

# Sri Lankan Tamil refugee dies—a victim of Australian government policy

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The death of a 29-year-old asylum-seeker Jacob Christin in an Indonesian hospital on December 23 is another tragedy caused by the Australian government's refugee policies. He was one of more than 240 Sri Lankan Tamils—men, women, and children—who have been occupying the Jaya Lestari 5, a 10-metre boat, in Merak Harbour, West Java for the past 13 weeks, demanding political asylum in Australia.

Christin was reported to have been vomiting blood for weeks. Only after he suffered a seizure did Indonesian authorities allow him to be taken to hospital. He died from serious stomach bleeding two days after being admitted.

The asylum seekers were attempting to reach Australia when they were intercepted on October 11 by the Indonesian navy acting on Australian intelligence and towed to Merak Harbour. Prime Minister Kevin Rudd made a personal phone call to Indonesian President Susilo Bambang Yudhoyono to ask him to intervene.

Fearful that they would languish in Indonesian immigration detention camps for years, the Tamils refused to disembark, demanding that they be taken to Australia to have their refugee applications processed. Their calls were rejected outright by the Rudd government, which insists that the Tamils are now the “responsibility” of Indonesian authorities.

Rudd told the media that interception of the Jaya Lestari 5 was part of a new political arrangement being finalised with President Yudhoyono. Refugees attempting to sail to Australia would be interned in Indonesia, with Canberra paying the cost of their detention. Dubbed the “Indonesian solution” by the media, the arrangement was intended to avoid Australia's obligations to refugees by handing them over to Indonesia—a country that has not signed the 1951 United Nations Refugee Convention.

Jakarta, on the urging of Canberra, has attempted to isolate

the Tamils from the media and to pressure them to disembark. Food and medical care has been restricted, clearly contributing to Christin's worsening condition and his death.

Spokesman Sanjeev “Alex” Kuhendrarajah told the media last week that conditions on the over-crowded wooden vessel were “horrendous”. On December 28, a seven-year-old girl was admitted to hospital with symptoms similar to Christin. A 43-year-old man appeared to have the same medical condition. Many others have been affected by malaria and acute diarrhoea. The vessel has only one toilet.

Five weeks ago, eight asylum seekers voluntarily left the boat, after receiving assurances from Jakarta about hostel accommodation and the proper processing of their refugee claims. One of the men agreed to be flown back to Sri Lanka after learning that his mother was seriously ill. He has disappeared and his family have no idea as to his whereabouts. The other seven are now incarcerated in an over-crowded cell at Jakarta immigration headquarters.

Within days of the Jaya Lestari 5 being towed to Merak, Australian customs ship Oceanic Viking rescued 78 Sri Lankan Tamils from a small boat near Christmas Island and transported them to Indonesia's Bintan Island, near Singapore. The Oceanic Viking Tamils also refused to disembark, demanding to be taken to Australia to apply for refugee status.

The protest continued for a month, before the Rudd government finally agreed to process their asylum applications and resettle them in Australia or other countries within four to twelve weeks if they were deemed refugees. All 78 were officially classified as refugees. Eighteen have been sent to Australia thus far and others are on their way to the US and Canada.

Canberra, however, has refused to offer this arrangement

to the Jaya Lestari 5 Tamils, even though half of them have already been officially recognised as refugees.

In Australia, the Labor government and conservative opposition coalition are engaged in a reactionary bidding war to demonstrate their determination to prevent refugees from reaching Australia. All these parties resort to whipping up anti-refugee sentiment to divert attention from their inability to address pressing social problems at home.

Recently installed opposition leader Tony Abbott has kept up a steady drum beat of claims that Labor is “soft on border protection”. Last week he upped the ante by calling on the government to use the navy to repel refugee boats—a step that would violate the spirit, if not the letter, of the UN Refugee Convention.

Rudd’s so-called “Indonesian solution” is in tatters after Jakarta, facing mounting domestic opposition, denied that there had been a deal and ruled out any future interception of refugee boats heading to Australia. In response, the Rudd government has stepped up its collaboration with other countries in the region—including Sri Lanka, the very country from which many Tamils are fleeing out of a legitimate fear of ethnic discrimination and persecution.

## **Sri Lankan deal**

On November 9, Canberra signed a multi-million dollar agreement with the Sri Lankan government to block Tamils from leaving the island and sailing to Australia. The deal involves “policing, technology and intelligence sharing” and funding for “capacity building, the training of judges, prosecutors and prison officials”.

Rudd told the Australian parliament on November 25 that his government had been involved in “interrupting” so-called people-smuggling ventures between Sri Lanka and Australia two days earlier. He provided no specific details but four boats carrying 163 Tamils were intercepted off the island’s southern coast by Sri Lankan authorities. Falsely described as “illegal immigrants” in the Colombo media, the asylum seekers were incarcerated in a high security prison near Galle.

Rudd boasted that in the previous 12 months his

government had been involved in extensive “disruption” activities throughout the region. This included: Indonesia 89 disruptions involving 2,221 people; Malaysia 15 disruptions involving 252 people and Sri Lanka 15, involving 260 asylum seekers. These were examples, Rudd declared, of “practical actions” being taken by his government to “stop people smugglers”.

One tragic consequence of these “practical actions” emerged on December 5. Sri Lankan troops killed a Tamil man on the beach at Batticaloa on December 5. Military authorities claimed that the 22-year-old was part of a group of 30 planning to sail to Australia and was shot after he attempted to seize a soldier’s gun. The young man’s mother told Associated Press that soldiers opened fire after the group tried to flee.

Last year the Labor government boosted spending on so-called border protection to \$650 million and expanded its detention centre on remote Christmas Island. Originally commissioned by the former Howard government to house 400 detainees, with provision for up to 800 for limited periods, Christmas Island now has over 1,200 people, including children. Labor plans to boost the numbers to over 2,000. More than 160 asylum seekers are currently held in tents.

Refugees on Christmas Island do not have the same rights when applying for refugee status as those on mainland Australia. They cannot appeal to tribunals or courts and there is no time limit for processing claims. Some unaccompanied minors at the facility have been held for six months and several adults for more than a year.

Such is the overcrowding and frustration over indefinite detention that asylum seekers rioted there in late November. Last Sunday, 400 Tamils staged a three-day boycott of the centre’s facilities in protest over lengthy delays in processing their refugee applications.

When in opposition, Rudd claimed that Labor would pursue a more “humane” policy toward refugees than the previous Howard government. The past 12 months have made clear that Labor has no fundamental differences with its conservative predecessor. The deaths of Jacob Christin and others seeking asylum in Australia are the terrible consequence.



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