

Australian government forcibly deports Tamil asylum seeker

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The Australian Labor government has forcibly deported the first Tamil asylum seeker back to Sri Lanka since the end of that country's civil war in 2009. Again underscoring its contempt for basic precepts of international law, the government is clearly seeking to exploit the case to intimidate Tamil asylum seekers in Australia and deter others thinking about fleeing Sri Lanka.

Thirty-year-old Dayan Anthony arrived in Australia by plane in 2010 and reported to Australian and UN authorities that he had been kidnapped the year before in the southern village of Negombo. After being picked up by one of Sri Lanka's notorious white vans, used by military or pro-government armed gangs to "disappear" alleged Tamil separatists, Anthony was tortured and badly beaten. In Australia he was detained for eight months in a Melbourne detention centre before being released into his sister and brother-in-law's care. He has since received medical treatment for serious physical injuries and for mental health problems caused by his ordeal. Doctors confirmed that his back injuries were consistent with his reports of torture and assault.

Two weeks ago, on July 17, Anthony was called into an immigration office and handed a letter informing him that his asylum claim had been rejected and he was "removable." Without warning he was then taken back to a detention centre, where he was held until his deportation and prevented from seeking legal assistance. Anthony's sister, fearing for her brother's life, requested a family meeting at the detention centre, but this was refused.

There are many outstanding questions about the legality of Anthony's deportation. Pamela Curr from the Asylum Seeker Resource Centre told the ABC that Anthony was not given the mandatory prior notice about his removal. "Under the regulations they are

supposed to get 48 hours notice," she explained. "That wasn't done."

Ramesh Fernandez, of the Melbourne-based refugee advocacy organisation RISE, was involved in the attempt to prevent Anthony's removal. "They didn't give him a chance to appeal for intervention, or to send out authorisation forms for legal support," Fernandez told the *World Socialist Web Site* yesterday.

He explained that Anthony had been blocked from sending a fax from the detention centre that would have facilitated an application for an injunction against the deportation: "First, he was told by the officials that the detention centre's fax machine wasn't working, but it quickly became clear that they were making a fool out of him. They made a lot of excuses about the fax machine and stopped him from making an injunction. It was a well-planned operation."

On July 24, while Anthony was in transit in Bangkok, the UN High Commission for Human Rights contacted the Australian embassy requesting that the deportation be delayed. RISE's Ramesh Fernandez had earlier contacted the UN on Anthony's behalf, pointing out that the deportation breached Australia's legal obligations under the International Convention against Torture.

The Labor government summarily rejected the UN's request. Phil Lynch, a human rights lawyer, told the *Australian* that this was the first time the government had defied such an appeal. "It is the international equivalent of an urgent legal injunction," he said.

Upon his arrival at Colombo airport at 12:45 a.m. last Thursday, Anthony was taken by Sri Lankan police to the fourth floor of the Criminal Investigation Department—notorious for the torture and abuse of detainees—and interrogated for more than 16 hours.

Clearly fatigued, he was then placed before a

gathering of security officials and reporters, where he issued a statement recanting his previous claims of being kidnapped and tortured. Anthony also reportedly declared: “Sri Lanka has become the safest place on the earth after the LTTE [Liberation Tigers of Tamil Eelam] was wiped out from the country. I did not face any type of harassment at the hands of Sri Lankan authorities after I returned to the country.”

Anthony’s public statements were undoubtedly issued under duress, if not after physical or psychological torture during his 16-hour detention.

The end of the Sri Lankan civil war has seen no let-up in the government-military persecution of the Tamil minority. The abuse of Tamil asylum seekers deported from other countries, including Britain, is well documented. Human Rights Watch Deputy Asia Director Elaine Pearson told the Age last week: “We’ve documented cases of at least 13 people who’ve been returned to Sri Lanka, all Tamils, and who’ve faced arbitrary arrest, torture, in some cases rape, by government officials upon their return.”

The government is nevertheless seeking to fast track the deportation of Tamil asylum seekers. Labor’s Attorney General Nicola Roxon has also authorised the extradition of a Tamil man, Thulasitharan Santhirarajah, to the US for alleged links with the LTTE. The case is currently under consideration by the Federal Court. Santhirarajah’s wife, herself a legally recognised refugee in Australia, has warned that authorising the extradition “will amount to the signing of his death warrant”, because he will eventually be returned to Sri Lanka.

Sections of the Australian media have sought to exploit Dayan Anthony’s deportation to bolster the government’s reactionary “border protection” campaign against refugees. In the guise of a news story, the Murdoch-published *Australian* excitedly reported: “It [Anthony’s statement in Colombo] could not have been scripted better had it been written by the best propagandists of the Australian or Sri Lankan governments. In the federal government’s war on people-smuggling, Mr Anthony is a serious shot across the bows of the king pins, whose message that hope and opportunity is a mere boat ride away has gained traction in the trouble zones of South Asia.”

The *Australian* did not even raise the likelihood that Anthony’s statement had been scripted by Sri Lankan

government propagandists. The newspaper subsequently agreed to an interview with the deported asylum seeker—accompanied by a “senior Defence Ministry official”. The Australian repeated as good coin the official’s claim that he was “helping Anthony find accommodation”.

No section of the media has seriously pursued the clear evidence that the Gillard government had executed an illegal deportation, knowingly placing an individual at risk of being imprisoned, tortured, and killed. Nor has anyone sought to investigate Anthony’s statement, issued from Sri Lanka, that he had been assaulted by Australian authorities when he was being deported.

The episode points to the unanimous support within the Australian ruling elite for the Labor government’s drive to tear up the legal right of persecuted people to claim asylum in the country. Instead, amid escalating social inequality and economic hardship, refugees provide a useful political scapegoat and an easy target for xenophobic campaigns to divert attention from the responsibility of governments for unemployment and declining living standards.



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