managing a facility for around 400 able bodied single adult males than a facility for 400 men, women and children.

One of the highest risks was assessed to be *Riot/affray* and the key recommended controls included:

- *Liaise with local Police and ensure Police enforce the law*
- *Improve security fence around the perimeter (create reinforced 12 foot fencing with angled tops to make a breach of the Admin Area much harder)*
- *Improve security lighting around the Centre.*

The risk situation changed dramatically again after the change of policy from offshore processing to processing and resettlement in PNG was announced on 19 July 2013 followed by the ensuing rapid expansion to *accommodate increasing numbers of transferees and without contingent improvements in infrastructure.*⁸⁸

In its submission, G4S noted that the new policy:

*... dynamically changed the make-up of the Centre, its security profile and increased tension among transferees. G4S did not have an opportunity to ... provide the Department with its views on the security implications of the change.*⁸⁹

G4S provided the Department with a fresh risk assessment.

On 26 July 2013, Chris Manning wrote to the Department's Offshore Services Division (Appendix 6) in response to a request for a revised proposal for the services G4S delivered on Manus Island. The letter explained the background to the request in these terms:

*On 24 July 2013, the Department invited G4S to submit a proposal for expanding current services on Manus Island to meet a target Unauthorised Maritime Arrivals intake of 1160 within 11 weeks of 5 August and 1400 within 22 weeks.*⁹⁰

This proposed increase represented a huge increase in the size of the temporary, low security Manus Centre and the risk associated with it increased accordingly.

⁸⁸ Submission, page 9

⁸⁹ Page 12

⁹⁰ Page 1

The G4S proposal included this component:

3.4 Logistics Hub. The other key proposal is to create a Logistics Hub to meet the challenges of the expansion and the remote site. This area would house key strategic logistic assets, and as such would need integral security and more substantial fencing.

The letter noted that G4S had significant concerns about the location of critical assets, such as reverse osmosis water production units, in the middle of transferee accommodation areas.⁹¹

G4S prepared a further risk assessment on 10 January 2014 (Appendix 11) which included these comments.

The MIOPC⁹² transferees are predominantly physically fit and physically strong, with a large percentage under 35. They have a variety of backgrounds ranging from military personnel to professors. Many are educated, highly intelligent, articulate and bi-lingual. They are consistently motivated to be relocated to the Australian mainland and become residents of Australia. Individual risk level averages are Low, however there are groups throughout the Centre that when consolidated increase the conflict and aggression, while reducing the stability and harmony of compounds and the Centre.

The individual compounds have little in common. Structure, facilities, layout and security/safety risks vary greatly between each one. This results in very different safety and security tactics being required across the camp. Compounds also have constantly fluctuating levels of tension. These fluctuating factors make incidents difficult to predict or interdict.

It is highly probable that transferees have the ability to physically breach the vast majority of established security infrastructure should they find the motivation to do so. Fencing across established and even newly completed Mike compound is currently not built for purpose and is generally inadequate for population control and group separation tasks. It is assessed that the primary reason the transferees are not breaching the substandard fencing is because at present they are not motivated to do so. Current fencing could not be relied upon to control the movement of transferees if they are determined to breach it.⁹³

⁹¹ Page 6, paragraph 7.1

⁹² Manus Island Offshore Processing Centre

⁹³ Page 6

In summary, G4S raised its concern about the high risks involved in accommodating up to 1400 single adult males in a low security, temporary centre with the Department on a number of occasions in the months preceding the incidents under investigation.

9.2 Notifications to the Department

The appendices to the G4S submission record the company's increasing concern after Australia Day.

On 30 January 2014, Chris Manning emailed the Department in these terms:

I'm becoming increasingly nervous about the security situation on the island. As you know there have been a number of days whereby peaceful protests have been taking place, and they are peaceful, but intelligence is now starting to gather that there might be something more testing evolving in the planning.

I would recommend the Department's approval for an additional 30 guards at short notice from POM⁹⁴ to Manus to strengthen our static and incident response capability, and to provide additional protection for the Bibby if needed. We can reinforce this with an additional 100 within 72 hours if needed.⁹⁵

Later the same day, Mr Manning sent another email to the Department (addressed to a different officer). After referring to very recent intelligence suggesting that *fences may be pushed down and fires started*, he said:

The reason we are requesting these extra guards is because the security infrastructure is so poor ... The only way to mitigate the risk of poor infrastructure is significantly increased numbers of staff 'to man the fence line'...⁹⁶

The Department considered that request at Island and National Office level and agreed to the additional guarding staff straightaway.⁹⁷

On 2 February 2014, the G4S Deputy Regional General Manager Manus Island RPC, emailed the Department's Centre Coordinator, Anthony Kneipp:

⁹⁴ Port Moresby

⁹⁵ Appendix 12

⁹⁶ Appendix 13

⁹⁷ A departmental memo to the Secretary dated 4 February 2014 notes that: *We deployed a further 30 guards to Manus Island over the weekend and we have a further 100 reinforcements arriving by charter flight on Tuesday 4 February, with the welcome support of the Department. See Appendix 1*

As we have discussed recently I believe the time is now at hand for the Department to make a response to the Transferee requests/demands that we are seeing reported at every protest in those compounds where protest activity is taking place.

Current Transferee protest action is not about the need for more programs and activities, the conditions in which they live or the amenities to which they have access. Rather, protest action is about communication from DIBP and PNG ICSA in reference to what is happening with Transferee applications for resettlement. Transferees have said to myself and to my staff, many times, that they understand that they are not going to Australia; that Messaging worked. What they want to know, now, is when they will be resettled in PNG or, for those choosing to, when they can go home. ... I do not believe any amount of P&A or excursions will reduce the Transferees ardour for a response to the simple question of when they will get out of here.⁹⁸

The email attached a community members' request that outlined the demands G4S was seeing continuously, namely:

- *Lack of access to legal personnel (anecdotally, some Transferees were seen three months ago and since then nothing)*
- *Lack of access to Immigration Staff (to action RSD processing)*
- *Lack of information on what is happening to their applications and the timeframes within which they can expect answers.*

I urge you and PNG ICSA to engage in a meaningful dialogue with the Transferees as soon as possible and provide some tangible answers to the questions posed. Even if you cannot provide concrete answers, I believe the act of engagement itself will go a long way to ameliorate the current tensions and therefore reduce the risks such tensions represent to the safety and security of the Centre.

G4S says that:

Initially, the Department believed the better course of action was to refuse to negotiate with transferees until the protests had stopped, but ultimately the Department agreed with G4S' view and accordingly a meeting⁹⁹ was called with the transferee community leaders.¹⁰⁰

⁹⁸ Appendix 9

⁹⁹ That is, the meeting on 5 February 2014

¹⁰⁰ Submission, page 18

9.3 *Precautionary measures taken prior to the incidents*

The G4S submission details a number of precautionary measures it put in place when intelligence was first received of a likely event involving violence (pushing down fences or lighting fires).¹⁰¹ The measures directed to be taken included:

- Strengthening intelligence collection
- Fire crews were trained in fire-fighting techniques and first aid fire response
- Wheelie bins were emptied of rubbish every hour to prevent them being used as mobile fire containers
- All but essential storage containers were taken away from the site
- The contents of the Property in Trust container were secured on the Bibby or elsewhere
- Only six essential and immediately needed vehicles were kept outside the Centre (the ambulance at the medical clinic, two fire vehicles and three 4WD vehicles)
- The incident response teams practised deploying to pre-arranged locations around the Centre in groups of eight, 16 or 32
- Unsuccessful attempts were made to coordinate with the PNG provincial police, and
- Unnecessary files and items were to be removed from the Administration buildings and staff prepared for emergency evacuation if it became necessary.

The Review notes that the intelligence reports leading up to 16 – 18 February 2014 were detailed and comprehensive and proved to be very accurate.

9.4 *The incidents of 16 – 18 February 2018*

The G4S submission briefly summarises the events that took place after the meeting with transferees on 16 February 2014.

The following information supplements the description set out earlier in this Report.

¹⁰¹ Submission, pages 768 –

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As these transferees escaped from Oscar compound a Code Green (Escape) was called. This was heard by transferees in Mike and a large group of them immediately commenced protesting. This group, numbering more than 200, chanted obscene and racist comments at local cleaning staff as they were leaving the Centre after their shifts had ended. The chants included 'F... PNG', 'F... your mothers' and other obscene and racist chants. ...

Later that evening, Foxtrot transferees broke down the internal fence but were prevented from entering Mike compound gate by the IRT. The IRT also completed a successful move into the Green Zone (the area between Mike and Foxtrot compounds) and pushed transferees back into Foxtrot. Tensions in Mike compound then escalated into stone throwing between transferees and PNG nationals and local villagers who positioned outside all three external perimeter fences.

G4S sent extra security staff to remove locals and nationals from around the perimeter fence and normality slowly returned across the Centre.¹⁰²

The events of 17 – 18 February 2014 are substantially documented in the G4S chronology and have been extensively canvassed earlier in this Report.

The G4S submission makes the following additional points:

- *The events were a result of predominantly Iranian single adult male transferees engaging in a sustained and unlawful assault on other transferees and Centre staff. Indeed, these transferees had been manufacturing and stockpiling makeshift weapons which had the ability to seriously injure and kill. These included sharpened metal stakes and large rocks for throwing at unprotected transferees and staff. G4S' ability to prevent this was hampered by the lack of any legal power to conduct searches within the transferee accommodation compounds.¹⁰³*
- *It is important to recognise that the violence in Mike compound that resulted in injuries to transferees and the death of Reza Barati only occurred after the perimeter fence had been breached by the police mobile squad and they were followed in by PNG nationals and local villagers.¹⁰⁴*
- *Whilst the number of injuries sustained by transferees and G4S staff is unfortunate and regrettable, were it not for the command and control exercised by senior G4S management at the Centre, and the professionalism and bravery of many individual*

¹⁰² Submission, page 22

¹⁰³ Submission, page 7

¹⁰⁴ Submission, page 8

G4S security staff members the outcome would undoubtedly have been far worse.¹⁰⁵, and

- *This action by G4S undoubtedly protected a large number of transferees from further injury. Many G4S officers acted with extraordinary bravery and at significant risk to their own personal safety to protect the transferees. In the days after the riot several of them were approached and personally thanked by transferees who made comments such as ‘you protected us’ and ‘you saved us’.¹⁰⁶*

The Review accepts that many G4S officers acted bravely at personal risk and prevented many transferees from being harmed, by moving them to safety and other measures taken during the incidents.

9.5 *The role of the RPNGC mobile squad*

It is interesting to note the background to the deployment of the mobile squad at the Centre.

The G4S submission says:

The police mobile squad was originally introduced in Manus in November 2012 in response to protests against the reopening of Manus as an immigration Centre by local landowners which occurred at the airport and approach roads to the facility. The landowners shut down the airport runway and blocked roads, resulting in the deployment of the police mobile squad to re-open access to the site. The police mobile squad was not the local police, but a paramilitary-style elite police unit which was heavily armed.

Landowner protests dissipated after the arrival of the mobile squad. However the mobile squad remained present in the vicinity of the facility to guarantee the continued operation of the Centre from external threats.¹⁰⁷

As previously noted, general policing within the Centre was the responsibility of the local provincial police based in Lorengau.

The Review provided G4S with a number of written questions. G4S responded to two questions about the local police role in these terms:

¹⁰⁵ Submission, page 8

¹⁰⁶ Submission, page 25

¹⁰⁷ Submission, pages 784 –

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- *The Police Mobile Squad was responsible for preventing interference from outside the Centre. The local Police were responsible for law enforcement (ie investigation of offences, arrests and charging those suspected of committing an offence), but*
- *There was no local police presence at the Centre on 17 – 18 February 2014.*

In response to another question, G4S advised the Review:

There was no discussion within the ECO¹⁰⁸ about calling for support from the mobile squad at any time at all. G4S had previously written to the Department and expressed concern that the mobile squad were an 'unknown quantity in a serious incident' and were not properly trained in de-escalating volatile situations. Therefore, the view of G4S was that the Police Mobile Squad should remain outside the Centre. G4S had no authority to manage incidents outside the Centre and hence this had to be a matter for the police.

G4S added that the sole authority for a decision such as a hand over to the PNG police rested with PNG's Chief Migration Officer as the Administrator of the Manus RPC.¹⁰⁹

There were no provincial police with authority in respect of the Centre in attendance during the incidents under investigation but G4S also advised the Review that the local police were not equipped or trained to deal with riots in any event.

However, there was a substantial mobile squad force whose only responsibility was said to be to protect the Centre from external threats.

The Review notes that this understanding of the mobile squad's role overlooks its legal obligation to suppress a riot which is set out in the PNG *Criminal Code 1974* and discussed later in this Report.¹¹⁰

The mobile squad breached the fence into Mike without any warning to or arrangement with G4S and set about forcibly quelling the disturbance within that compound.

In doing so, the mobile squad opened the way for people outside the Centre – that is, an external threat – to enter Mike compound and, according to transferee accounts, kill Reza Barati, assault and injure transferees and steal their personal property.

¹⁰⁸ Emergency Control Organisation

¹⁰⁹ The Review notes that G4S' assessment of the division of responsibility between the mobile squad and the provincial police may be too strict: see Section 11.3

¹¹⁰ See Section 11.3

It is not possible to gauge whether there would have been a more peaceful resolution of the incident on 17 – 18 February 2014 with less injuries if the mobile squad had remained outside the Centre – and kept the PNG nationals out as well – and relied on other measures, such as discharging tear gas canisters into Mike compound and firing warning shots into the air, to quell the disturbance.

9.6 *The outcome of the incident on 17 – 18 February 2014*

This matter follows on from an observation made by person who was employed on both Christmas Island and Manus Island when the riots occurred. The observation was about how striking the difference was in relation to the number and seriousness of the Manus injuries when compared with the Christmas Island disturbance.

I put this comment to G4S which responded that *the situation was completely different on a number of levels*. The bases for its rejection of the comparison are:

- *On Christmas Island, there was no external foreign police force and supportive locals involved*
- *The Christmas Island Centre had very secure perimeter fencing and CCTV and was a specifically built facility with infrastructure which was fit for purpose*
- *There was an expectation among clients on Christmas Island that they would eventually be resettled in Australia, not a country they did not wish to be in, and so the protests were limited to the time they had been detained there*
- *On Christmas Island there were no locally engaged staff of a profoundly different ethnic and cultural background*
- *On Manus Island the locals had become a target for verbal abuse from the transferees arising from their anger and frustration, which led to antagonism between the two groups, and*
- *On Christmas Island there were no incident response teams and no capability to offer any protection to property or other clients from the rioters. The AFP would not engage at the time within North West Point. So clients on Christmas Island were free to roam and riot at will, without fear of intervention, with the result that millions of dollars of damage occurred. Even so, there were still some injuries to staff and clients. At the latest count, the amount of damage to the Manus Island facility was \$400,000 maximum¹¹¹.*

¹¹¹ The Review has not verified this cost estimate

SECTION 10. ASSESSMENT

This Review is directed to determine, in respect of the events of 16 – 18 February 2014, exactly what the facts were, to make those facts available to appropriate authorities and make recommendations on any improvements that can be made to assist in the management of future incidents.

The events took place over a few days in the circumstances that existed at that time. They also took place against a background of constant and rapid development of policy, infrastructure and future planning for the Manus Regional Processing Centre.

In order to meet the requirements of the Terms of Reference, both the immediate facts and the broader background in which they occurred need to be taken into account in formulating recommendations.

10.1 The events of 16 – 18 February 2014

The lead up to the incidents that took place on 16 – 18 February 2014 and the events that occurred over those three days have been described in the preceding Sections of this Report.

That description also explains why the incidents took place, although G4S estimates that only about 400 or so of the transferees held at the Manus Regional Processing Centre were actively engaged in the protests and the finally violent events during the incidents under investigation.

The Review's analysis of the information provided to it confirms that the principal causes of the incidents were:

- The transferees' anger at being brought to Papua New Guinea
- Their anger with the policy that, if they are found to be refugees, they will be resettled in PNG, not Australia
- Frustration at the delay in processing their refugee status determinations and lack of information about the likely timing for completion of those determinations

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- Further anger and frustration resulting from the consequent uncertainty about their future, including in particular how long they will be kept at the Manus Centre, and
- Frustration arising from a lack of information about what resettlement in PNG would mean for them and their families.

Those principal causes were aggravated by the antagonism that had developed between some transferees and PNG nationals employed at the Centre and their supporters in the local community. That antagonism was a major reason for the level of violence during the incidents and the severity of injuries caused, including the death of Reza Barati.

There were other underlying factors as well which contributed to the loss of control during the incident and the duration of the disturbance on the second night:

- The physical security arrangements in the Centre were inadequate to manage and contain a large number of non-compliant transferees, and
- A lack of clarity in the roles and responsibilities of the provincial Royal Papua New Guinea Constabulary based at Lorengau and the mobile squad stationed at the Manus RPC when the security service provider lost control of a major disturbance in the Centre, including a process and timing for handover and handback.

The meeting on the afternoon of 16 February 2014 between the Centre's Operational Manager and community leaders from all four compounds brought all of these factors together at one flashpoint. That meeting – and the transferees' dissatisfaction with the answers they were given – was the final catalyst for the incidents that followed.

Given the combination of causes or contributing factors that led to the incidents on 16 – 18 February 2014, departmental officers and service providers at the Centre acted appropriately as tension grew and events unfolded, although some individuals employed by service providers committed criminal offences, acting on their own initiative, contrary to any instruction they were given by their employer and in breach of their terms of employment.

The responsibility for offences which caused death, injury, loss of personal property or property damage or any other breaches of PNG law lies with the offenders, including expats and transferees. Those matters should be investigated by the police, where appropriate, and prosecuted when the available evidence supports that course of action.

It is not possible to isolate one factor which, if handled differently, may have resulted in less injuries and damage or to apportion blame for causing the incidents directly to one or more of the parties involved.

It could be argued that, if the mobile squad had remained outside the Centre, then the transferees would not have been assaulted by the PNG nationals who entered Mike compound with them when they breached the fence. However, that conclusion requires considerable speculation about how the incident on 17 – 18 February 2014 may have progressed if the disruption in Mike compound had not been stopped by the police intervention but had gone on unchecked.

The best opportunity to prevent such incidents recurring in future lies in addressing all of the underlying causes to minimise or even remove the factors that contributed to tension in the Centre developing to a dangerous level and ensuring that the physical security is better matched with the Centre's risk assessment if any disturbance does take place.

However, the Review notes that, while improved security is important, heightened security measures will only address the outward symptoms of the transferees' issues that resulted in the incidents on 16 – 18 February 2014 but not the cause.

10.2 Policy, infrastructure and future planning

Many of the factors which contributed to the events on 16 – 18 February 2014 had already been identified as risks and remedial actions had been taken or were in progress.

The Department and service providers had to move very quickly after the announcement by Prime Ministers Rudd and O'Neill on 19 July 2013.

There was pressure on all parties to meet the immediate physical requirements of the new policy. For example, G4S' Regional Managing Director, Darren Boyd, told the Review:

G4S was not given any notice of the change of policy for the Manus Centre announced by Prime Minister Rudd on 19 July 2013. The company was asked for a proposal to ramp up delivery of garrison services to the Centre based on capacity increasing from 400 to 1,400 transferees as quickly as possible.¹¹²

At that time of the announcement, Oscar compound had not been completed and construction of Mike compound had not started. The Department oversaw the rapid development of the Centre to its present size by December 2013.

¹¹² Record of interview, page 1

However, when the Prime Ministers announced the new processing and resettlement arrangement and its immediate implementation, PNG did not have the necessary policies, procedures and regulations in place to implement it.

In addition, budget funding for many of the Centre's core functions had only been approved to 30 June 2014.

While the Department and service providers were focused on the immediate demands of accommodating increasing number of transferees, there does not appear to have been any significant progress on the underpinning refugee status determination and resettlement policy and infrastructure planning before the Parliament was prorogued for the September 2013 election.

The newly elected Australian Government's strong focus on border protection through Operation Sovereign Borders has included regular and close attention to issues concerning the Manus Centre and the cooperative relationship with the Government of PNG.

The Minister for Immigration and Border Protection made his first trip to Port Moresby and Manus Island on 26 – 28 September 2013. The purpose of that meeting was to assure the PNG Prime Minister of the Australian Government's continuing commitment to the processing and resettlement policy and to discuss progress with refugee status determinations and the need for post-assessment accommodation arrangements which are proposed to be built by Australia at East Lorengau.

The Minister made further visits to PNG in late November 2013, on 11 December 2013 and at the end of February 2014 to deal with issues including Centre security, accommodation and resettlement.

In order to jointly drive and monitor processing and resettlement policy and other matters¹¹³, PNG and Australia established a Ministerial Forum which meets monthly. It is attended by Minister Morrison and Minister Bishop from Australia and Minister Pato and Minister Kua from PNG. The third of those monthly Ministerial Forums was held in Port Moresby on 8 May 2014.

As part of Operation Sovereign Borders, the Minister commissioned the Joint Agency Task Force headed by Lieutenant General Angus Campbell to undertake a Force Security Review at the Manus Centre which was conducted in the week of 14 – 18 October 2013.

¹¹³ Also see Section 11.2

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The Minister accepted that assessment on 5 November 2013 and established an ongoing implementation and monitoring program through the Task Force.

The Task Force provides the Minister with monthly risk remediation updates, covering key activities to address security risks at the Manus RPC, including:

- Enhancement of access controls, personal safety requirements and incident management
- Negotiations with the PNG Government to expedite search warrant processes within the Centre and build capability to manage emergency incidents, and
- Upgrades to infrastructure, amenities and security.

The Government secured funding approval for:

- Improved fencing, better lighting and CCTV, and
- Relocation of the logistics hub outside the transferee compounds.

In late 2013, the Australian Government decided to consolidate accountability for and management of key garrison, security and welfare services under a single, integrated service provider, Transfield Services, for both Manus and Nauru Regional Processing Centres. The contracts with The Salvation Army and G4S were not renewed when they expired in February and March 2014 respectively.

At an administrative level, the Department has been assisting its Papua New Guinea counterparts, including by providing mentors to assist PNG's refugee status determination officers to conduct their assessments and make preliminary refugee decisions.

In addition, the Government regularised the previous short term financial arrangements for the Centre in the December 2013 Mid-Year Economic and Fiscal Outlook with substantially increased, ongoing funding for welfare, health, garrison and security services over the forward estimates.

The increased funding covers the cost of construction or completion of essential infrastructure improvements (including accommodation, facilities, water, energy utilities, staff accommodation and a new medical centre).

This financial certainty allows the Department to undertake long term planning and significant capital expenditure including a substantial expansion of the Centre at Lombrum

Naval Base and the construction at East Lorengau of new post-assessment accommodation for transferees pending resettlement in PNG.

SECTION 11. RECOMMENDATIONS

The Terms of Reference require this Review to:

- Make any evidence of possible criminal activity obtained by the Review available to relevant authorities
- Provide clear recommendations on any improvements that can be made to assist in the management of future incidents, and
- Make recommendations to strengthen relevant arrangements at the Centre and prevent recurrence of any similar incident in future.

It is important to note that none of the causes that led to the incidents on 16 – 18 February 2014 was resolved by those events. The causes and the accompanying anger and frustration still exist but some steps are now being taken as quickly as possible to address them, although there will be no change in the policy that the transferees will be resettled in PNG (or possibly a third regional country, but not Australia).

This Section recommends steps that can be taken in regard to the following issues to meet the requirements of the Terms of Reference:

- Provision of evidence obtained by the Review to relevant authorities
- Progress with refugee status determination and resettlement processes
- Interaction with Royal Papua New Guinea Constabulary
- Responding to security risk assessments
- Maximise the advantage offered by the change of service providers
- Recruitment of service provider staff
- Better communication with transferees

- Better community liaison
- Transferee welfare and conditions
- Staff training, and
- Consideration of other reviews and reports.

Each of these issues is dealt with below.

11.1 Provision of evidence obtained by the Review to relevant authorities

Obviously transferees have a strong expectation that there will be criminal charges brought in respect of Mr Barati's death and delay in doing so will add to their sense of injustice.

There are other offences that could properly be investigated by the RPNGC (particularly the assaults causing the injuries identified in Section 8 of this Report).

The Review has gathered a great deal of information that could be of interest and assistance to the PNG Police.

During the course of its investigations in late March, the Review was given information about possible offences committed by an expat G4S guard [REDACTED]. At about the same time, G4S advised the Department that it had become aware of allegations about [REDACTED] which it had urgently referred to the PNG Police. However, [REDACTED] was not interviewed by the police [REDACTED].

The Review proposes that all of the information it has obtained which relates to allegations of criminal offences should be forwarded to the PNG Police.

The Review notes that, by the end of April 2014, some PNG police investigations, including interviews with transferees on Manus Island, were well advanced.

Recommendation 1: To further and support the Royal Papua New Guinea Constabulary's investigations into the events which took place on 16 – 18 February 2014, the Review recommends that the following information be provided to the RPNGC:

- The 145 transferee feedback forms containing allegations by transferees that they were the subject of a criminal offence or witnessed criminal offences taking place during the incidents under investigation
- The transcripts of interviews with transferees Mr T2, Mr T3, [REDACTED] and [REDACTED], and
- The records of interviews with IHMS medical staff.¹¹⁴

The information gathered by the Review will also be of interest and assistance to Transfield Services in its management of the welfare of transferees and, in some cases, the physical or psychological injuries they suffered during the incidents on 16 – 18 February 2014.

Recommendation 2: To assist Transfield Services' management of transferees' welfare and, in some cases, physical or psychological injuries they suffered during the events of 16 – 18 February 2014, the Review recommends that the following information be provided to Transfield on the basis that it protects the transferees' privacy and maintains the confidentiality of the personal information of individual transferees:

- *The Review's Summary of all Transferee Feedback Forms*
- All of the feedback forms the Review received from transferees
- The summaries of the question and answer sessions the Review conducted with community leaders from each of the four compounds, and
- The records of interviews with IHMS medical staff.

11.2 Progress with refugee status determination and resettlement processes

Steps are already being taken to better inform transferees about refugee status determination and resettlement in Papua New Guinea and to expedite those processes.

The current situation in regard to each of the stages is set out below.

Refugee Status Determination – the present situation

The process for determining eligibility for the grant of a refugee entry permit is:

- An initial transferee interview

¹¹⁴ This information was handed to Deputy Police Commissioner Kauba in Port Moresby on 7 May 2014

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- The provision of protection claims assistance to articulate and lodge a protection application
- A refugee status determination interview to assess protection claims followed by an initial assessment of the claim
- An initial assessment notification to the transferee by a PNG immigration officer
- If the initial assessment is positive, it is referred to the PNG Minister for Foreign Affairs and Immigration for final determination, and
- If the initial assessment is negative, the transferee can seek merits review which is also referred to the PNG Minister for Foreign Affairs and Immigration for final determination.

The Department advised the Review that, as at 6 May 2014:

- Eight hundred and sixty-eight transferees had had a transferee interview while 387 transferees still required a transferee interview
- Of that 868, 333 transferees have had individual protection claim advice and assistance interviews (referred to as CAPs interviews) to articulate and lodge a protection claim. Nine hundred and seventy-two transferees still require a CAPs interview. Currently one CAPs provider is providing CAPs shopfront services and two CAPs providers are conducting interviews at the Manus Centre. The next CAPs taskforce to conduct individual protection claim advice and assistance interviews at the Manus RPC is scheduled for 13 – 21 May 2014, and
- Of the 333, 82 transferees had had a refugee status determination interview to assess their protection claim.

In a joint media release on 3 April 2014, the Hon Scott Morrison MP, Minister for Immigration and Border Protection and the Hon Rimbink Pato MP, Minister for Foreign Affairs and Immigration stated:

Ministers welcomed the decision by the PNG Cabinet that allows the first tranche of initial assessments to be delivered to transferees within a month.

The first initial assessment notifications were handed down at the Manus Regional Processing Centre in the week starting 28 April 2014. As at 14 May 2014, 18 transferees had received their notifications (eight were positive and 10 were negative). Final decisions on

those applications will be made by the PNG Minister for Foreign Affairs and Immigration in due course.

As noted above, the refugee determination process provides for access to merits review of an initial negative assessment recommendation. In the 3 April 2014 press release, Minister Morrison and Minister Pato also noted that:

The development of a review process for those initially assessed not to be refugees was underway and due for completion in April.

PNG is establishing a Merits Review Panel to consider appeals against negative refugee status determinations.

Minister Morrison and the Minister for Foreign Affairs, the Hon Julie Bishop MP, are now meeting monthly with the PNG Minister for Foreign Affairs and Immigration and Minister for Justice and Attorney General to expedite the refugee status determination and resettlement process for transferees accommodated at the Manus Centre.

Resettlement – the present situation

The agreed policy of the Governments of Australia and Papua New Guinea is that all persons transferred to PNG under the Regional Resettlement Arrangement who are found to be refugees will be resettled in PNG. No-one will be resettled in Australia.

So far, no one transferred to PNG under the Arrangement has been resettled in PNG.

Settlement services in Papua New Guinea will provide early needs-based practical support to refugees to help them develop the knowledge and skills needed to settle successfully and become active and independent participants in PNG society.

The timing of the implementation of these initiatives is a matter for the PNG Government.

The PNG Government has decided that refugee settlement will proceed after a national refugee settlement policy has been finalised. That policy is being developed by an Expert Panel comprising PNG social policy experts.

Any significant settlement activity in PNG will be dependent on the findings reported by the Expert Panel and the PNG Government's finalisation of the national refugee settlement policy.

Removal – the present situation

For the sake of completeness, I also note that, while PNG has legislation allowing for involuntary removals, there is a lack of the documented processes and bilateral relationships that exist in Australia to support involuntary removals.

Given the non-refoulement obligations in the Regional Resettlement Agreement, the PNG Government will have to ensure that asylum seekers' claims of persecution under various United Nations conventions are without merit before it can involuntarily remove them.

Before removal can take place, a process needs to be established to:

- Confirm identity and rights of residency
- Obtain travel documents
- Obtain airline uplift approval, and
- Provide security and medical support to those being removed.

It is, therefore, likely that unsuccessful asylum seekers will continue to be accommodated at the Centre while these arrangements are made which could be a potential source of unrest.

In their *Independent Review of the Incidents at the Christmas Island Immigration Detention Centre and the Villawood Detention Centre (31 August 2011)*, Allan Hawke AC and Helen Williams AO noted this risk:

Most detainees choose to remain compliant or to protest peacefully. There is, however, a growing group of detainees who have received negative decisions at the primary stage, or who have had their appeals refused and have nothing to lose in terms of their immigration status. Both groups of negative pathway detainees present a significant risk to the good order of an IDC.¹¹⁵

The Hawke-Williams report recommended:

It is recommended that DIAC¹¹⁶ develop advice for the Government on options for managing detainees on a negative pathway, particularly those who have been found not to be refugees, but where removal is problematic.

Recommendation 3: The Review recommends the current measures and any further initiatives which will expedite the finalisation of PNG refugee status determinations and resettlement and removal processes be implemented as quickly as possible with appropriate assistance.

11.3 Interaction with Papua New Guinea Police

¹¹⁵ Page 141

¹¹⁶ Referring to the Department by its former name, the Department of Immigration and Citizenship

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The garrison and security service provider is responsible under the terms of its contract with the Department for the safety of transferees and all aspects of security within the Manus Regional Processing Centre.

However, the security service provider has very limited powers. For example, G4S states in its submission:

*G4S has no powers of search or use of force, other than in self-defence or defence of others. This is in contrast to on-shore detention facilities (including Christmas Island) where the Migration Act 1958 empowers the use of force, removal of detainees and search powers by the detention services provider.*¹¹⁷

As a result, G4S had to work closely in conjunction with the provincial branch of the Royal Papua New Guinea Constabulary stationed at Lorengau (for example, in obtaining a warrant for and conducting a search of the Centre for contraband or makeshift weapons).

The situation is somewhat different in Australia, as G4S indicates, where the security provider has some statutory powers which enhance its capability, including search powers and powers conferred by regulations.

G4S says, if it had these powers in PNG, it would have had the opportunity during the incidents under investigation to move identified protest ring leaders away from their compound where they were provoking and inciting unrest. However, it also notes that action can be a double edged sword as it can, in some circumstances, escalate unrest among the remaining transferees.

Recommendation 4: That the Government of Papua New Guinea be requested to enact similar statutory powers for the garrison and security provider as presently exist in Australia.

The Review noted the apparent lack of clarity between the responsibilities of G4S, the mobile squad and the local Constabulary in the case of a significant and urgent event such as the incident on 17 – 18 February 2014.

While it has been generally understood that the PNG mobile squad's role was to protect the Centre from external threats, it decided to enter the Centre on 17 February 2014 without G4S' knowledge or agreement. The Review is not aware of how that decision was taken or who authorised the mobile squad to step in.

The distinction drawn between the provincial police and the mobile squad may be artificial and misleading. While there are clear differences between the nature and purpose of the provincial police and the mobile squad, they both are divisions of the Royal Papua New Guinea Constabulary. It may be that in urgent circumstances and in the absence of any provincial police, the mobile squad was appropriately authorised by the RPNGC to quell the disturbance in Mike compound.¹¹⁸

¹¹⁷ Submission, page 41

¹¹⁸ In view of the provisions of the PNG Criminal Code, higher authority may not have been sought or needed

In an email exchange between G4S and the Department dated 10 February 2014, G4S relayed a summary of a recent meeting it had had with [REDACTED] of the mobile squad. The email noted:

[REDACTED] stated that their brief extends primarily to defence of the centre from external threats. However, for internal threats, permission to employ the mobile squad would need to be requested through the chain of command (Provincial Police Commander – PPC). Historically, communications with the PPC is problematic with phone calls frequently not being answered or returned. Given the speed at which incidents can occur it is anticipated that any advantage that might be gained through deploying the mobile squad in a timely manner will be compromised by the delay in obtaining deployment permission.

It is also important to note that, under the PNG *Criminal Code 1974*:

- A member of the Police Force who, without reasonable excuse, omits to do his duty in suppressing a riot in his neighbourhood is guilty of a misdemeanour with a penalty of imprisonment for a term not exceeding two years¹¹⁹
- ‘Riot’ means when three or more persons, with the intent to carry out some common purpose, assemble in such a manner that causes persons in the neighbourhood to fear on reasonable grounds that they will tumultuously disturb the peace or provoke others to do so¹²⁰, and
- A person who, having reasonable notice that he is required to assist a member of the Police Force in suppressing a riot, without reasonable excuse omits to do so, is guilty of a misdemeanour with a penalty of imprisonment for a term not exceeding one year.¹²¹

This uncertainty about roles and responsibilities needs to be clarified as soon as possible.

Recommendation 5: That Transfield Services (and Wilson Security), the RPNGC provincial police and the mobile squad clearly establish and understand their respective roles and responsibilities in regard to the maintenance of law and order within the Manus Regional Processing Centre (including agreement on a process for handover and handback of an incident that is beyond the control of the garrison security provider and the levels of force to be used).

11.4 Responding to security risk assessments

The Manus Regional Processing Centre was reopened in November 2012 as a temporary, low security Centre to process transferees in PNG.

¹¹⁹ Section 203

¹²⁰ Section 63

¹²¹ Section 204

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There were several reasons for the significantly lower level of security at the Manus RPC and onshore detention centres:

- First, the arrangements made with PNG when the Centre was reopened envisaged it would be low security centre (as discussed in Section 3 of this Report)
- Secondly, it is situated in an isolated location
- Thirdly, the Centre originally accommodated men, women and children but there were only around 350 to 400 single adult male transferees at the Centre by the end of July 2013, and
- Finally, and most importantly, those transferees knew that those of them who were accepted as refugees would be taken to and resettled in Australia.

These factors would have led to a low risk assessment at that time and that low assessment was proven correct. Although there were some protests between November 2012 and July 2013 (when the transferees then on Manus Island vacated the Centre), there were no violent protests as occurred on 16 – 18 February 2014.

Two significant factors affected that risk assessment in the second half of 2013:

- The change of policy about resettlement announced on 19 July 2013, and
- The increase in the number of transferees accommodated at the Centre which went up from under 400 to over 1,300 by the end of the year, all of whom are single, adult males.

G4S told the Review that its staff numbers went up in due proportion to the number of transferees accommodated at the Centre but there were no obvious increases in security in response to those changed circumstances.

G4S pushed for some security enhancements at the Centre, such as stronger fences, better lighting and CCTV coverage, but these requests were not accepted or have not yet been implemented.

The Department rejected the request for CCTV because it was assessed to be inappropriate for the low security processing centres on Manus Island and Nauru. However, funding was approved for upgrades to internal fencing in August 2013 and funding has subsequently been allocated for perimeter fencing as well.

The Department recently commissioned KPMG to undertake a risk assessment of the offshore processing and resettlement centres. KPMG outlined its findings to the Department but has not yet delivered its report.

KPMG referred to the Centre as a high risk, dynamic policy and operational environment and is expected to recommend the introduction of more static security systems (for example, CCTV, perimeter security, monitoring of access and egress) to reflect operational realities.

In addition, Wilson Security engaged C5 Management Solutions to conduct a very detailed risk assessment in anticipation of it taking up duty at the Manus Centre.

C5 Management Solutions told the Review that it assessed the key risks involved local community and emergency services engagement; infrastructure; and training.

The first of these priorities requires proactive engagement with the local stakeholders to identify pressure points from a security perspective. It also involves close liaison with local police and emergency services to exchange information and understand how they will together deal with high risks.

Infrastructure issues include perimeter fencing; Centre layout; positioning of critical infrastructure (outside transferee compounds); and CCTV.

The Review was also told it is possible to allow for some level of openness but still being able to secure and lock down compartments in the Centre if required.

Training covers training the Emergency Response Teams in crisis response including ensuring they are well schooled in the various crisis plans which could be implemented, depending on the nature of the crisis.

These risk assessment projects, taken together with the findings and recommendations in the Hawke-Williams and Hamburger reports, provide a timely opportunity for the Department to undertake a thorough reassessment of the risk involved in the administration of its offshore processing centres and its management of that risk.

The Department advised the Review that it is undertaking a comprehensive risk reassessment.

Recommendation 6: That the Department review risk involved in the conduct of the Manus Regional Processing Centre and continue to strengthen its risk management procedures and the Centre's physical security infrastructure.

11.5 Maximising the advantage offered by the change of service providers

One of the major factors that contributed to the incidents that took place on 16 – 18 February 2014 was a breakdown in the relationship between the transferees and the service providers. The transferees' belief that they were going to be attacked in their compounds

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proved correct, although the attacks occurred in response to their protests, rioting and provocation.

As a result, trust and cooperation between the transferees and service providers reached such a low level that, after the incidents, PNG nationals employed at the Centre were not permitted to enter the transferee compounds for safety reasons.

The incidents have coincided with a major change in service providers at the Manus Regional Processing Centre.

Transfield Services has now taken over welfare and case management services from The Salvation Army and garrison services (including security and guarding) from G4S.

While the timing was coincidental, those changes offer a significant opportunity for Transfield to create a new start in the management of the Centre without being weighed down with responsibility for the events investigated by this Review.

Transfield told me that its experience in managing processing and detention centres suggests the provision of a combined service works better than provision of services through separate providers.

The rationale is that a combined service better balances the sometimes competing approaches of welfare and security professionals. With separate services, a dominant service provider can skew the management approach more to its perspective on how to deal with issues as they arise.

The Transfield structure is that it has appointed a Centre Operations Manager with overall responsibility for delivering the contracted services. That role is shared between two experienced officers who will alternate on duty at the Manus RPC and therefore provide stability at that level. The manager of welfare services and the manager of security services report to Transfield's Centre Operations Manager.

My interviews with the Welfare Services Manager and Security Contract Manager indicate they are making a positive start, as the following two initiatives indicate.

The Welfare Services Manager is instituting consultative committees with community leaders in each compound which will meet monthly under her chairmanship.

The Security Contract Manager said he thought that G4S had maintained a risk rating of Amber for too long after the incidents. It was still Amber on 28 March 2014 when Transfield took over garrison services, that is, more than five weeks later. Transfield's first action that Friday was to return the rating to Green immediately.

The change to an experienced, combined service provider should result in more cohesive and efficient delivery of services for transferees and more effective overall management of the Centre.

Recommendation 7: That the Department encourage and support initiatives by Transfield Services to maximise the opportunity offered by the change of service providers to restore trust and cooperation between service providers and transferees.

11.6 Recruitment of service provider staff

Under its contract, Transfield Services must employ local personnel or subcontract local businesses who meet the Statement of Work and maintain the following levels of local personnel:

- Security – 45%
- Catering – 50%
- Cleaning – 75%, and
- Gardening – 75%.

Understandably, Transfield (and Wilson Security) have taken on some employees previously engaged by the former service providers, G4S or The Salvation Army.

However, some of those re-engaged expats and PNG nationals may have been involved in serious assaults on, or other offences against, transferees during the incidents under investigation. It is also likely that, if that is the case, their involvement is or could become well known to transferees.

In those circumstances, it will make it difficult – or more difficult – for Transfield to reintegrate PNG nationals into the provision of services within the compounds. It could also tarnish Transfield with the transferees' anger and sense of injustice about events which occurred before Transfield took over and the failure to bring offenders to account.

Recommendation 8: That Transfield carefully considers all the information provided to it under Recommendation 2 to ascertain if it has unwittingly engaged employees who have been identified as assaulting transferees between 16 – 18 February 2014 and, if so, deal appropriately with them (including dismissal).

11.7 Better communication with transferees

In the meetings with community leaders from the four compounds, a constant refrain was along these lines:

We waited 12 days for answers to our questions but then we were told no new information. We already knew those answers when we put the questions. What was the purpose in making us wait so long for nothing?

Wilson Security's Contract Manager made a valid point in his interview. He said the best approach is to provide an answer to a question immediately, even if it is not the answer the questioner wants. Delaying a response only increases the expectation that there might be a different or better answer and increases the anger and frustration when there is not.

However, as previously noted, in this case the answer the transferees wanted was that the policy would change and they would be brought to Australia and that was a response they were never going to get.

Nonetheless, the answer to the transferees' questions could have provided more information about the process to be followed, where it was up to and the likely timing for at least the initial aspects of the process.

The transferees indicated to the Review there is other information they want to know: can they be reunited with their families; whether they will be able to work; will they be able to travel away from PNG and return; and so on.

In order to answer the transferees' original 11 questions more fully since 16 February 2014, I note that the Administrator of the Centre, Mataio Rabura, has recently addressed all of the transferees in a video explaining the process ahead of them. Separate videos were prepared with subtitles in all of the native languages spoken at the Centre.

Some of the other communication issues uncovered during the course of the Review are:

- It is important that formal communications are on official letterhead so they are clearly understood to be official advice to counteract other conflicting information (and, in some cases, misinformation) the transferees may receive. Transferees said some notices they have received in their own language are presented on plain sheets of paper. As they are not on Immigration and Citizenship Services Authority, departmental or service provider letterhead, they do not know whether they are official communications or not, and
- The messages conveyed in the official communications need to be regularly and consistently reinforced in the same terms to individual transferees in their face to face contact with service providers.

The Review suggests the Department could consider putting notice boards in each compound for the display of official messages and other useful information from time to time. The notice boards would need to be protected under a Perspex cover.

Transfield has made a good start on improving communications with its proposal to hold monthly meetings (which started in April 2014) with community leaders from each compound.

One other practical measure came to the Review's attention from its consideration of the recent Amnesty International Report and that concerns clocks. The report said:

Many detainees Amnesty International spoke to complained that they had been turned away at the gate by G4S staff or left waiting for long periods – sometimes more than an hour – to be collected by G4S, and had missed interviews and medical appointments as a result. These claims were supported by IHMS and mental health staff. Renate Croker told Amnesty that missed appointments are primarily due to men oversleeping or forgetting their appointments. When asked if there are clocks in the compounds, she conceded that there were none; the batteries had died some weeks before and the clocks had been removed.¹²²

There would seem to be no good reason not to have clocks in the compounds. It would remove the possibility that the lack of clocks was causing unnecessary inconvenience for service providers and transferees.

There is one final point about communication with transferees.

I told the transferees there would be a public version of this Report. Although they will no doubt become aware of it by other means, it would be another show of good faith by this Review if they were told of the availability of the public report directly by Transfield as soon as it is released.

Recommendation 9: That the Department and Transfield Services improve communication with transferees, including implementing the several proposals set out in Section 11.7 of this Report.

11.8 Better community liaison

Manus is not a wealthy province. The Processing Centre is its largest business. The Centre has brought economic activity, jobs and Australian foreign aid investment to the region. So you would expect the local population to value and support the Centre.

At the same time, PNG nationals' resentment towards the Centre, or at least towards some of the transferees, was one of the factors that led them to participate in the serious assaults on transferees on 16 – 18 February 2014 and heighten public concerns about operation of the Centre.

In addition, the Review was told that some of the locals living nearby were scared about what could happen if the transferees broke out of the Centre and that concern may have influenced some of them to take part in the events under investigation.

It would be in the best interests of the future safety of transferees and the orderly management of the Centre if there a comprehensive community liaison program to address any resentment or negative attitudes.

Some community work has already been done but, given the events of 16 – 18 February 2014, the Review is of the opinion that more intensive efforts can be undertaken to integrate the Centre into the Manus community and to ensure that the local population is fully aware of the direct benefits the Processing Centre brings to Manus Province.

¹²² Page 48

Recommendation 10: That the Department puts in place a comprehensive and continuing community liaison program to more fully inform the local population about the Regional Processing Centre and the direct benefits it brings to the Manus community.

11.9 *Transferee welfare and conditions*

In feedback the Review received directly from transferees and in various reports about the Centre, concerns have been raised about the available services, including equitable access to those services in each of the four compounds.

Some examples are: telephone and internet; the number of toilets and showers; the lack of recreation space; the lack of privacy and overcrowding; the lack of shade and rain protection; the number of classrooms and a religious observance area.

There are some practical limitations at the Manus Centre that have to be taken into account. For example, the Centre occupies a limited area within the Lombrum Naval Base which does at present restrict recreation space although there is some opportunity to use the adjoining Naval Base soccer oval.

While it is clear that the discontent in the Centre at the time of the incidents was the cumulative result of a number of other factors, providing transferees with appropriate living conditions and meaningful activities is important both from a well-being and mental health perspective and, because it can lower tension levels within the Centre, for overall security.

In his *Review of public health and access to health services at Manus Regional Processing Centre* in late 2013, the Department's Chief Medical Officer also noted that issues that may lead to an increase in tension include: lack of recreational space; overcrowding; cleanliness and lack of access to telephones and internet.

The Chief Medical Officer recommended:

*Transferee well-being issues require significant and urgent action – this includes overcrowding, hygiene and access to meaningful activities.*¹²³

In his report *Suicide and self-harm in the immigration detention network*, the Commonwealth and Immigration Ombudsman considered the importance of meaningful activities. Mr Neave said:

*In our experience, the variety, regularity and suitability of activities are an important factor in maintaining a healthy and constructive detention environment.*¹²⁴

The Ombudsman also considered the issue of overcrowding. He noted that overcrowding impacts on both detainees and staff working in the detention setting, as both staff and detainees are feeling under pressure to maintain good order (staff) and good behaviour (detainees).

Transfield has already introduced some welfare changes at the Centre.

¹²³ Recommendation 6

¹²⁴ Paragraph 7.39

Individually, some of these measures may seem to be minor but collectively they should contribute to an improvement in the general atmosphere.

The changes include:

- Establishing a new education curriculum
- Removing the locks from internal compound gates. The gates are not open but this symbolic gesture indicates trust in the transferees
- Removing shade cloth from the fences so transferees can see out through the chain link fences, and
- Taking small groups from Delta compound – in the first instance – to walk on the adjacent beach and paddle in the water.

In its risk assessment, KPMG suggested the introduction of incentive-based, tiered accommodation options to encourage and reward appropriate behaviour (such as self-catering and low security premises). This suggestion accords with the Transfield approach of *focusing on the self-agency for transferees wherever possible*.¹²⁵

Other suggestions are put forward in some of the reviews and reports listed in Section 11.11.

Recommendation 11: The Review recommends Transfield consider the recommendations made in other reports about conditions and possible improvements which can be made at the Centre and, where practical, implement those welfare improvements it considers appropriate.

There is one final point about transferee welfare that deserves consideration.

In the feedback forms given to the Review, some transferees reported that personal items were stolen from them during the incidents. The items included watches, MP3 players, shoes and so on. The transferees no doubt place a high value on these personal items which they cannot readily replace.

The Review considers there should be some effort made to replace these lost or stolen items.

There is no way of knowing which transferees lost exactly what personal property so it would not be appropriate to simply replace items said to have been stolen.

However, it may be possible for Transfield to assist any transferee who says his property was lost or stolen during the incidents to replace the missing item or items at the transferee's expense (using the Centre's point system or other appropriate method of payment).

¹²⁵ See Transfield Services submission dated 14 April 2014

As a starting point, Transfield could deal with the transferees who reported their personal items were lost or stolen in the feedback forms they provided to the Review.

Recommendation 12: That Transfield assist transferees to replace personal items lost or stolen during the incidents.

11.10 Staff training

The contractual obligation on service providers to employ a high percentage of PNG nationals is intended, among other things, to enhance employment opportunities in Manus Province and leave a legacy of better future employment prospects for those employees.

The employment of nationals at the Centre is also intended to contribute to a lessening of any community resentment of the Centre and the transferees accommodated there.

The Review understands that, for some of the PNG nationals, this is their first job. Others may have had only limited employment in the past and it may not be directly relevant to their duties at the Manus RPC.

It follows that comprehensive and ongoing staff training is a key responsibility for Transfield. As well as instruction in Transfield's policies and procedures and the technical requirements of particular positions, that training should include standards of conduct, cultural awareness and, for some employees, the development of leadership skills.

Recommendation 13: That Transfield implements a comprehensive and ongoing training program for PNG national staff to develop their professional skills and improve their future employment prospects.

11.11 Other reviews and reports

In conducting this Review and formulating these recommendations, the Review team considered a number of other reviews and reports. Where relevant, they have been referenced in this Report.

The reviews and reports considered include:

- Detailed report and findings of the *Review into the 19 July 2013 incident at the Nauru Regional Processing Centre(8 November 2013)*: Keith Hamburger AM
- *Independent Review of the Incidents at the Christmas Island Immigration Detention Centre and Villawood Immigration Detention Centre(31 August 2011)*: Allan Hawke AC and Helen Williams AO
- *UNHCR mission to Manus Island, Papua New Guinea 15-17 January 2013*
- *UNHCR monitoring visit to Manus Island, Papua New Guinea, 11-13 June 2013*

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- *UNHCR monitoring visit to Manus Island, Papua New Guinea 23-25 October 2013*
- *UNHCR mission to the Republic of Nauru, 3-5 December 2012 Report*
- *UNHCR visit to Nauru 18-20 March 2013 – interim progress report*
- *Second ICRC report on humanitarian concerns related to Manus Regional Processing Centre – 31 August 2013*
- *Third ICRC report on humanitarian concerns related to Manus Regional Processing Centre – 20 February 2014*
- *Humanitarian monitoring visit to the regional processing centre on Nauru 20-23 May 2013: Australian Red Cross*
- *This is breaking people: Human rights violations at Australia's asylum seeker processing centre on Manus Island, Papua New Guinea, December 2013: Amnesty International*
- *Suicide and self-harm in the immigration detention network, May 2013: Commonwealth and Immigration Ombudsman*
- *Review into allegations of sexual and other serious assaults at the Manus Regional Processing Centre, (September 2013): Robert Cornall AO*
- *Review of public health and access to health services at Manus Regional Processing Centre: The Department's Chief Medical Officer, and*
- *Report of the expert panel on asylum seekers – August 2012.*

The Review noted there is a high level of consistency across these reports.

While each one has a different focus, some similarities are striking. A common thread is the importance of clarity about the asylum determination process, the timely resolution of claims, sound communication, meaningful engagement with transferees and improvements to living conditions.

The report by Mr Hamburger into the Incidents at the Nauru Regional Processing Centre on 19 July 2013 has been of particular assistance, given the similarity in the circumstances leading to the events on both Nauru and Manus Island.

Essentially Mr Hamburger concluded that the causes of the riot on Nauru were:

- Delay in the refugee status determination process

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- The misunderstanding of information provided at a meeting with the claims assistance provider
- An ongoing mood of frustration and uncertainty with transferees increasingly uncertain about their future and frustrated by a lack of clarity around dates for their refugee status determination processing and resolution as well as inconsistent and inaccurate messaging to transferees
- The failure to have all of the administrative measures in place as envisaged in the *Asylum Seekers (Regional Processing Centre) Act 2012*. This failure created ambiguity around governance and operational command issues at the Nauru RPC, and
- An open centre with very little physical security suitable only for a compliant transferee population.

Mr Hamburger's recommendations have been taken into consideration in formulating the recommendations arising from this Review.

The Review also closely considered the *Independent Review of the Incidents at the Christmas Island Immigration Detention Centre and Villawood Immigration Detention Centre*.

Its description of the elements required to maintain good order in a detention centre was of particular interest¹²⁶. Those elements have also been referred to elsewhere in this Report.

The Review team also considered the submissions to the Senate Legal and Constitutional Affairs Committee's Inquiry into the incidents at the Manus RPC which were published on the Committee's website as at 9 May 2014.

SECTION 12. CONCLUSION

This Review has determined, as far as possible, the facts surrounding the incidents that took place at the Manus Regional Processing Centre on 16 – 18 February 2014.

Those incidents were initiated by transferee protests and resulted in a major disruption that proved to be beyond the capacity of the security service provider and was finally quelled following the intervention of the Royal Papua New Guinea Constabulary mobile squad stationed at the Centre.

¹²⁶ See pages 5 - 11

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A number of unauthorised PNG nationals and expats took part as well. In the ensuing violence, Reza Barati was killed, several transferees received serious injuries and a larger number of them have suffered physical or psychological injury requiring medical attention.

Some G4S guards were injured in the melee as well but transferees suffered the most. It appears to this Review that a large number of assaults were committed during the disturbance, mainly on transferees. Police investigations are progressing but no charges have yet been laid.

The evidence collected by this Review has been made available to the PNG police. It will hopefully assist them to pursue their investigations into at least the offences which resulted in the death of Mr Barati and the most serious injuries.

At the time of and since the incidents under investigation, the trust which needs to exist between the service providers and the transferees for the safe and proper administration of the Centre had clearly reached a very low point, if not broken down.

There is a major task ahead to rebuild that trust so that the Centre can operate effectively and transferees can feel safe while they are accommodated on Manus Island.

Transfield Services appears to have a realistic understanding of its role in achieving that outcome and a strategy to restore the Centre to normal routines and safe operation.

Thorough police investigation into offences committed during the incidents and appropriate criminal charges prosecuted in PNG will play a large part of restoring that trust.

This Review makes recommendations directed to those ends.

Looking to the future, the central recommendation made by this Review is for the PNG Government and its Immigration and Citizenship Services Authority to expedite the refugee determination and resettlement processes as quickly as possible with all appropriate support and assistance from Australia.

In the interim, the Report recommends ensuring transferees are fully and regularly informed about the processes which are being implemented and how they will apply to and affect them.

Other recommendations deal with a range of matters directed to interaction with the PNG police, the Centre's risk management and physical security infrastructure, transferee welfare, better communication, community liaison, and staff training.

As detailed in various parts of this Report, work is already underway in respect of many of the proposals set out in the recommendations.

SECTION 13. ACKNOWLEDGEMENTS

Throughout the course of this Review, I have received willing cooperation from Papua New Guinea Ministers and senior officials and from the Department, G4S, International Health and Medical Services, The Salvation Army, Transfield Services and Wilson Security.

Their employees, past and present, spoke openly about their knowledge of the incidents that took place on 16 -18 February 2014 and the surrounding circumstances.

I am very pleased that so many transferees took part in interviews and question and answer sessions or provided individual feedback forms. Their contribution has been most important in gaining a comprehensive understanding of how and why events unfolded as they did.

The Review was also very much assisted by the huge amount of relevant documentation and other material it received from many sources during the course of its investigation.

The Australian High Commission in Port Moresby provided invaluable assistance to the Review in Port Moresby.

I thank all of them for their contribution.

Finally I record my great appreciation of the Review team's hard work and dedicated support throughout my investigation and in the preparation of this Report.

ROBERT CORNALL AO
23 May 2014