



Reference: OTP-CR-220/17
Additional Information on Enslavement on Manus Island and Nauru
Dated: 15th April 2018

1. As noted in the previous communication on 30-Jun-2017, the Commonwealth Government of Australia has been perpetrating the crime of enslavement of 2,200 migrants/asylum-seekers on Manus Island of PNG and Republic of Nauru. ¹ The detention companies, Broadspectrum – formerly known as Transfield Services P/L – and Ferrovial, have co-perpetrated in this enslavement scheme. The commencement of that enslavement scheme has been estimated to be about 14th October 2014, which coincided with the induction of Chief of Transfield Service P/L into the Prime Minister’s Offices. ²

Formation of Joint Criminal Enterprise for Detention (JCED)

2. A situation of unusually large numbers of boat-arrivals who came through Indonesia in 2010-2012 had forced the then Prime Minister Kevin Rudd to re-introduce offshore detention regime. Earlier on 2008, the Prime Minister Kevin Rudd had closed one and the only remaining offshore detention centre on Nauru. The Transfield Services P/L, an Australian infrastructure services group, had entered into the offshore detention business in 2012.

To this author’s observation, neither Transfield Services P/L nor the Commonwealth Government of Australia in the beginning have had the plan to set up an enslavement scheme offshore. However, in the lead up to the general elections in 2013, the opposition Liberal and National Party (LNP) mounted a strong anti-boatpeople campaign. The continued large influx of boat-arrivals from Indonesia had caused two successive Labour Prime Ministers getting removed from their offices ³. The Australian public attitudes towards boat-arrivals had significantly hardened and that, on August 2013 general election, the LNP had won a landslide victory. The success of LNP government on the anti-boatpeople platform, along with the lucrative nature of offshore detention business may have encouraged certain business and political leaders to further extract substantial profit from the detention of asylum-seekers.

3. As of early 2014, there appeared to be behind-the-scene mobilization by Transfield Services P/L to monopolise offshore detention businesses on Nauru and Manus Island. This process for monopolization appears to have accelerated after the violent death of Iranian asylum-seeker Reza Berati on Manus Island ⁴. On October 2014, the

1 2017-Jun-30, Enslavement on Manus Island and Nauru, <http://www.aus4iccwitness.org/node/48>

2 2016-Sep-17, The Saturday Papers. See the section on “Transfield awarded Manus without proof of efficiencies”. DIBP contracts with Transfield offshore activities were being consolidated after August 2013. <https://www.thesaturdaypaper.com.au/news/immigration/2016/09/17/transfields-11b-offshore-processing-contract-farce/14740344003749> (or) http://www.netipr.org/saorg/docs/20160917_transfield-offshore-processing-contract-farce.pdf

3 2016-Jun-15: The boat-arrival and political situation leads up to 2013 election and the Government cover-up of boat-turnback policy had been discussed in this report. http://www.netipr.org/saorg/docs/20160615_OSB-Coverups.pdf

4 2014-Sep-01: HRLC/RAID Complaint on G4S Australia, Sec. 5.3 “Violence Against Detainees Held at MIRPC” http://www.netipr.org/saorg/docs/20140901_hrlc-raid-g4s-report.pdf



Chief of Transfield Services P/L was inducted into Prime Minister's Offices. The Transfield Services P/L (renamed Broadspectrum) effort to monopolize offshore detention business had achieved its desired outcome in 2015, when the Transfield Services P/L had been named as preferred tenderer for the government. On August 2016, the government, once again, renewed the offshore detention business contract with Broadspectrum/Ferrovial up until October 2017 ⁵.

In sum, by 2014 the elite business and political leaders in Australia had jointly set up the offshore enslavement scheme, i.e. Joint Criminal Enterprise for Detention (JCED). The mode of commissioning of the crime by JCED is in the field of "macrocriminality", where a massive and systematic arrays of criminal activities that have been supported and tolerated by the State. The group members of JCED are the principal perpetrators of enslavement and they are fully aware about the common criminal plan for the offshore detention business. The common criminal plan by the members of JCED may include:

- (i) collaborating with others to politically sustain the offshore detention regime;
- (ii) concealing the business model and mode of profit extraction from the scrutiny of Parliament and general public;
- (iii) otherwise render assistance in implementing the offshore detention regime.

Present Criminal Allegations

4. On August 2016, the LNP government had extended its detention contract with Ferrovial until October 2017. This communication concerns with the voting action on **10th of August 2017** in support of government by a group of Senators that has contributed to the **enslavement of 2,200 asylum-seekers for the period of 1st July 2017 to 31st October 2017**, whereas **the government had been implementing common criminal plan laid out by JCED**. This is also the period after the author had raised concerns about the issue of offshore enslavement with the government and general public ⁶.

5. On 10th August 2017, the Senator Nick McKim put forward motion no. 411 to evacuate asylum-seekers from Manus Island and Nauru. Out of the 46 Senators, the 39 listed in the followings had voted against the motion ⁷. I am alleging that these Senators are criminally responsible for prolonging enslavement of the asylum-seekers in the said period, as a group of persons supporting the government's common criminal plan that laid out by JCED.

Article 25 of Rome Statute has classified the modes of responsibility for individuals in commissioning of the crime against humanity. I have sub-divided these 39

⁵ 2016-Aug-08: Detention centre contract extend despite owner objection, by the Guardian.

http://www.netipr.org/saorg/docs/20160808_detention-center-operator-contract-extend-despite-owner-objection.pdf

⁶ This author had made efforts to publicize about the communication made to ICC on 30-Jun-2017, and alerting all relevant organisations and general public on the issue of offshore enslavement.

http://www.netipr.org/saorg/docs/20171208_reply-by-attorney-general-office.pdf

⁷ 2017-Aug-10: Senator Nick McKim motion on asylum-seekers.

http://www.netipr.org/saorg/docs/20170810_mckim-motion-asylum-seekers.pdf



Senators into two categories. In the first category, there are Senators who had been elected in the 2016 general election. That first group of Senators are to be charged with Article 25 (c):

“(c) For the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission; ”

Aiding and abetting is the least severe form of criminal attribution. I believe those first group of Senators should be accorded as such because, whilst they have substantially contributed with their voting actions to the government’s plan for detaining asylum-seekers, they may not necessarily be aware that certain form of exploitation (enslavement) has been taking place. In other words, this first group of Senators certainly have the intention to keep asylum-seekers being detained, but uncertain they have the mens rea for enslavement offshore.

The second category of Senators -- both from the government and opposition -- consists of the long serving and distinguished members of Parliament. As such, they have the ultimate knowledge about the government and its offshore practices. Those Senators' individual voting actions, which have done so with their own volition and without any duress, have contributed substantially in furthering of the government’s common criminal plan for detaining and exploiting asylum-seekers. The second group of Senator are to be charged with Article 25 (d), in addition to aiding and abetting:

“(d) In any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:

(i) Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the Court; or

(ii) Be made in the knowledge of the intention of the group to commit the crime; ”

6. In the second group of Senators, there are the members of LNP Government. There is the possibility that some of those individuals may have participated in JCED. Therefore, there will be additional submission of charges to be updated on them, as any relevant information has come into light in the future.

Sd. U Ne Oo
Sydney, Australia.

List of Senators and their (alleged) individual criminal attribution under Article 25 of Rome Statute

	Name	Affiliation	Career Entry	Attribution	Contact / Emails
1	Bernardi, Cory	Australian Conservatives	2006	25 (d) and (c)	36 Grenfell Street, Kent Town SA 5067 (PO Box 2192, Kent Town SA 5071)
2	Brown, Carol Louis	Australian Labor Party	2005	25 (d) and (c)	AMP Building, Ground Floor, 27 Elizabeth Street, Hobart TAS 7001 (GPO Box 376, Hobart TAS 7001) Email: senator.carol.brown@aph.gov.au
3	Bushby, David Christopher	Liberal Party, Chief Government Whip	2007	25 (d) and (c)	Suite 1, 71 Paterson Street, Launceston TAS 7250 (PO Box 97, Launceston TAS 7250) Email: senator.bushby@aph.gov.au
4	Cash, Michaelia Clare	Liberal Party, Minister for Jobs and Innovation	2008	25 (d) and (c)	44 Outram Street, West Perth WA 6005 (PO Box 1966, West Perth WA 6872) Email: senator.cash@aph.gov.au
5	Duniam, Jonathon	Liberal Party	2016	25 (c)	5-7 Best Street, Devonport TAS 7310 (PO Box 603, Devonport TAS 7310) Email: senator.duniam@aph.gov.au
6	Fifield, Mitchell Peter	Liberal Party, Senate Deputy Leader, Minister for Communication	2004	25 (d) and (c)	42 Florence Street, Mentone VIC 3194 Email: senator.fifield@aph.gov.au minister@communications.gov.au
7	Gallagher, Katherine Ruth	Australian Labor Party	2015	25 (d) and (c)	Unit A, Ground Floor, Law Society Building, 11 London Circuit, Canberra ACT 2601 Email: senator.katy.gallagher@aph.gov.au
8	Gichuhi, Lucy Muringo	Independent	2017	25 (c)	Commonwealth Parliament Offices, Suite 10, Level 13, 100 King William Street Adelaide SA 5000

						Email: senator.gichuhi@aph.gov.au
9	Hinch, Derryn Nigel	Darry Hinch Justice Party	2016	25 (c)		Level 14, 1 Queens Road, Melbourne VIC 3004 (PO Box 33241, Melbourne VIC 3004) Email: senator.hinch@aph.gov.au
10	Ketter, Christopher Ronald	Australian Labor Party, Deputy Opposition Whip	2014	25 (d) and (c)		Crossroads', 454 Gympie Road, Strathpine QLD 4500 (PO Box 2246, Strathpine Centre QLD 4500) Email: senator.ketter@aph.gov.au
11	Leyonhjelm, David Ean	Liberal Democratic Party	2014	25 (d) and (c)		Suite 405 Henry Lawson Building, 19 Roseby Street, Drummoyne NSW 2047 (PO Box 636, Drummoyne NSW 1470) Email: senator.leyonhjelm@aph.gov.au
12	Marshall, Gavin Mark	Australian Labor Party	2002	25 (d) and (c)		376 Victoria Street, North Melbourne VIC 3051 Email: senator.marshall@aph.gov.au
13	McCarthy, Malamdirri Barbara Anne	Australian Labor Party	2016	25 (c)		38B Mitchell Street, Darwin NT 0800 (PO Box 1596 Darwin NT 0801) Email: senator.mccarthy@aph.gov.au
14	McKenzie, Bridget	National Party, Deputy Leader	2011	25 (d) and (c)		38B Mitchell Street, Darwin NT 0800 (PO Box 1596 Darwin NT 0801) Email: senator.mccarthy@aph.gov.au
15	O'Neil, Debora Mary	Australian Labor Party	2013	25 (d) and (c)		Suite 3.12, The Platinum Building, 4 Ilya Avenue Erina NSW 2250 Email: senator.oneill@aph.gov.au
16	Paterson, James	Liberal Party	2016	25 (c)		Commonwealth Parliamentary Offices 4 Treasury Place, East Melbourne VIC 3002 Email: senator.paterson@aph.gov.au

17	Polley, Helen Beatrice	Liberal Party	2005	25 (d) and (c)	'The Charles', Suite 101, 287 Charles Street, Launceston TAS 7250 (PO Box 1223, Launceston TAS 7250) Email: senator.polley@aph.gov.au
18	Roberts, M			Resigned on citizenship	
19	Seselja, Zdenko Matthew	Liberal Party, Assistant Minister for Job and Innovation	2013	25 (d) and (c)	Shop 1, 25 Earnest Cavanagh Street Gungahlin ACT 2912 (PO Box 705 Gungahlin ACT 2912) Email: senator.seselja@aph.gov.au
20	Williams, John Reginald	National Party Whip in the Senate	2008	25 (d) and (c)	144 Byron Street, Inverell NSW 2360 Email: senator.williams@aph.gov.au
21	Bilyk, Catelyna Louis	Australian Labor Party	2008	25 (d) and (c)	Suite 3, Kingston Plaza, 20 Channel Highway, Kingston TAS 7050 (PO Box 320, Kingston TAS 7051) Email: senator.bilyk@aph.gov.au
22	Burston, Brian	Pauline Hanson One Nation Party, whip	2016	25 (c)	Suite 1-03, Level 1 Alec Rice Centre 43-43A The Boulevard, Toronto NSW 2283 Email: senator.burston@aph.gov.au
23	Carr, Kim John	Australian Labor Party	1993	25 (d) and (c)	62 Lygon Street, Carlton South VIC 3053 Email: senator.carr@aph.gov.au
24	Collins, Jacinta Mary Ann	Australian Labor Party, Acting Manager Opposition Business	2005	25 (d) and (c)	Ground Floor, 1013 Whitehorse Road, Box Hill VIC 3128 Email: senator.collins@aph.gov.au
25	Fierravanti-Wells, Concetta Anna	Liberal Party, Minister for	2005	25 (d) and (c)	Suite 1, Level 2, 6-8 Regent Street, Wollongong NSW 2500 (PO Box 886,

		International Development in Pacific				Wollongong NSW 2520) Email: senator.fierravaniti-wells@aph.gov.au
26	Gallacher, Alexander McEachern	Australian Labor Party	2011	25 (d) and (c)		265 Churchill Road, Prospect SA 5082 Email: senator.gallacher@aph.gov.au
27	Georgiou, Peter	Pauline Hanson One Nations Party	2017	25 (c)		Units 4 & 5, 162 Colin Street, West Perth WA 6005 (PO Box 6, West Perth WA 6872) Email: senator.georgiou@aph.gov.au
28	Hanson, Pauline	Pauline Hanson One Nations Party	2016	25 (c)		Suites 5 and 6, Level 36, Waterfront Place, 1 Eagle Street, Brisbane QLD 4000 (GPO Box 228, Brisbane QLD 4001) Email: senator.hanson@aph.gov.au
29	Hume, Jane	Liberal Party	2016	25 (c)		4 Treasury Place, Melbourne VIC 3000 Email: senator.hume@aph.gov.au
30	Kitching, Kimberley Jane Elizabeth	Australian Labor Party	2016	25 (c)		17 Mason Street, Newport VIC 3015 (PO Box 3162, Newport West VIC 3015) Email: senator.kitching@aph.gov.au
31	Macdonald, Ian Douglas	Liberal Party	2006	25 (d) and (c)		Level 1, 131 Denham Street, Townsville QLD 4810 (PO Box 2185, Townsville QLD 4810) Email: senator.ian.macdonald@aph.gov.au
32	McAllister, Jennifer (teller)	Australian Labor Party	2015	25 (d) and (c)		Suite 1, 1 Park Avenue, Drummoyne NSW 2047 Email: jennifer.mcallister@aph.gov.au
33	McGrath, James	Liberal Party, Assistant Minister to Prime Minister	2014	25 (d) and (c)		Tenancy A, 2-4 Mitchell Street, Nambour QLD 4560 (PO Box 772 Nambour QLD 4560) Email: senator.mcgrath@aph.gov.au
34	Nash, F			Resigned on citizenship		
35	O'Sullivan, Barry James	National Party	2014	25 (d) and (c)		Tenancy A, Ground floor 189 Hume Street, Toowoomba QLD 4350

					(PO Box 3135, Toowoomba QLD 4350) Email: senator.olsullivan@aph.gov.au
36	Payne, Marice Ann	Liberal Party, Minister for Defence	1997	25 (d) and (c)	2-12 Macquarie Street, Parramatta NSW 2150 (PO Box 1420, Parramatta NSW 2150) Email: senator.payne@aph.gov.au
37	Reynolds, Linda Karen	Liberal Party	2014	25 (d) and (c)	Suite C, 117 Great Eastern Highway, Rivervale WA 6103 (PO Box 369, Belmont WA 6984) Email: senator.reynolds@aph.gov.au
38	Scullion, Nigel Gregory	CLP, Minister for Indigenous Affairs	2001	25 (d) and (c)	Unit 1, 229 McMillans Road, Jingili NT 0810 (PO Box 40021, Casuarina NT 0811) 1/82 Todd Street, Alice Springs NT 0870 (PO Box 4449, Alice Springs NT 0870) Email: nigel.scullion@ia.pm.gov.au
39	Sinodinos, Arthur	Liberal Party	2013	25 (d) and (c)	Suite 3 Level 20, 1 Bligh Street Sydney NSW 2000 Email: senator.sinodinos@aph.gov.au