

2016 07 21 1246 Refugee Action Coalition Media Release

PNG Supreme Court Will Consider Orders Over Manus Refugee Cases

A hearing of the PNG Supreme Court in Port Moresby on Monday 25 July, will rule on five test cases of refugees on Manus Island as the basis for issuing appropriate orders and guidelines for the release of the detainees, and the resettlement of refugees as the beginning of the process to finally close the detention centre.

The court is specifically seeking submissions regarding which government is actually responsible for the asylum seekers and where will refugees who do not wish to settle in PNG, be sent.

All five cases put before the court state they were forcibly taken from Australia to PNG and wish to be returned to Australia. Lawyers acting for the refugees have indicated that acting on the basis of those instructions, they will seek orders for the release of the refugees and their return to Australia.

The Supreme Court ruled in April, that the agreement, between PNG and the Australian government, to establish the Manus Island detention centre was unconstitutional and unlawful. It ordered that the Australian and PNG government must take immediate steps to close the detention centre.

Asylum seekers and refugees are now called 'residents'; and the compounds are now deemed to be 'areas'. But the detention prison has not closed, and the 'residents' are being held unlawfully.

The Supreme Court ruled in April this year that people had been unlawfully transferred from Australia to Manus Island and that there was no lawful basis to keep them in PNG unless they actually wished to stay in PNG.

The court will also consider whether the current process of refugee determination is constitutional or not. This decision will have far reaching effect for all those who have been taken to Manus Island, including those who have negative decisions and 61 those who have refused to participate in the doubtful PNG refugee process.

The issue of compensation for the numerous human rights breaches inflicted on all those imprisoned on Manus is also set to be dealt with at Monday's hearing.

"The government has done all it can to ignore the PNG court's ruling that Manus is unlawful. It has done all it can to stall closing the detention centre. But time is running out for the Turnbull government," said Ian Rintoul, spokesperson for the Refugee Action Coalition.

"It is time the Australian government faced up to its responsibility for the people who came to Australia seeking protection but were sent offshore. Over 1000 people on Manus are still waiting for justice four months after the PNG Supreme Court ruling. It is time for the Turnbull government to end the mistreatment and bring all those on Manus to the mainland."

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