

# Australian government to leave Tamil refugees detained on Nauru

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14 September 2007

The Australian government has announced that it will keep 72 Sri Lankan Tamil asylum seekers incarcerated on the remote Pacific island of Nauru, refusing to allow them into Australia, despite accepting they are genuine refugees.

The decision denies the refugees their most basic democratic rights. In effect, they will be left indefinitely on Nauru, where they have already been detained for six months, stripped of personal liberty, civil and social rights and the freedom to live where they choose.

Immigration Minister Kevin Andrews declared that other unspecified countries would be asked to resettle the men, who fled arrest and torture by the Sri Lankan military, but refused to say how long that could take. He insisted that the refugees would be barred from Australia as part of the government's efforts to deter asylum seekers. "The reduction in the number of people seeking to enter Australia unlawfully has been a direct result of the Howard government's clear policy that persons who seek to enter Australia illegally will not be settled in Australia," Andrews said. His statement flagrantly violated the Refugee Convention, which prohibits the discouragement or punishment of refugees.

Two members of the 83-person Tamil group already had their refugee claims approved by the UNHCR in Indonesia before they set sail for Australia. One man, who is receiving medical treatment in Perth for shrapnel wounds, is still being assessed. Another's application has been rejected. The claims of the other six men, who allegedly indecently assaulted a Nauruan woman, have been stalled.

The refugees' sinking boat was intercepted by an Australian warship, HMAS Success, in the early hours of February 20, near Australia's Christmas Island. After being left floundering in their leaky boat for several days, they were initially held for a month in a detention centre on Christmas Island, cut off from all contact with the media, refugee groups and legal assistance.

The Indonesian government objected to the Howard government's original plan, which was to force the refugees back to Indonesia, from where they had sailed. Instead, they were transported to Nauru under the so-called "Pacific Solution", which has involved dumping hundreds of people fleeing persecution and war in desolate Pacific island camps.

Many of the previous victims, mainly from Iraq and Afghanistan, were kept locked up on Nauru or Papua New Guinea's Manus Island for years—in some cases, as long as five years. They paid a terrible human price, including suffering serious

mental ill-health, for the "crime" of trying to escape from war and unbearable circumstances.

The United Nations High Commission for Refugees (UNHCR) and local refugee groups have condemned Andrews's decision. Susan Metcalfe, a refugee advocate who has spent time on Nauru with the men, said, "they could still be stuck indefinitely in Nauru. It is highly unlikely that any third country would want to be involved in taking people who are widely seen to be Australia's responsibility."

Asylum Seeker Resource Centre coordinator Pamela Curr said: "They will languish on Nauru until they become so physically and mentally debilitated that Australia has no option other than to offer them a home here. This is what happened to the Afghan and Iraqi refugees who waited on Nauru for over five years."

Andrews's announcement was made only after the Tamils held a seven-day hunger strike over the government's delay in processing their applications for refugee status. The protest, which ended last week, won considerable support in Australia, another indication of the growing revulsion being felt by ordinary people toward the Howard government's anti-refugee policy.

Pulendren Pathmendra, 34, who has acted as spokesman for the Tamil refugees, said Australia's reaction to the hunger strike had been touching, with more than 1,000 emails of support. "People said: 'Don't hurt your bodies and your minds'. We like Australian people, and that is why we want to come there," he said.

Andrews was so determined to isolate the Tamils that he refused permission for Australian Human Rights Commissioner Graeme Innes, who was doing an annual review of immigration detention centres, to visit the Nauru camp. Innes insisted that he had oversight of all Australian-controlled detention facilities under the Human Rights Act. Andrews replied that it was outside Innes's jurisdiction, even though Canberra pays the impoverished Nauruan government to host the camp.

The Sri Lankan Government has branded the group "economic refugees" and demanded they be "repatriated". From the outset, however, the men made it clear they were fleeing the Colombo government, which has plunged the country back into civil war against the separatist Liberation Tigers of Tamil Eelam. In a letter to Andrews, 57 of the 83 said they had been arrested and tortured by the Sri Lankan military.

Since mid-2006, thousands of members of the Tamil minority have been displaced by military offensives in the north and east of

the island. Some refugee camps have been shelled by army artillery, killing scores of displaced civilians. Hundreds of Tamils have also disappeared or been murdered by soldiers and Sinhala militias.

Andrews finally accepted that the men satisfied the stringent and narrow test of the international Refugee Convention, which requires asylum seekers to prove they have a “well-founded fear” for their lives or safety because of religious, ethnic or political persecution. Nevertheless, he deemed they should not be permitted to enter Australia.

Instead, they could be sent to the United States under a controversial exchange agreement, signed earlier this year, that would involve Haitian and Cuban refugees, currently detained at Guantánamo Bay, being consigned to Australia in return. In May, Department of Immigration and Citizenship secretary Andrew Metcalfe confirmed at a Senate hearing that the Sri Lankans could be resettled in the US if they were found to be refugees.

In addition to the Sri Lankans, there are seven asylum seekers from Burma on Nauru, who have been there since September last year. According to the UNHCR, only about 4 percent of those processed on Nauru and Manus Island in the past were eventually accepted by other countries. One group of more than 50 asylum seekers spent over three and a half years on Nauru before half were resettled in 2005 after a mental health team warned that several were suicidal.

Since coming to office in 1996, the Howard government has sought to divert attention from the impact of its own policies—worsening social conditions and growing inequality—by demonising and scapegoating refugees. Facing defeat at the 2001 election, it falsely accusing refugees of throwing their own children into the ocean to force naval vessels to rescue them.

At the same time, government ministers seized on the 9/11 terrorist attacks in the US to insinuate, without any evidence, that asylum seekers could be terrorists. The campaign culminated in October 2001, when Operation Relex, the government’s naval blockade to turn back refugee boats, led to the deaths of 353 people, including 150 children, after their vessel, dubbed SIEV X, sank in Australian-patrolled waters in the Java Sea.

The government’s campaign dovetailed with the “war on terrorism” and a wider promotion of nationalism. While barring refugees, the government has resurrected “White Australia” language tests and other measures designed to restrict immigration to those with English language proficiency, skills and qualifications. Meanwhile, various temporary visa programs have proliferated to permit employers to import low-wage workers whose insecure residency status has exposed them to being exploited as virtual slave labour.

The government has only been able to continue its brutal policy because of bipartisan support from the Labor Party, which remains fully committed to the mandatory detention of asylum seekers, a regime introduced by the Hawke and Keating Labor governments in the early 1990s.

In a bid to distance itself from the government’s increasingly discredited “Pacific Solution,” Labor has pledged to shut down the Nauru camp, and instead process asylum seekers on Christmas Island. This is purely a tactical difference, since Christmas Island

has been “excised” from the Australian migration zone. Anyone detained there is excluded from the legal system, and thus from appealing to tribunals and courts against rejections of refugee status.

This week, Labor chided the government for pointlessly wasting money on the Nauru camp instead of utilising its massive new facility on Christmas Island. Labor’s immigration spokesman Tony Burke said: “The truth is, almost everybody who has been resettled from Nauru ends up being allowed to live in Australia.”

In a radio interview, when pressed, Burke said a Labor government would ultimately allow “some” of the refugees into Australia. But he has attacked the government for encouraging “illegal migration” by signing its swap deal with Washington. “The only third-country option currently on the table would be if the government revived its bizarre refugee swap agreement with the US. If the Government takes this option, Australia will become a magnet for anyone wanting a US green card,” he said.

The Greens, who have sought to tap into the deep public concern, denounced Andrews’s decision, and called for the abolition of the “Pacific Solution,” describing it as “an international embarrassment”. As an alternative, the Greens advocate “community-based” detention of asylum seekers and other “unauthorised” arrivals, which would still be followed by the deportation of those deemed to have failed the visa criteria.

In the final analysis, both Labor and the Greens line up with Prime Minister John Howard’s 2001 election declaration that “we will decide who enters this country”. Both parties are committed to upholding the underlying framework of the national-based immigration control system, which allows governments to arbitrarily restrict and monitor the movement of poor and working people in the interests of the corporate elite. While the wealthy, and their capital, can move freely around the planet, ordinary people face ever-greater border restrictions.

The Greens’ position was underscored in June, when the party sponsored a Climate Change Refugee Bill in the Senate to deal with the expected influx of people from low-lying Pacific islands, as a result of rising sea levels.

In her second reading speech, Greens’ spokesperson, Senator Kerry Nettle, stated: “Under this bill the Minister for Immigration would have the power to make a declaration that Tuvalu is suffering a climate change induced environmental disaster due to rising sea levels and more intense storms. The Minister could set a limit of, say, 300 Tuvaluans being accepted as climate refugees per year and set out how they apply and the criteria by which applicants would be assessed.”



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