

Australian government determined to deport East Timorese refugees

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10 December 2002

Despite considerable opposition from ordinary people, particularly in the northern city of Darwin, the Australian government has resumed the process of deporting about 1,800 East Timorese who fled Indonesian rule during the 1980s and 1990s.

Most of the East Timorese have lived in Australia for up to 13 years, found jobs, undertaken studies and begun to raise families, earning the respect and affection of other working class people. Yet successive governments, Labor and Liberal, have kept them in legal limbo for more than a decade, refusing to finalise their claims for asylum.

After militarily intervening in East Timor in 1999 on the pretext of protecting Timor's people from Indonesian-backed militias, the Howard government suspended moves to remove the refugees, concerned that the deportations would undercut its claims to have sent in troops for humanitarian reasons.

Howard's expressions of concern for the East Timorese were always completely cynical. Even at the height of the pro-Indonesian rampages, the government allowed only about 200 Timorese UN staff and their immediate families to flee to nearby Darwin, on three-month "safe haven" visas. When their visas expired, they were forced to return to the war-torn island.

Now, three years later, Canberra has determined that sufficient time has elapsed to allow it to ignore humanitarian considerations altogether and to push for immediate departure of long-term asylum seekers.

Eighty four Timorese living in Darwin, the Northern Territory capital, last month received Immigration Department letters, formally rejecting their refugee claims and giving them 28 days to leave Australia or appeal to the Refugee Review Tribunal (RRT). Since September, the department has processed 564 applications, rejecting all of them, while another 1,070 people are awaiting decisions.

If their RRT applications fail, they will face fees of \$1,000 each. Under new laws, introduced last year following the *Tampa* affair, no appeal can be made to the courts. Asylum seekers can make pleas to Immigration Minister Philip

Ruddock for compassionate consideration but, in the meantime, they will lose the right to work and all social entitlements, including Medicare health coverage.

Many of the asylum seekers live in Darwin, but hundreds have moved to other cities, including Sydney, Melbourne and Adelaide. All have chosen to remain permanently. Most of their children cannot speak Portuguese, the official language adopted by the East Timor government, or even the more commonly used languages in Timor, Tetum and Indonesian.

Domingos De Silva arrived in Darwin in 1994 with his wife and four children. A fifth child was born in Australia. De Silva was on an Indonesian army hit list because of his links to the East Timorese resistance movement. "The only way I had to save my family and myself was to run away," he told the *Northern Territory News*. "I consider Darwin my home now, I've made a new life here with my family... None of my children, except my oldest one, know any other language but English. My oldest child is studying IT at the university here. If we went back, we'd be going back to nothing."

Elizabeth Lay who works as a kitchen hand in Sydney and Kian Ting Jong, who is a factory worker, both face deportation. Married seven months ago, they are expecting their first baby. "It would be very hard for me to raise a baby in East Timor," Elizabeth Lay told the *Sun-Herald*. "There are not enough doctors and not much of a future. Australia has become our home."

Most of the refugees suffered physical violence or detention under the Suharto dictatorship. An analysis of 147 cases by the Victorian Refugee Advice and Casework Service in 1997 found that 46 percent of all applicants had suffered serious assault, 33 percent had been tortured and 39 percent had family members killed by Indonesian security forces. In addition, 55 percent had a close family member arrested, 32 percent had been detained for long periods of time and 19 percent had been sexually assaulted (43 percent of all women applicants).

Many of the East Timorese fled their homeland in the

wake of the 1991 Dili massacre, when Indonesian troops killed more than 200 people after opening fire on a funeral procession for a pro-independence demonstrator. The Keating Labor government prevented them from gaining protection visas, beginning a series of legal manoeuvres against the families that were continued by the Howard government.

Having deliberately stalled the refugees' applications since 1996, the Liberal government now claims it is safe for them to return. But this assessment flies in the face of all available evidence. East Timor is the poorest country in Asia with unemployment estimated at 80-90 percent. Health and education facilities are minimal and diseases such as malaria, dengue fever and tuberculosis are common. Forty percent of people live below the poverty line of 55 US cents per day, 50 percent are illiterate and average life expectancy is only 56 years. These conditions are creating enormous social tensions, giving rise to severe unrest and disturbances, including last week's clashes with police and UN troops.

The refugees have received significant public backing in Australia. The conservative *Northern Territory News* has published letters and an editorial supporting the Timorese. "I read the article on the Timorese refugees with a mixture of sorrow and disgust," one woman wrote. "These are people who have integrated into society, had children and raised their families here for nearly 10 years... How unfair, unAustralian and inhumane of our government."

Another asked Ruddock: "How much more uncaring can you get? ... Don't you have any feelings for the poor little children who were born here and don't know any other place other than Australia, which they call 'home'? Do you want to uproot them and traumatise them and leave a permanent scar in their hearts and in their minds?"

Unmoved, Ruddock has publicly accused the Timorese and their supporters of delaying their applications and appeals for 10 years in order to "outwit" authorities and play upon public sympathy. But his accusations conflict with documents showing that in 1995 the Keating government issued a secret directive to immigration officials to impose a moratorium on Timorese refugee applications, a freeze that was then extended by the Howard government.

While the minister has promised to give the applicants due consideration on compassionate grounds if the RRT rejects their appeals, his comments indicate the likely outcome.

The situation facing the Timorese refugees highlights the duplicity and hypocrisy that has driven Australian policy for the past three decades. Suharto's regime invaded East Timor in 1975 with the backing of the United States and Australia. More than 200,000 Timorese died as a result. But in return for access to the lucrative oil and gas deposits under the Timor Sea, in 1978 Australia became the only country to

formally recognise the Indonesian annexation, a deal that was sealed with the signing of the Timor Gap Treaty in 1989.

So as not to compromise its relations with Jakarta, the Labor government held the Timorese refugees on temporary visas, rather than allowing them refugee status. In 1993 and 1994 the Immigration Department rejected the cases of a number of applicants, including Lay Kon Tji, claiming that they did not have a well founded fear of persecution if forced to return to Timor.

When the RRT finally heard Lay's appeal, it accepted that he would face detention and torture because of his ethnic Chinese background and his pro-independence political views, but still rejected his application. Despite its recognition of Indonesian rule, the government cynically argued that because East Timor remained under Portuguese sovereignty according to the UN, Lay could seek refuge in Portugal.

On three occasions, in 1997, 1998 and 2000, the Federal Court ruled against the government's argument, ordering the RRT to reconsider the applications. But the government continued to block the cases, only dropping its litigation in 2000. Finally, in March 2002, it sent letters to the Timorese informing them that their applications would be reconsidered in the light of the changed political situation in East Timor.

Today's assault on the basic democratic rights of long-term Timorese residents is entirely in line with the record of successive governments on East Timor over the last three decades. The overriding consideration dictating official policy has been to obtain the lion's share of Timor oil and gas wealth and to advance Australia's strategic and economic interests in the region, regardless of the consequences for the Timorese people.



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