

# Australian government condemns Tamil refugees to years of incarceration

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The Australian government's treatment of 83 Tamil asylum seekers fleeing from war-torn Sri Lanka is barbaric and criminal. Far from providing them with the necessary material and psychological support, the government has treated them as criminals. Last Sunday they were dumped in a detention centre on the remote and desolate Pacific island of Nauru.

The callous indifference to the plight of the traumatised refugees was summed up by comments to the Australian Broadcasting Corporation (ABC) last Friday by Immigration Minister Kevin Andrews. "Ideally we wouldn't want people coming to Australia in boats whatsoever. The question in these circumstances is what will be the strongest possible message of deterrence," he declared.

The Tamils are the latest of many hundreds of "boat people" who have been incarcerated by the Howard government as a "deterrent" to others contemplating the "crime" of fleeing intolerable circumstances.

Over the past year, the Sri Lankan government has plunged the country back into civil war, blatantly flouting its 2002 ceasefire with the separatist Liberation Tigers of Tamil Eelam. At least some of the refugees come from Sri Lanka's eastern province, where the military's offensives over the past six months have displaced tens of thousands of people.

Thousands of Tamils have fled to southern India and other countries to escape the dangers of war and the systematic anti-Tamil discrimination which lies behind it. Most of the 83 seeking asylum in Australia are young—one is only 17—and face even greater risks. Already, hundreds of young Tamils have been killed or "disappeared" by death squads operating in close collaboration with the military. Many others have been forcibly recruited into the LTTE or into various Tamil paramilitaries working with the Sri Lankan armed forces.

Mixing ignorance with contempt, Andrews declared last Friday that the Tamils should have applied for refugee status in Sri Lanka. He was later forced to acknowledge his obvious error: under the provisions of international law, a refugee is necessarily fleeing and therefore outside their country of origin. Andrews also invoked the Howard government's standard line that "boat people" were somehow illegitimate "queue jumpers", without bothering to explain where the "queue" began for someone escaping persecution and danger.

Even based on the restrictive provisions of the 1951 International Refugee Convention, there is a strong *prima facie* case that all 83 Tamils have a "well-founded fear of being persecuted", in this

case for reasons of race and religion. And the Howard government's actions have served to continue their persecution. No assistance was offered when the boatload of refugees was first spotted drifting in the Java Sea near Australia's Christmas Island on February 19. It was only on February 22, when the danger emerged that their unseaworthy vessel might sink, that the asylum seekers were taken on board an Australian warship.

For the past month, officials have held 82 of the refugees on Christmas Island, effectively cordoning them off from the media and refugee organisations and denying them legal assistance while the Howard government decided their fate. The remaining asylum seeker has a shrapnel wound to the head and was flown to Perth for urgent medical treatment. David Manne from the Refugee and Immigration Legal Centre, who was finally able to speak to two of the Tamils last Friday, described them as "highly anxious, confused and desperate".

One of the refugees, Sanje Selvanainair, told the ABC last Friday that he had been detained by the Sri Lankan military for over a month, tortured and had witnessed the summary execution of five of his friends. "We are refugees coming from Sri Lanka, we need help because we have suffered in Sri Lanka, then the Indian Ocean. We can't live in our country, that's why we came here. Can you help us?" he pleaded. In a letter to the immigration minister, 57 of the 83 declared they had been arrested and tortured by the Sri Lankan military.

Initially, Canberra mooted the idea of returning the refugees to Indonesia, but backed away after Indonesian authorities indicated they would be sent on to Sri Lanka. The Sri Lankan High Commissioner to Indonesia, Major General Janaka Perera, who is accused of war crimes by Tamil organisations, told the ABC that the Colombo government would assist in their repatriation, that the asylum seekers had nothing to fear and that he would guarantee their safety. Returning refugees back to the country they have fled constitutes a flagrant breach of international law.

Instead the Howard government has reactivated its "Pacific solution". In the midst of the 2001 election campaign, Howard deliberately vilified refugees and whipped up nationalist xenophobia as a means of diverting public hostility to his government's policies. The government deployed Australian warships and special forces troops to prevent more than 400 refugees, who had been plucked from a leaking boat by a Norwegian freighter, the Tampa, from landing on Christmas island. The asylum seekers were herded onto naval vessels and

shipped off to Nauru.

Depositing the refugees on Nauru enabled the Howard government to maintain the fiction that they had never been on Australian territory and thus wash its hands of any responsibility. In a bid to justify its flouting of international law, it enacted legislation to “excise” all Australian offshore territories, including Christmas Island, from immigration law, thus preventing “boat people” from formally applying for asylum. Those incarcerated on Nauru were left in legal limbo for up to five years.

The Tamil refugees now face a similar fate. Nauru’s acting foreign minister Frederick Pitcher told the media on Monday that his government wanted the asylum seekers processed quickly and would “prefer to see them off the island within six to 12 months”. Even if their claims are dealt with quickly, however, the Australian government insists that the Tamils must go to third countries—a process that could take years. Nauru, which is heavily dependent on Australian economic aid, is in no position to object.

Over the past five years, a growing wave of popular disgust has developed at the treatment of refugees and so-called illegal immigrants. Cases of Australian citizens wrongfully detained as illegal immigrants have highlighted the abuse suffered by hundreds of men, women and children in these prison camps. Despite a backbench revolt last year on the issue, Prime Minister Howard has proceeded with his inhuman policy.

His ability to do so flows from his confidence in the Labor Party’s continuing support. During its last term of office, between 1983 and 1996, the Labor Party introduced the indefinite mandatory detention of “illegal” immigrants. When Howard decided to make electoral use of the issue during the Tampa crisis in 2001, Labor quickly fell into line, backing the legislation enabling the “Pacific solution”. In the case of the 83 Tamils now, Labor’s only criticism is that it would be cheaper to process them on Christmas Island than to reopen facilities on Nauru.

Labor’s position echoes that of the entire political establishment. An editorial in Murdoch’s *Australian* on March 1 noted that Howard would have welcomed “an outburst of ‘open border’ arguments from the Greens and the Labor Left”, and then praised the Labor opposition for “combining sensible politics with considered policy” by supporting the processing of the Tamil refugees on Christmas Island. “[I]t demonstrates how Labor can neutralise an issue which was previously considered a plus for the government by doing what it believes is right, rather than what might be popular,” it declared approvingly.

The claim that the Labor “Left” or Greens support an “open border” policy is absurd. Mandatory detention, introduced by the “left” Gerry Hand, is supported throughout the Labor Party, while the Greens’ policy on immigration is linked to its reactionary demands for further population controls. The Greens insist that asylum seekers should be housed in the community rather than in prison camps, but have no differences whatsoever on the placing of strict limits on the number of immigrants and refugees. In the final analysis, their more “humane” approach reflects concerns in layers of the ruling elite that the current punitive regime is damaging Australia’s reputation in the Asian region and fuelling opposition at home.

Commenting on the detention of the 83 Tamils on Nauru, Greens

Senator Kerry Nettle insisted they should be brought to the mainland—because it would be cheaper. “If they are [asylum seekers], the Greens believe they should be brought to the mainland so they can be processed while they live in the community,” she declared last month. “We don’t want them on Christmas Island where it’s more expensive to keep them and they don’t get the same level of support and legal assistance, and we certainly don’t want them taken to Nauru.”

The Socialist Equality Party advocates a genuine “open border” policy. We insist that working people should have the right to live, work and study in any part of the world without restriction and with full citizenship rights and entitlements. We demand that the 83 Tamils incarcerated on Nauru be released immediately and flown to Australia. Every asylum seeker currently imprisoned under the government’s mandatory detention policy should be freed and provided with the necessary financial, language and other assistance to make a new life for themselves. All immigration detention centres should be immediately shut down.

The starting point of the SEP’s program is the understanding that the nation-state system, with all its myriad restrictions, has become historically obsolete. Production is organised globally, across national borders, and capital roams the world everyday, searching for the cheapest labor and resources. Yet ordinary workers are treated as criminals for seeking to escape persecution or fighting to create the conditions for a better life for themselves and their families.

The Howard government’s immigration policies, like those of its counterparts around the world, constitute a damning indictment of the capitalist system, where the mainspring of all social and economic life is the profit motive and the defence of the wealth and privileges of a tiny elite at the expense of the vast majority. The SEP urges workers and young people to oppose racial discrimination against immigrants and to defend the basic democratic rights of all, regardless of nationality, ethnic origin, religion or economic status. This basic political responsibility is a necessary component of the struggle to unify workers around the world in a common struggle to abolish the profit system and construct a socialist—that is, a genuinely egalitarian, democratic and humane—society to meet the needs and interests of all.



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