

Australia to hand Tamil refugees to Sri Lankan navy

Mike Head
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There is mounting evidence today that Sri Lankan asylum seekers intercepted by the Australian navy near Christmas Island, an Australian territory in the Indian Ocean, are being transported to a dangerous mid-ocean transfer to a Sri Lankan naval vessel amid heavy seas generated by the southwest monsoon.

If confirmed, the forced handover of refugees to the very military forces and government whose violence they are fleeing will be a flagrant violation of the most basic provision of the 1951 international Refugee Convention, to which Australia is a party. The convention's core rule, "non-refoulement," prohibits sending asylum seekers back to their home countries if they face possible persecution.

Both the Abbott government in Australia and the Rajapakse government in Sri Lanka have thus far refused to confirm the operation, which would mark a blatant repudiation of international refugee law. There is no doubt that Tamils face persecution in Sri Lanka. Since early March, the country's military has unleashed a renewed terror campaign against Tamils in the island's north, detaining more than 60 people, including 10 women, under the draconian Prevention of Terrorism Act.

A 72-foot fishing trawler is reported to be carrying 153 Tamil asylum seekers, including 37 children and 32 women, mainly from the northern Sri Lankan towns of Jaffna and Mullaitivu, who left southern India on June 13. In the last reported satellite phone call from the vessel, a man on board told Fairfax Media on Friday that it was being battered by heavy seas and running low on fuel, about 175 nautical miles off Christmas Island. "We are experiencing huge waves and very bad conditions," he said. "We are very afraid and at threat."

According to the *Australian*, a senior Sri Lankan

navy official said a naval vessel departed yesterday following several days of talks with Australian authorities. "What I know is that one of our ships has already sailed. We are making a rendezvous with an Australian vessel to take over the people," the official told the newspaper yesterday.

The unnamed official added: "We do not know whether the boat they will be transferred from is an Australian civilian vessel, coast guard or navy, but this will be quite a mammoth task to transfer them because of the rough seas. The southwest monsoon has already started so it is going to be a bit of a task."

The newspaper said a Sri Lankan navy spokesman confirmed discussions were under way with Canberra, and that the asylum seekers had been picked up by Australian authorities. "They will be handed over to the Sri Lankan navy," he said. However, he denied that the handover involved the 153 Tamils.

The Australian Broadcasting Corporation (ABC) reported this morning that a Sri Lankan military spokesman said: "There is no plan for the Sri Lankan Navy to take over asylum seekers bound for Australia from [the] Australian Navy."

Both governments are intent on covering their tracks, and, amid the conflicting reports, are keeping the fate of the refugees hidden from public view.

On Sunday night, the Australian Prime Minister Tony Abbott dismissed questions from the ABC about the boat, saying "we will be doing what we normally do in respect of Operation Sovereign Borders." That is the military command that the Abbott government has established to detain and forcibly remove all refugees arriving by boat, under a veil of total secrecy.

Immigration Minister Scott Morrison, who has also refused to answer questions, has previously declared that the government would push all Sri Lankan asylum

seekers back into the arms of President Mahinda Rajapakse's government. Last year, he vowed that the Australian government would "ensure that people who may seek to come from Sri Lanka would be intercepted outside of our sea border and returned directly, and all of them."

There is no known precedent for direct forced transfers by a Refugee Convention signatory country into the clutches of the military of a country from which refugees are fleeing. It is clear that asylum seekers previously deported to Sri Lanka have been detained, ostensibly for illegally seeking to escape the country, and subjected to ongoing victimisation. According to a report released last year by the Australian Human Rights Law Centre, "illegal migration" carries a prison sentence of one to five years, and a fine of 50,000 to 200,000 rupees.

The Abbott government is taking to a new and even more criminal level, the methods introduced by the previous Labor government, which ramped up cooperation with the Sri Lankan navy to intercept refugee boats in the Indian Ocean.

Labor further imposed an "enhanced screening" system, by which any Sri Lankan refugees who managed to enter Australian territories were blocked from applying for protection visas, interrogated without lawyers and bundled onto planes to be flown back to Sri Lanka, sometimes within 48 hours. Since October 2012, more than 1,100 asylum seekers have been forcibly returned to Sri Lanka in this manner.

Abbott's government has also made more explicit Labor's whitewashing of Rajapakse's authoritarian regime, in order to claim that refugees being forced back to Sri Lanka are in no danger. Last November, at a Commonwealth Heads of Government meeting in Colombo, Abbott hailed the supposed "freedom" and "prosperity" in the country, while defending the Rajapakse government's use of torture. "We accept that sometimes in difficult circumstances difficult things happen," Abbott said (see: "Australian PM defends torture, hails Sri Lankan regime").

Since the defeat of the separatist Liberation Tigers of Tamil Eelam (LTTE) in 2009, the vicious methods used against Tamils have been extended more broadly. Pro-government death squads, operating in collaboration with the military, continue to carry out abductions, torture and assassinations of political opponents.

In recent months, the Rajapakse regime has escalated its repression against Tamils, and also incited communalist violence against Muslims. On the phoney pretext of combatting a "LTTE revival," it is seeking to split the working class and intimidate rising opposition to its austerity measures, which are being implemented on the demands of the International Monetary Fund and World Bank.

In Australia too, refugees are being made scapegoats for deteriorating social conditions. The illegal measures used against them are a warning of the methods being prepared for wider use against working people amid rising hostility to the pro-business program being pursued by the Abbott government and the political establishment as a whole.



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