

# Tamil refugees to be deported to death?

Thursday 8 March 2007, by [ILTIS Tony](#) (Date first published: 3 March 2007).

Serious fears are held for the safety of 83 Tamil refugees from Sri Lanka who are, at the time of writing, being detained on Christmas Island. Australian, Indonesian and Sri Lankan officials are talking about returning the refugees to Sri Lanka, via Indonesia, without their asylum claims being assessed — a new departure from Australia's international legal obligations to refugees.

The 83 Tamils, and two Indonesian crew, were picked up by the HMAS Success on February 21 from a stricken fishing boat some 70 kilometres off Christmas Island. They have been held at the Christmas Island detention centre since February 24. Members of Australia's Tamil community have not been able to contact them. "They are being kept in isolation ... the only information we have is from the media", Sivakumar from the Tamil Association of Victoria told Green Left Weekly. Sources on Christmas Island reported that the two detainees previously in the centre were moved into community detention to avoid contact with the Tamils.

Despite being Australian territory, under legally dubious legislation Christmas Island is now treated as if it were not part of Australia for purposes of immigration law. Under this so-called "Pacific Solution", Australia has sent asylum seekers for processing to detention camps in third countries such as Nauru and Papua New Guinea. This approach has been rejected by the Christmas Island community. "Our position is that claims for asylum should be dealt with according to Australian law", shire president and general secretary of the Union of Christmas Island Workers, Gordon Thompson, told GLW.

Thompson said the asylum seekers should "not be referred to the United Nations High Commission of Refugees, because that would be dumping them on the international community. It would mean that if they are found to be refugees they would then be resettled in a third country, which would take a long time. They landed on Australian territory, so should be dealt with under Australian law, with proper access to the court system, appeal rights and legal representation. They should be allowed to travel to the mainland, where they could get better legal representation, but should not be removed from the island for any other reason."

Even more disturbing than the possibility of the Tamils being sent to Nauru are reports of high level discussions between Australian, Indonesian and Sri Lankan officials about the possibility of Australia returning them to Indonesia, which, as it is not a signatory to the UN convention on refugees, would send them back to Sri Lanka.

For Australia to do this would, according to Thompson, be "criminal neglect of the [asylum seekers'] rights and contrary to international law".

The February 24 Age quoted the Sri Lankan ambassador to Indonesia, Major-General Janaka Perera, as saying that Australian and Indonesian officials had agreed to assist in repatriating the refugees to Sri Lanka. The February 26 Australian reported an unnamed Indonesian foreign ministry source as saying: "I can tell you there have been very high-level meetings and close cooperation between Indonesia and Australia on this matter ... It looks like they are trying to repatriate the men to Sri Lanka."

If repatriated, the refugees' lives would be in danger. Despite a 2002 ceasefire agreement, the Sri Lankan army has intensified its war against the Tamil movement for self-determination, led by the Liberation Tigers of Tamil Eelam (LTTE). More than 67,000 people have been killed in the war since 1983. Perera has been implicated in human rights abuses against Tamils.

"The Sri Lankan government is bent on wiping Tamils out. Their attacks are not against the LTTE but against the whole Tamil population. It is very frightening. The situation is getting worse, day to day", Sivakumar told GLW. "Reports are that bombing is happening in civilian areas. People are kidnapped every day, their bodies found weeks later, dumped in the sea or the jungle. Not just in the [Tamil majority] north and east, but also in Colombo, people taken into questioning disappear."

Victims have included academics and parliamentarians, he said. There are also the so-called "white van" kidnappings, so named because of the vehicles used. "Paramilitary groups, with the help of the military, are kidnapping children and forcing them to join their groups. Under the ceasefire agreement, the government agreed to disarm these groups, but this hasn't happened", Sivakumar explained.

He also said that, "The government claims that the ceasefire is still on, but at the same time is issuing media releases boasting of military attacks against the LTTE".

Another difficulty facing many Tamils is lack of food and medicine, particularly since the tsunami of December 26, 2004. "The army in Trincomalee are holding up food given from Colombo. Furthermore, the bank account of the Tamil Rehabilitation Organisation has been frozen by the High Court of Sri Lanka. Millions of dollars for tsunami relief are being held up while the government is not doing anything for tsunami victims in Tamil areas", Sivakumar said.

The Sri Lankan government's attitude to human rights was indicated by comments quoted in the Ravaya newspaper on February 17 by the environment and natural resources minister Champika Ranawaka, who is a member of the Buddhist fundamentalist Jathika Hela Urumaya party. Referring to pro-peace activists and journalists, Ranawaka said: "People will die, what can we do about it? Are you asking us to leave those bastards and traitors alive? We can't do any thing because of wild donkey freedom in this country ... If we can't suppress those bastards with the law, we need to use any other ways and means."

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