

Sri Lankan Supreme Court endorses deportation of asylum seekers

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In a clear attack on basic democratic rights, Sri Lanka's Supreme Court on September 29 rejected an attempt to prevent the forcible deportation of Pakistani and Afghan asylum seekers. Six human rights activists filed the case requesting the reversal of an earlier appeal court verdict permitting the deportations.

The petitioners' case explained that the previous ruling, allowing the government to arrest, detain and expel those seeking refuge, was illegal and in breach of international refugee laws. It warned that the deportation of the asylum seekers to Pakistan and Afghanistan endangered their lives.

Legal counsel for the government argued that Sri Lanka was not a signatory to the 1951 Refugee Convention banning the deportation of asylum seekers and that although Sri Lanka signed the International Covenant on Civil and Political Rights and the United Nations Consolidated Appeals Process, this was not approved by the parliament.

The Supreme Court upheld the previous verdict on the grounds that there were insufficient facts to hear the case. Successive Sri Lankan governments have refused to ratify international conventions on refugees, which provide limited protection against "refoulement" or their return to countries where they face persecution.

Immigration and police authorities began rounding up hundreds of Pakistani and Afghan refugees in June even though they were officially registered with the United Nations High Commissioner for Refugees (UNHCR) and were waiting to be sent to a third country. Nearly 200 Pakistani asylum seekers were arrested and herded into detention camps at Mirihana, in the Colombo suburbs, and Boosa in southern Sri Lanka and denied access to lawyers. Immigration authorities claimed the asylum seekers were "illegal" because they arrived in the country on tourist visas.

Speaking in Geneva earlier this month, Sri Lanka's UN envoy Samantha Jayasuriya cynically attempted to blame the UNHCR for the plight of the asylum seekers and insisted that her country was doing its best for refugees. She claimed that increased arrivals caused "serious law and order, security, as well as health related issues for Sri Lanka." She provided no evidence to substantiate these allegations.

Jayasuriya and immigration authorities even ludicrously claimed that Pakistani asylum seekers introduced malaria to Sri Lanka. The re-emergence of malaria, however, happened long before refugees came to Sri Lanka.

Jayasuriya's "security" and "law and order" claims echo the racist denunciations of asylum seekers by Sinhala and Buddhist extremist groups, such as Jathika Hela Urumaya, Bodu Bala Sena, and Sihala Ravaya.

President Mahinda Rajapakse's government has refused to provide proper housing, health facilities and stable income for asylum seekers, who have been witch-hunted and subjected to violent attacks by racist thugs.

There are about 1,800 refugees and asylum seekers in Sri Lanka, mostly from Pakistan and Afghanistan. The UNHCR estimates that 108 Pakistanis, including 11 women and 8 children, were forcibly deported between August 1 and 14. According to a recent report, 40 were expelled in September.

Most of those who fled Pakistan are Christians, members of the Ahmadiya sect, or Shia Muslims who have suffered government persecution or violent attacks by Muslim extremists. If deported back to Pakistan or Afghanistan they face the possibility of imprisonment, torture or even capital punishment.

A statement issued on Saturday by the Pakistan Christian Congress (PCC) denounced the governing Pakistani Muslim League for conducting a

“conspiracy” against asylum seekers in Sri Lanka, Malaysia and Thailand. According to the PCC, there are over 9,000 Pakistani refugees in Malaysia and about 2,000 and 3,000 in Sri Lanka and Thailand respectively.

On September 30, a Pakistani policeman shot two men imprisoned in Rawalpindi on “insulting Islam” blasphemy charges. Christian pastor Zafar Bhatti was killed and Muhammad Asghar, a 70-year-old British citizen, wounded. Asghar is suffering from mental illness, according to his lawyers.

Life for All, a Pakistani human rights organisation, has revealed that nearly 50 people accused of blasphemy have been the subject of extra-judicial killings—seven inside jails—in the past few years. Lawyers appearing for the accused, or judges who dismissed the cases, have also been targeted.

The reactionary blasphemy law was created in 1947 when Pakistan was established as an Islamic state during the British partition of India. In 1974, Pakistan Prime Minister Zulfikar Ali Bhutto imposed a constitutional amendment declaring Ahmadiya a non-Muslim sect.

The Colombo establishment’s political methods are little different from the anti-democratic policies and communalist provocations of the Pakistani ruling elite. The Rajapakse government uses communalism and religious supremacism to divide the working class, and strengthened its relations with Pakistan during Colombo’s war against the separatist Liberation Tigers of Tamil Eelam.

Colombo is also doing everything possible to prevent Tamils fleeing ongoing repression in Sri Lanka and has signed agreements with the Abbott government in Australia and its Labor predecessor to forcibly return asylum seekers. Since June alone, more than 160 Sri Lankan refugees have been seized by Australian immigration authorities and handed over to Colombo. (See: “Sri Lankan minister confirms Australia’s handover of Tamil refugees”)

Colombo and Canberra continue to falsely claim that the returnees are “safe” in Sri Lanka in order to cover up their ongoing violations of international refugee and human rights laws and conventions.

Last week, the Australian SBS television program “Dateline” revealed that Tamil asylum seekers are being tortured after being returned to Sri Lanka. One

victim, Bhanu, told the program he was held in secret by security forces for two months, during which time he was beaten with a hammer and had his fingernails torn out. One woman was gang-raped by military officials after she was returned. Citing documents obtained under freedom of information laws, “Dateline” reported that the Australian government was fully aware of the torture allegations.

While Australian Immigration Minister Scott Morrison and Sri Lanka’s High Commissioner to Australia, Admiral Thisara Samarasinghe, flatly dismissed the program, these are just the latest revelations confirming the abuse of asylum seekers returned to Sri Lanka by Australian authorities.



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