

Paul MacMahon

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Dated: 29th October, 2019

Dr Heather Miller
The Medical Director
International Health & Medical Services (IHMS)
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Pinnacle Office Park
4 Drake Avenue - Building B
Macquarie Park NSW 2113

International Health & Medical Services (IHMS)
Villawood Immigration Detention Center
15 Birmingham Av.
Villawood NSW 2163

SERCO Asia Pacific
Villawood Immigration Detention Center
15 Birmingham Av.
Villawood NSW 2163

Cc:
Ulysses PRESCILLA
Status Resolution Officer
Department of Home Affairs

Re: Detainee - Safwat Abdel-Hady – Request for Information

Dear Sir/Madam,

I refer to previous communications and my enquiries of SERCO and IHMS on the 9th ultimo. I now write as the nominated Next of Kin to Mr **Safwat Abdel-Hady** who is a close family friend and Godfather to my children and with whom I visit monthly.

My associate Ms. Leigh Johnson of AUSLAW Lawyers Pty Ltd acts for Mr Abdel-Hady in connection with his application for Prime Ministerial Intervention and the family law matter currently before the Family Court of Australia and has recently written to yourselves regarding the deterioration in Mr. Abdel-Hady's condition.

Regardless of what other actions are being taken in connection with a revised Request for Prime Ministerial Intervention currently underway, I write to you on an URGENT basis concerning the psychological and physical wellbeing of Mr. Abdel-Hady who is in your care and custody and whose health I have observed is quickly deteriorating. If the matters relating to his well being are not addressed promptly, I fear that inaction may lead to severe irreparable damage to Mr Abdel-Hady's health and possible premature death. I hereby address my concerns and remind you of your duties in the following:-

Continued Neglect

As a result of my visit last month, I started making enquiries of IHMS and SERCO all to no avail, which was followed up by visits and letters by Ms. Johnson. I again visited Safwat last Thursday and was overwhelmed by what would appear to be a deliberate and systematic attitude of nonchalance in attending to his health issues.

I understand that medical staff and doctors have recommended certain treatment, procedures, operations and courses of medication that can not properly be overseen and administered within the Villawood IDC facility. Merely using the repeated rejoinder by IHMS staff that "Please sign a waiver" is neither professional or adequate.

Three of my own children are medical doctors and when discussing Safwat's plight, they counsel me that I should remind your medical staff of their professional oaths, duty of care and their obligations under the ***Convention on the Rights of Persons with Disabilities (Dec. 2012)***. Similarly, all IHMS and SERCO staff need to be reminded of the 'Nuremberg Defence' used by Nazi War Criminals in their attempts to absolve their guilt 'Befehl its Befehl' (an order is an order). These criminal were not successful then and your respective staff need not assume that they will be any more successful now.

Article 3 of the 1975 '***Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment***' clearly provides that:

No State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Inhuman treatment or punishment causes intense physical or mental suffering. This could include serious physical assault or psychological abuse in care settings, **cruel** or barbaric conditions or detention, or the real threat of torture. **Treatment** may be considered **degrading** if it is extremely humiliating or undignified.

After 27 months of regular visits to Mr. Abdel-Hady at the IDC, my visit last week (which in itself was almost denied due to administrative 'irregularities' though my name was on the

Visitors List) merely served to confirm my belief that Safwat is enduring a prolonged and orchestrated pattern of conduct by staff within the facility designed to weaken his spirit and lead to premature death or incapacity. Some examples already drawn to your attention by Ms. Johnson are:

Disparaging Treatment by Staff

Mr. Abdel-Hady has been subject to derogatory treatment by SERCO and IHMS staff over the past 27 months. Though some IHMS culprits have been removed, the treatment continues. A simple recent example is when Safwat was intentionally restrained by one of the officers whilst on his way to the medical clinic after he requested the officer to open the compound gate. At the time he was then stopped in middle with another gate with an intention to break his spirit and his self respect, later Safwat learned through a process devised to address incident related concerns and called triggered review of management plan, that the incident was formatted as abuse and aggression from him and he would be the subject to be placed on a special program called Behavioural Management Plan(BMP) , which he declined and refused to sign. More blatant examples abound.

As previously advised, it is commonly understood that the detention centre has prison like conditions and the management and relevant Government departments seem to ignore the fact that immigration detention is administrative detention and not criminal detention. Ms Johnson has respectfully requested 'that the treatment of Mr. Abdel-Hady by staff should be fair, appropriate and balanced instead of officers abusing the powers entrusted to them'.

Dr Ilan Cohen's report which was previously supplied to yourselves made clear that Mr Abdel-Hady's psychological health has deteriorated significantly as a result of the present, consistent and derogatory treatment which he has endured from staff over the past two years.

Excessive Use of Force

Ms. Johnson has already written to you concerning the relevant regulations relating to Immigration detention pertaining to the use of force on a person in detention, citing instances where in Mr. Abdel-Hady's case, SERCO and Department of Immigration and Multi-Cultural Affairs has failed to comply with this regulation and proceeded to use excessive use of force in form of the use of mechanical restraints being applied on him with disregard of his good behaviour and compliance during court and medical escorts.

The series of infections in his lower legs (both legs) and four blood clots (DVT) diagnosed in the past few days since my visit stem from the time under the direction of SERCO staff whilst he was in hospital when he was confined to his bed contrary to doctors orders.

Enquiries made confirm that there are a significant number of SERCO staff including management in VIDC who have a background as corrections officers and who bring with them a particular mindset and principles as correctional centres and in doing so fail to comply with these guidelines.

Poor Medical Care and Restrictions to Diabetic Food

It has already been highlighted to you three weeks ago that Mr. Abdel-Hady's medical history and records confirm, that his health conditions have deteriorated at a very fast pace. One of the reasons for this is not providing him with nutritious diabetic food.

This issue has been repeatedly canvassed and Safwat's disability is known to all. He has had several cardiac and angina attacks whilst in detention. He has had heart operations whilst in detention. He is a diabetic, suffering DVT and with a range of conditions the existence of which you are well aware. Both consulting and treating doctors have recommended that he needs hospitalisation and several specialist medical treatments only available if he is living the wider community.

As Next of Kin I do not want my next visit to the VIDC to be one where I am called upon to attend on a terminally sick and dying friend.

I implore you to please advise me in writing as to what steps are being taken to treat Safwat as I believe he has neither the strength nor resolve to make these enquiries himself.

Your prompt attention and return advices would be most appreciated.

Thanking you in anticipation.

Yours truly,

Paul MacMahon

LI.B (Syd.) LI.M (Bruxelles) LI.D (Uppsala)