



NO DEPORTATIONS TO DANGER

In December 2011, the Australian government tried to forcibly deport two Tamil men, who were seeking protection as refugees, back to Sri Lanka.¹ Court proceedings have temporarily halted the deportation of both Emil and Vithuran, but this is no guarantee in the longer term. Both the Gillard and Howard governments have deported Tamils to Sri Lanka during the last decade, resulting in their **torture** and **death** in some cases.

Such deportations are utterly **illegal** under international law – the principle of non-refoulement requires the Gillard government not to return refugees to places where their lives or freedoms may be threatened.² Yet Prime Minister Gillard said in July 2010:

“I have a message for people in Sri Lanka who might be considering attempting the journey to Australia ...Do not risk your life only to arrive in Australian waters and find that you are far, far more likely than anything else to be quickly sent home by plane.”³

Refugee Action Coalition campaigns against deportations of refugees.

Why are people fleeing Sri Lanka?

Sri Lanka has seen a crippling civil war lasting over 25 years and ending with the army's victory in May 2009. A 2011 UN report found the Sri Lankan government guilty of committing horrendous war crimes that included mass killings of civilians and the denial of humanitarian assistance.⁴ The government's viciousness is only matched by its absolute denial of any wrongdoing or inhumane treatment of the ethnic minority Tamil population, despite some pressure from the international community.

¹ <http://refugeeaction.org.au/2011/12/13/second-tamil-deportation-averted-by-legal-action-refugee-advocates-say-dont-deport-to-danger/>

² Article 33, 1951 UN Refugee Convention

³ 6 July 2010, 'Julia Gillard announces plan to target boat people issue at source', *Herald Sun*

How are Tamils persecuted?

- Heavy military control equating to continual harassment of communities, sexual violence, intimidation, and violent suppression of any dissent
- Little to no access to basic facilities and services, including healthcare, education and irrigation
- Encroachment by the military into economic activities resulting in high unemployment and poverty
- Land grabs and forced evictions
- Systematic destruction of places of worship⁵

What about the end of the civil war? Aren't things better now?

The end of the civil war did not mean an end to the persecution of Tamils. On the contrary, Sri Lanka has instead seen an increase in militarisation in Tamil-majority territories and the continual use of the 'threat of terrorism' to justify crushing any opposition to government rule.⁶ The number of Tamil refugees coming to Australia for asylum is only one indicator of how little has changed.

What is the relationship between Australia and Sri Lanka?

In October 2011 the Australian government welcomed Sri Lankan President Rajapaksa warmly for the CHOGM conference, despite evidence of his government's war crimes.⁷ At least 38 Australian companies have tens of millions of dollars invested in Sri Lanka. Rather than being critical of the Sri Lankan government, "Australia refrained from calling for war crimes investigations and has positioned itself as an important aid donor to Sri Lanka" giving AUD\$220 million between 2000 and 2010.⁸

⁴ 26 April 2011 'Sri Lanka: UN rights chief urges further probes into reports of war crimes', UN News Centre

⁵ 23 Oct 2011 'Situation in North-Eastern Sri Lanka: A series of serious concerns' <<http://dbsjeyaraj.com>>

⁶ 13 Dec 2011 'Sri Lanka: Post-War Progress Report', *International Crisis Group*

⁷ Hamish McDonald, 'See no evil is Australia's way on war crimes', *SMH* 29 Oct 2011

⁸ 'The Strategic Importance of Sri Lanka to Australia', *Australia Pacific Defence Reporter*, 1 June 2010.



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What happens to Tamil refugees who are deported to Sri Lanka?

Edmond Rice Centre
Deported to Danger II
September 2006

Reginald was the son of a street police officer in Colombo when the sons of other police were kidnapped, tortured and killed when the civil war flared again in Sri Lanka in 1997. Bodies of those kidnapped and killed were found floating in the river in Colombo. His family moved Reginald (then 19) to Australia to safety with other family members living in Melbourne.

Reginald and his brother **Themo** lived for 9 months in the Catholic Presbytery in Thornbury with Fr Gerald Medici OAM. Fr Medici and Reginald's family members in Australia made a number of appeals to DIMIA for Reginald and Themo's protection. Fr Medici appealed to the then Immigration Minister Mr Ruddock. The Minister rejected the brothers' cases...

Following the rejection of their case by Mr Ruddock, Reginald and Themo were returned to Sri Lanka. Themo was able to get a job in Dubai and left Colombo. Reginald was not as fortunate.

Following the outbreak of violence in August 2006 in Sri Lanka as the conflict between the Government and the Tamil Tigers flared again as predicted, Reginald was kidnapped on Friday September 1, 2006. He was savagely tortured and then mutilated with an oxy-acetylene torch. His naked body was thrown into the river in Colombo.

Whilst Reginald's claim for asylum was rejected 9 years ago, **his death underscores the fact that for many people the threat they face in countries like Sri Lanka does not go away with the passage of time.** This reality highlights why Temporary Protection Visas are inappropriate for people with justified fears of persecution on the grounds of race, religion or ethnicity. Reginald sought *permanent* protection in Australia. That was denied and for his *refoulement* by the Australian Government he has paid the ultimate price.

Amnesty International

Sri Lanka urged to ensure safety of detained former asylum seekers
3 September 2010.

Sumith Mendis and **Indika Mendis** were detained in 2009 at the Christmas Island detention centre after the boat they were crew members on was stopped by Australian authorities and found to be carrying Sri Lankan asylum-seekers.

They were deported to Sri Lanka and promptly arrested and handed over to the Central Investigative Department (CID). Sumith Mendis was released, but **Indika Mendis was tortured in CID custody, sustaining severe ear injuries before being transferred to the notorious Negombo prison where he was held for eight months.**

On 14 August 2010, the brothers were arrested again, apparently on suspicion that they were again planning to migrate to Australia. Sumith Mendis was then tortured by the CID for six days, experiencing beatings and psychological abuse.

On 22 August, the brothers were taken to Negombo prison, along with Lasantha Wijeratne, another Sri Lankan who had also been deported from Australia and tortured in custody. Following examination by a judicial medical officer, Sumith Mendis and Lasantha Wijeratne were transferred to the hospital.

They now face the risk of abuse by both prisoners and guards when they are again taken to Negombo prison unless authorities take the necessary steps to ensure their safety.

Sri Lanka is not safe. Australia has an obligation not to return asylum seekers to danger, but the government is turning a blind eye to these ongoing human rights abuses.

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