



Researchers Against Pacific Black Sites



Hon. Peter Dutton MP
Minister for Immigration and Border Protection
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600
Australia
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03 November 2016

Dear Mr Dutton,

RE: Kurdish Iranian journalist Behrouz Boochani

PEN International, the world association of writers with members in over 100 countries, joins with a coalition of eight human rights groups in writing to express our concern in relation to the case of writer and journalist Mr Behrouz Boochani, a member of Iran's Kurdish minority currently held on Manus Island, Papua New Guinea (PNG) and to request that he is afforded an opportunity to have his asylum claim heard in Australia as soon as possible.

As a freelance journalist, Mr Boochani's work in his native Iran often focused on the preservation of the Kurdish culture and language. He was one of the founders of the Kurdish magazine Werya (Varia). In February 2013, officials from the Islamic Revolutionary Guard Corps ransacked the magazine's offices in Ilam city and arrested 11 of his colleagues, several of whom were subsequently imprisoned. Mr Boochani was in Tehran that day and so avoided arrest. Having been interrogated and warned previously about his writing and work teaching Kurdish culture and language, and having signed an undertaking that he would not continue this, he knew his liberty, and possibly his life, was at great risk. Fearing for his safety he went into hiding and later fled the country on 23 May 2013.

Mr Boochani has been held in Australia's offshore Manus Island Regional Processing Centre (MIRPC), PNG for over three years. In July 2013, he and fellow asylum seekers were intercepted by the Australian Navy en route from Indonesia, and he asked for asylum in Australia, as was his right under Article 1 of the Convention Relating to the Status of Refugees, as amended by the 1967 Protocol. He was taken to Christmas Island, Australia, from where he was forcibly transferred to the Manus Island Immigration Detention Centre in late August 2013, without his asylum case being considered.

Mr Boochani's passion for writing and human rights remains. He has continued to write about Kurdish and Iranian politics from detention, and some of these articles



have been published on Kurdish websites in Iran. We note that this places Mr Boochani in further danger should he ever be deported to Iran. Mr Boochani continues to peacefully pursue his vocation, and to also advocate on behalf of himself and his fellow asylum seekers, despite his predicament. He has worked tirelessly and constantly over his three years of detention and has published articles in Australia's leading newspapers. He has also published work in Europe and has given many interviews to journalists and film-makers in Australia, New Zealand, Europe and Canada, and is writing a book about his experiences of imprisonment on Manus Island.

PEN International and a coalition of human rights groups launched an international campaign on behalf of Mr Boochani in September 2015. The campaign called for Mr Boochani's request for asylum to be processed by Australian immigration officials as soon as possible and urged the Australian government to abide by their obligations to the principle of non-refoulement as defined by Article 33 of the United Nations Convention relating to the Status of Refugees. Despite numerous approaches to the Australian government and relevant ministers and departments, by the campaign coalition and its supporters, there has been no response from senior government officials.

Since then, the status of asylum seekers held in immigration detention in PNG has changed significantly. On 26 April 2016, the full bench of the PNG Supreme Court ruled that Australia's regional processing centre on Manus Island was illegal and unconstitutional, since the asylum seekers who were seeking asylum in Australia were forcefully brought into PNG under Australian Federal Police Escort and held at the MIRPC against their will.

Mr Boochani was accorded refugee status by PNG immigration authorities in April 2016 even though he had refused to formally seek asylum there. Mr Boochani remains adamant that his asylum request be given to Australian immigration.

The undersigned organisations maintain that Mr Boochani should never have been transferred to PNG and that, in light of the PNG Supreme Court's 26 April ruling, he should be permitted to have his asylum request heard in Australia, and to have it expedited as soon as possible. His indefinite state of limbo has compounded his trauma, and amounts to cruel, inhuman or degrading treatment which is prohibited under international law, as affirmed in the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Australia is a state party.¹

¹ Paragraph 17, Concluding observations on the combined fourth and fifth periodic reports of Australia, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, United Nations document CAT/C/AUS/CO/4-5 23 December 2014, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fAUS%2fCO%2f4-5&Lang=en



Yours sincerely,

Centre for Human Rights, Curtin University
Humanitarian Research Partners
Media Entertainment and Arts Alliance
PEN International
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Hon. Peter O'Neill, Prime Minister of Papua New Guinea, National Parliament, P O Parliament House, WAIGANI, N.C.D, Papua New Guinea, Email: