

# Is there a voice of Reason inside Villawood?

Jim S. Adriel

The entire event was the expression of a neurosis—detainees inside the Villawood immigration detention centre (VIDC) rioting and burning buildings. I have forgotten the date. It was nighttime and I was about to go to bed. Suddenly, I heard someone knocking at my door. I opened the door. It was my friend and neighbour Alwy.

‘Come out and see, something is happening,’ he said to me.

‘What?’

‘Come and see for yourself.’

I went out and saw the building next to the one where I am living burning. I was shocked. No Serco ‘security’ officer was in sight. Many detainees were moving around and some were vandalising the shop.

I went inside, dialled 000 and asked to be connected with the fire brigade number. As someone picked it up, I informed him about the fire at Villawood. The guy from the fire brigade asked me about what the security was doing to help. I said to him:

‘It was, in the first place, the management’s responsibility to have informed you. I don’t know if they have done it or not. In any case, all the security officers have run away and since I am detained here, I cannot go away to get out of danger. And the building next to my building is burning. My own security is in serious danger. Please send fire brigade here, as soon as possible, to extinguish the fire.’

‘All right.’

Alwy and I were standing outside our building. Some people offered us some recharge cards and Alwy told them that we were not interested. We were not interested in any property that had been stolen.

After some time, a fire brigade arrived. They were trying to throw water on the building that was burning but the water could not reach that building because the fire brigade was too far, since it was placed inside stage one while the building that was burning was in stage two. I attempted to ask the policemen in stage one to send it inside stage two but they were not listening.

We started walking towards the visits area. Serco officers were there and they took us inside.

We were made to spend that night in stage one. Stage one is an area where detainees are sent for ‘punishment’. It was the first time I had seen it from within. It is a horrible place. The sleeping area—where I had to sleep that night—is a large hall, full of bunk beds. The toilet is absolutely filthy and disgusting. I do not understand how they can keep people for long periods of time in a place like this. I found it absolutely unbearable to spend only one night over there.

The next morning, I was taken back to stage two but was—like everyone else—barred from re-entering the compound where we were being kept and was, instead, placed in the visits area—not for hours but for days (and even worse, nights). We had to spend some nights here. At nighttime, the visits building was overcrowded with innumerable people, none of them had been able to take shower. I slept one night here but the next night found it unbearable and therefore slept on the ground outside. It was very cold there and in spite of covering myself with many blankets I found myself catching cold. When we were eventually allowed to re-enter the compound, the first thing I did was to use the toilet and take the shower. Then I ate some food and had a very long sleep.

The air inside the VIDC is sick. I was told by a Serco officer that there is asbestos in this building. Additionally, the chemical effects of burning the buildings have made the environment even worse. And we cannot move elsewhere because we are detained here!

We were peaceful and cooperative. But we were put in danger. And then there has been further news that there was a bomb here. What if the bomb had exploded and all of us had died? DIAC must confront the inevitable question: why did it keep us and is still keeping us in danger? Is it to keep peaceful and cooperative people in danger?

This is a logical question. However, I would not ask this question since an answer has already been given to me by Australian courts of law. The Federal Magistrates' Court of Australia (FMCA) was deeply concerned with 'the important consideration of fairness' [FMCA 63]. Therefore, my contention was upheld over there [FMCA 70] and the Refugee Review Tribunal (RRT)'s decision had been quashed. The Federal Court of Australia—Full Court (FCAFC), however, reached an entirely different conclusion because that court did 'not think that the analysis turns on whether an applicant was, or was not, afforded a fair hearing' [FCAFC 75].

In my application for special leave to appeal before the High Court of Australia (HCA), I raised questions arising from the fact that 'The FCAFC's discourse is not concerned with procedural fairness.' My application was dismissed and in an extremely thin text of judgment, it was stated that 'the application does not advance any questions of law that justify a grant of special leave to appeal' [HCA 7].

Since I had raised questions of procedural fairness and the High Court states that I did not advance any questions of law, it is entirely reasonable to conclude that—not for asylum seekers in any event!

Such a state of affairs reveals a flaw that is not merely individious and idiosyncratic but is systemic and structural. Since Australian courts of law are unwilling to treat asylum seekers fairly, there is no wonder that DIAC and Serco have failed to treat peaceful asylum seekers, surrounded by danger, with the slightest degree of fairness!

Therefore, I would not raise this question.

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Jim S. Adriel is the pseudonym of Shumile Arif. He has been detained inside the Villawood immigration detention centre for a period exceeding two years.



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