

PD 05
Revised Sep 02

Department of Defence

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SERVICE POLICE STATEMENT

File No ANNEX TO

Statement in the matter of Alleged Mistreatment by Australian Defence Force Personnel		Place Nauru	Date 11 Jun 03
Rank/Title Mr	Name in Full Abbas Ali CHANGIZI	Service/Work Number NR03-0123	Date of Birth 01 Jan 81
Place of Birth Afghanistan	Residential Address C/- Topside Holding Facility, Nauru		
Category/Mustering/Appt/Corps N/a	Unit/Section/Ship N/a	Occupation Shepherd	
Employment Address N/a		Contact Phone No Work N/a Home	

Statement

- This statement was made by me and accurately sets out the evidence that I would be prepared to give in proceedings under the Defence Force Discipline Act, or to a civil court, as a witness. This statement is true to the best of my knowledge and belief and I acknowledge that if I have stated in it anything that I know to be false or do not believe to be true I will be liable to prosecution.
- On the 16 Oct 01, I left Jakarta, Indonesia and boarded an Indonesian boat after previously paying \$4000 to Pakistani smugglers, in the hope of being transported to Australia. I travelled for three days and two nights on this boat enroute to Australia. There were approximately 230 refugees, consisting mainly of Afghanistan, Pakistan people and 5 Malaysian crew members onboard the boat
- After three days, (19 Oct 01) the boat was caught by Australian Military, I remember seeing a plane circling our boat then a short time later, a small boat later known by me that he was carrying Australian Defence members, approached our ship. They told us to turn our boat around and return to Indonesia which we commenced doing. Later that same day, the Military people had left and the boat turned back around and started heading back towards Australia. Later that evening, the military again approached and stopped our boat again.
- The Australian military people got onto our boat, they were wearing blue overalls. The boss (Captain) told us that the boat would soon be heading to Christmas Island then to Australia. It was night time and they stayed with us for the entire night. The vessel was escorted to the mountain at Christmas Island and tied the boat at the bay. They didn't say anything to us for the first two days.
- Around 0500 hours 22 Oct 01, the third morning, we were all asleep when the Army boarded our boat and took all the women and children off the vessel and onto large Navy boat. An unknown number of military placed everybody into the engine room, there were more than one hundred single men. It was very cramped and we had to squat/crouch in the crowded hull of the boat. The military informed us that we were to remain in the engine room. As I was very cramped and it was hard to breath due to poor ventilation. I asked the military men if I could go to the top of the boat because it was cramped, they told me no I could not and I had to stay where I was.
- There were many people who wanted to go to the top of the boat and it was very cramped for everyone. People started to become upset and a large number wanted to go up top. People started removing some planks of wood from the hull of the boat. I picked up an already broken piece of wood and hit myself in the head, I wanted to finish myself by that I mean I wanted to kill myself as I did not want to be mistreated anymore.

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Statement by Abbas Ali CHANGIZI continued

- 7 The military people were trying to stop us from making noise, they started to spray the fire extinguishers at us and hit us with long sticks (batons). One of the military men (details unknown) hit me once on the right elbow with his stick and my elbow started to bleed. I do not recall the type of uniform he was wearing but would know him if I saw him again. There was many of us, I counted approximately seven people, who got hit with sticks. The military were taking video from above the engine room and they showed us that they were filming. When we were told this, people started to calm down and stop making so much noise. The military people were carrying a long black stick that was attached to their side. I did not ask for any type of medical treatment for my elbow as I was scared of the military men. I do not remember seeing any smoke or fire coming from the engine room. Some people were working on the engine to repair it and when they tried to start it, caused the engine to smoke that may have then been seen exiting the vessel through the hold area.
- 8 During the first evening, same date, I do not recall the exact time but I know it was dark. The military were letting people, who were asking, to go to top of the boat, to pass water (by this I mean going to the toilet). If we wanted to go to pass water, we had to make a 'T' - shape with our hands to get permission and then they would give us permission to go to the toilet. When some of the people were up the top, going to the toilet, I heard what I believed was the military hitting some people. I heard these people were crying and making thudding type noises, which sounded like people being thrown onto the deck. I did not see any person being hit at that time.
- 9 I was finally given permission to pass water and on returning to the hold, one military man grabbed my collar from behind and threw me onto the deck. Another military man had his boot on my face (I believe they were black boots) and he was holding me down. I don't recall what this man looked like. Then a third man tied my hands behind my back with plastic handcuff ties. I believe one of the three men was wearing blue overalls, but I don't recall what the others were wearing or what they looked like. They placed me in a wet area of the deck, that had been effected by the spray from the rough seas. I saw that three other people were already handcuffed on top of the deck and I was the fourth person to have my hands tied. I know these three people that were handcuffed was a man named Kabirr (no other details known) who I believe has since returned to Kabul, Samim (no other details known) who has gone to New Zealand and Hafiz (no other details known) who has left on the Nauru on the second flight, in December 2001 to Afghanistan. I do not regard these men as friends but they know me as Abbas.
- 10 I remained in handcuffs for two days and two nights. During this time, I was not allowed any water and they did not allow me to go to sleep. I was not allowed to lay down and whilst crouching, they would shine a light into my eyes. I believe they were handcuffing us so that people would be scared to ask to go to the top of the boat to pass water. Later that night, I do not recall the exact time but I finally had to pass water. I asked the military men if I could go, which they agreed, but they would not untie my hands. The military man undid my trouser zip for me and I passed water. I felt very ashamed at that time.
- 11 During this time I was handcuffed I was sitting down and leaning on a wall of one of the rooms of the boat, when one of the ladies was sitting across from me and the boss came towards me. The Boss said to her that she should mistreat me but the lady said "No". I don't recall which one said this and they were both very nice towards us. These ladies showed sympathy to me and did not mistreat me at any time. One lady had long auburn/henna coloured hair that was tied up behind her head and the other had short shoulder length blonde/yellow coloured hair. These ladies said to me that they the other military men shouldn't mistreat me. I don't recall any other details but know they were both shorter than me.


B. A. LEWIS
SGT

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12. On the morning of (around) 22 Oct 01, I was still handcuffed on the deck. While I was there, I saw a man getting searched against the wall, on top of the boat. His hands were against the wall, his feet spread wide apart and the military men knocked away his arms and he hit his head against the wall and fell down. The two military men picked him up and dragged him to the side of the vessel, held his ankles then dangled him over the side of the vessel. I could see a shark swimming in the water below, the military men looked scared when they saw the shark and picked him up and put him on board the boat, a few moments later.
13. On the fourth day (around) 24 Oct 01, of the military being on the boat, a military man released me from the handcuffs and sent me back down to the engine room. While I was in the engine room I did not make any noise as I did not want to be beaten or handcuffed again. There was a barrier in the engine room that separated us from the engine room. There were two or three military men working on the engine. The barrier was made of woven material, which was dark in colour but had large square-like open spaces on it.
14. On the same day (around 24 Oct 01), all the underage boys (Age) from the military ship returned to the boat with us. There was about forty-five of them. They all had to sit in the engine room. A military man asked me if I wanted to go to the top of the boat as it was now very cramped, I said yes then I felt scared and believed they may beat me again if I went with them. I decided to stay below in the engine room where I stayed for another two or three days.
15. On either the fifth or sixth day (around 25 - 26 Oct 01) of the Australian military being on the boat, a military man who I believe was the boss or Captain came and spoke to me from the top while I was in the engine room. He was wearing the colourful uniform (green, brown and yellow in colour), I cannot recall specific markings on his uniform. I believe he was over 25 years of age and he had short yellowish hair. This man said for me to come up to the top of the boat or he would come down and 'fuck me' (I believe he meant he was going to beat me badly). I was scared and I told him I was not going to him. He said again that he would fuck me, he then commanded two military men to come down and get me. I decided to go to the top before they came down. My hands and legs were shaking because I was so scared. One of the military men grabbed me by the collar of my shirt and dragged me to where the Captain was.
16. The Captain asked me who broke the boat engine, I told him I did not know. One of the military men threw a green cloth at me and told me to clean the toilet. When I finished cleaning the toilet the Captain looked at it and said I didn't clean it properly and he told me to clean it again. I went back to the toilet and they added chemicals to a bucket of water, they said the toilet smelt. They then poured the bucket, full of chemicals, over me because they said that I smelt as well. They then asked me to stand up. At no stage did I remove any of my clothing.
17. While standing, four military men approached me and again asked me who broke the boat/engine. I told them "I don't know about this". One of them was going to hit me in the back with his stick and I put my hand behind me to protect myself. The stick hit my little finger of my right hand. My finger was damaged and swollen but not bleeding from being hit. I still have trouble using my little finger and it hurts when it is cold. I did not seek any medical attention in regards to my little finger. After they hit me, I told the Captain that some families on the other ship damaged the boat. This was a lie and I told him this to save myself.

Abbas
A. A. LEWIS
Sgt.

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18. For the next two to three days (around 27 - 29 Oct 01) I remained in the engine room, during this time I was generally mistreated by the military men by this I mean they kept me awake by shining torches in my eyes and throwing water on me. This treatment was only happening to me, I could not move to another position in the engine room as it was very crowded and no one would swap with me. The water that was thrown on me was from drinking bottles and seemed to be fresh water. During this time I was hit in the head by a military man who was standing higher than me and watching the people down in the hold. I was leaning on a pillar of the boat when I felt a blow to the left side of my head. I looked up at the man who was carrying a long stick and saw that he was laughing at me. I don't recall what he was wearing. I then felt dizzy and do not recall anything else about that incident. I did not give him a reason to hit me.

19. Somewhere between the seventh and ninth day (around 29 - 31 Oct 01), three military men came into the engine room. One of the men came and spoke to me. I can remember his face and that he was wearing a military cap, he had green eyes and looked very strong. The man was a little taller than me, I am about 176 cm's tall. I cannot recall what type of uniform he was wearing. He said to me "Bagus" which is Indonesian for 'good', he then said to me "Is it Bagus", I replied that it is "Bagus". The military man raised his handgun (the gun was dark almost black and had a shiny side. He pointed it at my head at this stage and he was about one or two metres away. He then lowered his gun and pulled back the metal slide on top of the gun. He then said "Bagus" I then shook my head and said "No Bagus". He then pointed the gun back at my head and pulled the trigger and the gun clicked. The two other men were standing either side of this man holding the gun. There were also four military people above the engine room on the deck. When the gun clicked they all laughed at me. I thought I was finished, by that I mean I thought he was going to kill me and I started to cry. I don't recall what those men were wearing at the time of this incident. This incident was witnessed by most people (now known as reference number 03 - Christmas Island) sitting in the hold. I recall four people being Dr (Nurse) Amin Jan, Mr Chaman Shah and two brothers Raouf and Wahid Sohrabi. They were sitting with the rest of the single people that had not been transported off the boat and were sitting in the hold of the vessel.

20. On the fourteenth day (around 4-5 Nov 01), everybody was being offloaded ^{from} ~~on~~ the big military boat. Small military boats were taking people over to the ^{Christmas Island} big military boat. The captain said to me that I was not going and I had to stay on my boat. I was the last person left on my boat before I was told to board the small boat. As I was going down the ladder to get on the small boat a military man kicked me in the right hand side of my head with the sole of his boot. I cannot remember which uniform he was wearing or what he looked like, but I know his boots were black. He said to me 'bagus isn't it', I did not reply and got onto the boat. I still had the mark on my face from the kick when I arrived in Christmas Island.

21. When we arrived in Christmas Island the Captain spoke to the boss of ACM (Australasian Correctional Management), I know he was ACM because he had ACM printed on his white coloured shirt. The Captain told the ACM man that if there was any trouble with me, he should bring me back to the ship. I know he was talking about me as he was pointing at me at the time.

22. At no stage did I report or was treated for any of the injuries that I received during the past fourteen days that I described above. I did not report these injuries on board the boat because the military were beating me and I was scared of them. I did not get my finger treated at any stage, as I wanted to show the injury to the people that did this to me so they could be judged. I did not at any stage give permission for any military person to hurt me. I remained at Christmas Island for two months and ten days until I was transported to Nauru. I was never mistreated by either ACM or IOM.

Beck
B. A. CENJI
Sgt

04/09/2004

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23. About 1110 hours, 11 Jun 2003 I had a conversation with a person now known to me as SGT Brett Lewis of the Airforce Service Police. As a result of that conversation SGT Lewis showed me two A-4 pieces of paper with pictures of sticks on them bearing a Service Police Identification Label numbered BAL/01. I then signed and dated that label as did SGT Lewis after me. SGT Lewis then retained that item in his possession. I can say after being shown item BAL/01, that there are two sticks that look similar to those being used by the Australian Military people. I identified those two types of sticks, which I believe the Australian military had used on me. I then sighted SGT Lewis place a star on each picture in blue pen and then I signed and dated those pictures and handed them back to him.

24. About 1345 hours, same date, SGT Lewis then handed me four A-4 pieces of paper with pictures of handguns on them bearing a Service Police Identification Label numbered BAL/02. I then signed and dated that label as did SGT Lewis after me. SGT Lewis then retained that item in his possession I looked through these pages and sighted two handguns that look the same as the one that was pointed at me by the Military man. I then signed my name at the bottom of these two pictures and handed these pictures back to SGT Lewis.

25. About 1543 hours, same date, SGT Lewis showed me a letter that was handwritten. This letter was a letter of complaint titled: From Abbas Ali Changizi NR03-0123-01 to DIMIA. I have never seen this letter before, however, I believe it may have been written by Dr Christie on my behalf. About mid April 2002, I spoke to Dr Christie about my sleeping problems, because I was and still are, having nightmares about the military man pointing his gun at me. I told Dr Christie the entire story and she advised me that she would write a letter on my behalf to the Australian Government. I agreed with Dr Christie writing the letter, but I did not see the letter she wrote.


B.A. Lewis
SGT.

Wed 11/09/2004 7:17 PM

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26. About 1500 hours, 12 Jun 2003, I handed SGT Lewis two A-4 pages being a sketch of SIEV 6 drawn by Mr Ali Abbas Changizi on 12 Jun 2003. I then assisted SGT Lewis by adding English wording to these sketches indicating parts of the vessel and lines showing direction of my travel for each incident. After having this information read to me by my Interpreter Mr Mir Frahmand, I signed and dated both sketches. I then sighted SGT Lewis compile a Service Police Identification Label numbered BAL/03. I then signed and dated that label as did SGT Lewis after me. SGT Lewis then retained that item in his possession

Abbas Ali CHANGIZI

Statement taken and signature witnessed by me at

Topside, Holding Facility, Nauru on 12 Jun 2003

at 1705 h.


B.A. LEWIS

SGT

I, Mir Frahmand acted as an interpreter for Mr Abbas Ali Changizi whilst he was interviewed by the Australian Air Force Directorate of Security and Policing Investigations Section conducted at Topside Holding Facility, Nauru on 11 Jun 2003. I read this statement to Mr Changizi and can confirm the contents of this statement in its entirety.

Mir Frahmand

Community Liaison Officer

IOM0015



**AUSTRALIAN ADMINISTRATIVE CENTRE
OFFICE OF THE LIAISON OFFICER
DEPARTMENT OF IMMIGRATION, MULTICULTURAL AND
INDIGENOUS AFFAIRS
NAURU**

Mr Abbas Ali Chenghizi
Topside Processing Centre
Nauru

Dear Mr Chenghizi,

As discussed yesterday allegations you made about your mistreatment by the Australian Defence Force have been investigated.

The Defence force advised the allegations were considered very serious and the investigations were very detailed in nature. After extensive enquiries the investigation did not reveal any evidence to support the allegations of improper behavior by Defence personnel towards you.

While the enquiry found that ADF personnel used batons, this was done pursuant to extant instructions. Baton use occurred during an incident where assylum seekers rioted and attempted to sink the vessel. There was no evidence that baton strikes were made to the head or joints of person struck. Likewise plastic handcuffs were used to restrain assylum seekers, including yourself. The enquiry did not reveal evidence to support the other allegations you made.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ross Wilkie'.

Ross Wilkie
DIMIA Liaison Officer
Australian Consulate General
Republic of Nauru
28 November 2003

ROOM 184, MENEN HOTEL, REPUBLIC OF NAURU
TELEPHONE 444 3641
FAX 444 3842