

Sri Lankan minister confirms Australia's handover of Tamil refugees

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Despite ongoing denials by the Australian government, a senior Sri Lankan minister has confirmed that Canberra is forcibly handing over Tamil refugees to the Sri Lankan navy on the treacherous high seas of the Indian Ocean.

This operation, believed to be currently underway, is a criminal violation of the fundamental legal and democratic rights of asylum seekers, as well as a blatant violation of international law, including the international Refugee Convention and the UN Convention Against Torture.

The Abbott government is placing Tamils, some of the most vulnerable members of the global working class, directly back into the hands of the very regime and military forces whose repression they are fleeing.

Sri Lankan Media and Information Minister Keheliya Rambukwella yesterday told Fairfax Media that a sea transfer would take place. “They will be accepted and received by the [Sri Lankan] navy and the normal procedures will take place from there onward,” he said.

While Australian Prime Minister Tony Abbott and Immigration Minister Scott Morrison continue to lie and cover up what is taking place, all the evidence indicates that two boatloads of Tamil refugees have been intercepted at sea by the Australian navy.

Their passengers have been detained illegally for days, and subjected to unlawful questioning—a “screening” process designed to stop them applying for refugee status.

More than 200 men, women and children—153 from one boat and about 50 from another—will shortly be forced onto Sri Lankan naval vessels, if that has not already occurred.

According to media reports, both boats were intercepted near Australian territories in the Indian Ocean, one close to Cocos Islands and the other Christmas Island. They were taken into custody by the Australian navy boats HMAS Perth and HMAS Wollongong and then moved to Customs boats, the Ocean Protector and the Triton, where

they were detained for a rendezvous with Sri Lankan naval vessels.

This military operation involves multiple violations of basic democratic rights and international law—not to be detained arbitrarily without trial, not to be denied the right to apply for refugee protection and not to be returned (“refouled”) to face possible persecution or torture.

Immigration Minister Scott Morrison has refused repeatedly to give any information about the operation, or even concede that it is underway. Prime Minister Abbott, however, effectively confirmed the handover yesterday, while cynically denying that it involved any breach of international law because Sri Lanka was now a “safe” place.

Abbott told Fairfax Radio he would not confirm media reports about the operation but said it was “no secret” that turning back asylum seekers at sea had contributed to his government’s success in supposedly “stopping the boats.”

“What we’re doing is consistent with our international obligations,” Abbott said. “Sri Lanka is not everyone’s idea of the ideal society, but, it is at peace.” Abbott said there had been “a lot” of progress in respecting human rights and the rule of law in Sri Lanka.

This is flat out false, as Abbott is fully aware. Not only did the Sri Lankan military and pro-government death squads carry out a reign of terror against Tamils during the protracted war against the separatist Liberation Tigers of Tamil Eelam (LTTE), but since the end of the war in 2009 there have been continued killings, abductions, mass detentions and military seizures of land and property.

Since March, President Mahinda Rajapakse’s government has resorted to claims of a “LTTE revival” as the pretext for unleashing a renewed crackdown. This has produced a fresh wave of Tamils fleeing to southern India, from where the two intercepted boats set sail. In India’s south, as well, there are already more than

100,000 Tamil refugees, either living in repressive official camps or illegally, under constant surveillance and harassment by Indian police and security agencies.

Many of the more than 1,000 Tamils already sent back to Sri Lanka by the Abbott government and the previous Labor government have suffered brutal treatment. According to Sri Lankan human rights lawyer Lakshan Dias, forced returnees are sometimes “held and interrogated, some are questioned or beaten, and they are unable to return to India.”

These police-state methods, while seeking to whip up anti-Tamil sentiment to split the Sri Lankan working class, are also part of a wider drive to threaten and intimidate all opposition among working people to the austerity program being imposed by the Rajapakse government at the behest of the international financial institutions.

For Abbott to declare, as a blanket policy, that people fleeing from Sri Lanka can be “safely” deported back there is itself an egregious breach of the Refugee Convention. That convention specifically requires all refugee applications to be individually considered by an independent process to assess their risk of persecution.

Abbott’s government is committing a further crime by compelling the detained refugees to undergo “enhanced screening” questioning aboard Customs ships. These interrogations, reportedly conducted via video link from immigration department offices in Sydney and Melbourne, are explicitly designed to block detainees from making individual asylum claims.

Denied access to legal advice, the refugees are not told of their right to seek asylum. Instead just four questions are asked—their name, country of origin, port of departure and why they came—in order to reach the government’s pre-ordained conclusion that they are all disqualified from applying for protection visas.

Even the UN High Commissioner for Refugees (UNHCR), which has effectively rubberstamped all previous flouting of the Refugee Convention by successive Australian governments—such as indefinite detention in offshore camps in Nauru and Papua New Guinea—issued a statement voicing “profound concern” over the reports of asylum seekers being handed over to the Sri Lankan navy.

Knowing that Australia is setting a new international precedent for the military handover of refugees, the UNHCR said “requests for international protection should be considered within the territory of the intercepting state, consistent with fundamental refugee-protection

principles.”

The policy of stopping all refugees from reaching Australia is bipartisan. Opposition Labor leader Bill Shorten has criticised the government only for the secrecy surrounding the Indian Ocean operation. He said it was a “disgrace” that Minister Morrison was not “doing his day job and telling Australians what is going on.”

The previous Labor government, in which Shorten was a key minister, pioneered the use of “enhanced screening” to force refugees back to Sri Lanka. Former immigration official Greg Lake told the media yesterday that Prime Minister Julia Gillard personally helped devise the scheme, initially to deport Sri Lankan refugees who landed at Cocos Islands in October 2012. Lake said Gillard phoned the department head and said: “If you can do that with one boat, surely you can do that with others.”

Lake said the Labor government also tested out a plan to use Customs ships as prison hulks to conduct “screening” at sea, but dropped the idea after receiving legal advice that it would amount to unlawful detention. Now this explicitly illegal regime is being implemented by the Abbott government.

This is an integral feature of the government’s Operation Sovereign Borders—a military anti-refugee operation commanded by an army general—conducted in total secrecy. Both in Sri Lanka and Australia, the ruling elites are turning to lawless and military methods to implement their increasingly unpopular pro-business programs of austerity and social reaction.



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