

US block on British court hearing leaves Tamil migrants stranded on Diego Garcia

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Last month, the US blocked a British Indian Overseas Territory (BIOT) court from entering the British territory of Diego Garcia—part of the Chagos Islands in the Indian Ocean, and prevented a group of Tamil migrants—stranded on the island since 2021, from presenting their case that they were being unlawfully detained.

This has left the Tamils living in what amounts to a concentration camp, locked in a legal limbo and held in virtual incommunicado 1,000 miles away from the nearest landmass in India.

Tessa Gregory, a lawyer at Leigh Day solicitors representing the asylum seekers, said, “That the British Indian Ocean Territory supreme court has been prevented from sitting in its own territory on Crown land is an extraordinary affront to the rule of law.” She appealed to the incoming Labour government foreign secretary to do everything he could “to ensure that the hearing goes ahead as soon as possible.”

In 2021, 89 Tamils, including 16 children, who had fled torture and racist persecution in Sri Lanka, had been trying to reach Canada when their fishing boat ran into trouble. They were rescued by Royal Navy ships and brought to Diego Garcia, part of the British Indian Ocean territories, where they have remained ever since, trying to seek asylum in Britain.

In 2022, four more boats carrying asylum seekers reached the island, some of whom were allowed to leave and succeeded in reaching the French territory of Reunion. The conditions in the camp are so dire that a number returned. Others were deported back to Sri Lanka. While some of the migrants were sent to Rwanda for medical treatment, they were later returned to Diego Garcia.

It is believed that there are at least 60 asylum seekers still on the island, awaiting decisions on their claims or

appeals of earlier rulings that are being processed in the UK. Their plight is compounded by the fact that access to Diego Garcia is restricted to those with connections to the military or BIOT’s administration. There are no commercial flights to the island and access for yachts is only for safe passage through the outer Chagos Islands.

They live in rat-infested, communal tents and are confined to a small fenced-in area, no bigger than a football pitch, under the watchful eyes of G4S, a security firm who “are treating us like prisoners,” according to anonymous statements by two of the asylum seekers. The BBC says there have been “multiple suicide attempts” and “reports of sexual harassment and assaults.” Lawyers say that there have been hunger strikes, including by children.

In November last year, the UN’s High Commission for Refugees visited the island, and wrote a damning report about the camp. It concluded that “conditions there amounted to arbitrary detention” and called for the Tamils’ “immediate relocation.” Even the British Foreign Office, which administers the BIOT from its office in London, admitted the conditions were not suitable.

Britain’s control over the BIOT has been deemed illegal. Britain’s Labour government separated Diego Garcia and the 60-plus Chagos Islands from Mauritius in 1965 before it became independent in 1968 and subsequently incorporated the Islands into the specially created British Indian Ocean Territories. This violated the 1960 United Nations Resolution 1514 banning the breakup of colonies before independence.

It forcibly expelled Diego Garcia’s 2,000 indigenous people—the Chagossians—who were exiled to slums in Mauritius and the Seychelles in the Indian Ocean and eventually the UK, where, denied support and compensation and subject to racial discrimination at the

hands of officialdom, they have lived in impoverished conditions ever since. The British government has repeatedly rejected their demands to return their homeland.

This is because the British government had leased Diego Garcia, the largest of the Islands that lie halfway between Tanzania and Indonesia in the Indian Ocean, to the US. Washington houses one of its two critical bomber bases in the Indo-Pacific region and has stationed 4,000 troops there, alongside troops from Britain. It serves as a launching pad for criminal operations in the Middle East, playing a crucial role during the Gulf War, the Afghanistan War, and the Iraq War.

While the United Nations General Assembly, the International Court of Justice and a UN Tribunal for the Law of the Sea had all ruled that the Islands should be returned to Mauritius, Rishi Sunak's Conservative government (October 2022-July 2024) reneged on its agreement to do so, citing "concerns" over its relations with China.

Washington views the base as crucial for policing the Indo-Pacific region against China and the sea routes from the Persian Gulf, the source of vital energy supplies. Britain allowed the CIA to use Diego Garcia as a "dark site," where it detained and tortured people and refuelled extraordinary rendition flights, and recently extended the lease on the islands to 2036.

Thus, all decisions relating to the Islands, including the fate of the Tamil migrants, the Islands' return to Mauritius and the Chagossian Islanders right of return to Diego Garcia, were always dependent on Washington.

The BIOT's Supreme Court had been due in July to hear the case by the Tamils' lawyers that the remote BIOT is unlawfully detaining Sri Lankan Tamil asylum seekers. This follows a series of rulings in London upholding the rights of the Tamil asylum seekers to have their case heard: a BIOT judge overruled London's attempt to stop the hearing; and last April, the UK's Supreme Court ruled in favour of Tamil children held in Diego Garcia and said that key protections in the UK's Children's Act applied to them.

A favourable ruling in this case would allow them to claim compensation for their years in detention and would have implications for Chagossians' demands for

compensation for their eviction from the island more than 50 years ago.

Just hours before the judge, lawyers and a BBC team from London were to board a US military plane to start their journey, the US cancelled the hearing. While officials claimed they were "withdrawing its consent" for access to the "heavily restricted" island for "confidential" reasons, with the visit presenting "risks to the security and effective operation" of the base, this is contradicted by a visit by US cheerleaders and celebrity chefs earlier this year to the same parts of the island to which access was denied.

Tom Short, one of the British lawyers representing some of the Tamils, said the cancellation of this week's hearing had been "a devastating blow to our vulnerable clients." He insisted, "It is of paramount importance to our clients that the Judge see the detention camp and that they attend a hearing in person."

There has been almost no reporting of the case in the British press, much less comment about the appalling treatment the Tamils have endured at the hands of the British government. This is not just a flagrant attack on democratic rights by an arrogant US in order to maintain the secrecy surrounding its Diego Garcia base, but because the Tamils' detention is part of the UK's own anti-immigration policy.

To all intents and purposes, the British ruling class has repudiated the Universal Declaration of Human Rights, adopted in 1948, that includes the right to equality and liberty as well as the right to asylum. It is part of a broader attack on democratic rights of the entire working class, including the massive expansion of the police powers of the state.

Workers must come to the defence of immigrants, asylum seekers and basic democratic rights. Reactionary precedents are being set that will be used against workers and youth more broadly as opposition grows to the worsening social crisis and war.



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