

No criticism of Labor as Australia rejects Tamil refugees

Mike Head
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Not a word of critical comment has appeared in the media about the Australian government's decision last week to refuse protection visas to five Tamil refugees—and two children—accused by the Australian Security Intelligence Organisation (ASIO) of being security threats.

In violation of internationally-recognised principles, the Rudd government has denied visas to the seven even after the UN High Commissioner for Refugees (UNHCR) classified them as genuine refugees. Moreover, it is obviously relying upon allegations made by the very regime that the Tamils are fleeing—the Sri Lankan government. To collaborate with a government against refugees trying to escape its persecution flies in the face of the 1951 Refugee Convention and directly aids that persecution.

Such cooperation makes a mockery of the fundamental principle of non-refoulement—no return to persecution—which was established in international law after World War II in order to avoid a return to the horrors of the 1930s when numbers of governments shut their doors to Jews seeking to flee the Nazis.

Some refugee advocates, lawyers and civil liberties organisations have made limited criticisms of ASIO, the domestic spy agency, for refusing—as always—to supply any reasons or evidence for its adverse security assessments. But no one in these circles has condemned the government for using ASIO's ruling to reject the Tamils.

It was Immigration Minister Chris Evans, not ASIO, who announced last week that the five adults and two children would be detained, in effect indefinitely, on Australia's remote Christmas Island. There they will

remain in a legal black hole, stripped of all rights to appeal against the visa refusal or to challenge ASIO's unspecified allegations. It is the Labor government, not the spy agency, which is responsible for this decision, both legally and politically.

While Evans and ASIO would not provide any details, the minister insinuated that the detainees had been linked to the separatist Liberation Tigers of Tamil Eelam (LTTE). Such information could only have come from the Sri Lankan authorities, which treat not only the LTTE but also all Tamils as likely "terrorists". After its military defeat of the LTTE last May, the Rajapakse government rounded up the entire Tamil population of the former LTTE-controlled areas in the island's north and detained them for months without trial in military-run camps.

Evans felt obliged to concede that none of the five Tamils were "hardened terrorists". The truth is that the LTTE's members and supporters have never posed any violent threat to Australians—in fact, neither the Rudd government nor its predecessor, the Howard government, officially listed the LTTE as a domestic terrorist organisation.

The Sri Lankan government seized upon the visa decision to claim that the five Tamils could return home without fear of death or persecution. Foreign Affairs permanent secretary Romesh Jayasingha told the *Australian*: "Sri Lanka is a democracy—it is governed by the rule of law. If they have committed any offences, there will be a due and equitable process." Jayasingha added: "There is no persecution in Sri Lanka. All citizens are equal before the law."

Each of these claims is a lie. Tamils are fleeing Sri Lanka because its government has systematically

persecuted and terrorised them. According to UN estimates, some 20,000 Tamil civilians were killed by the army's shelling in the final weeks of the military offensive that defeated the LTTE. Hundreds of Tamils throughout the island were killed by death squads operating with the complicity, if not under the direct orders, of the security forces.

Far from the "rule of law" and "due process," the Sri Lankan government is currently detaining, by its own admission, more than 12,000 Tamils as alleged LTTE "suspects"—many of them teenagers. Under the country's draconian state of emergency regulations and the Prevention of Terrorism Act (PTA), detainees can be held for months or even years without charge and convicted solely on the basis of confessions, even if extracted by torture.

Nor is there "equality before the law". Anti-Tamil discrimination was entrenched from the inception of the Sri Lankan state in 1948. Sinhala is still effectively the official language, discriminating against Tamil speakers, including in the courts. Buddhism is entrenched in the constitution as the state religion. It was decades of anti-Tamil discrimination and violence that gave rise to the war and the emergence of the LTTE—a bourgeois nationalist, not a "terrorist," organisation.

The Rudd government's denial of refugee visas is only the latest act in its growing collaboration with Colombo. Last November, it signed a multi-million dollar agreement to strengthen the capacity of the Sri Lankan police, intelligence services and navy to halt "people smuggling". Rudd himself told parliament that his government had been directly involved in several Sri Lankan operations to stop refugee boats.

There are indications that the government is preparing to reject many more Tamils currently detained on Christmas Island. More than 150 have been left waiting over six months for their visa applications to be processed, adding to the overcrowding in the island's main detention facility.

Under the Howard government, there would have been opposition if it had denied visas to Tamil refugees. That government detained two Iraqi refugees, Mohammed Yussef Sagar and Muhammad Faisal, for five years on the Pacific Ocean island of Nauru after they were issued with

negative ASIO security assessments. Their incarceration eventually caused serious mental health problems, and helped fuel a public outcry against Howard's entire anti-refugee policy. In damage control, the Liberal government eventually asked ASIO to revise its assessment of Faisal, and prevailed upon Sweden to accept Sagar.

Now that similar abuses are being conducted by a Labor government, however, the layer of civil rights activists, lawyers and ex-radicals who condemned Howard and backed Labor's election as a more "humane" alternative has fallen silent. They not only cover up for the Rudd government but support the whole framework of immigration controls and "border protection" that has been used by governments since the days of "White Australia".

One who has gone into print is ex-Socialist Alternative member Jeff Sparrow. His January 13 column on the *Crikey* web site is headlined: "ASIO, not the government, calling the shots on refugees." Sparrow's basic complaint is that ASIO is usurping the government's power to determine who came into the country. He even quotes Howard's notorious 2001 declaration: "We'll decide who comes to this country, and the circumstances under which they'll come." Sparrow laments: "Actually, that's not true. ASIO will decide—and they won't tell us why."

This is a complete diversion. ASIO's role is only possible because of Labor's backing for it. Rudd's government, like its predecessor, is boosting the size of the political police agency and maintaining its unprecedented powers to wage the bogus "war on terrorism"—including to detain and interrogate people without charge. Moreover, the Labor government has continued to go the courts to block applications by victims of ASIO's security rulings to even find out what has been alleged against them.

The silence and diversions of the media, the refugee advocates, civil rights lawyers and ex-lefts on Labor's violation of essential legal and democratic rights is aiding this process.



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