

Sri Lankan refugees imprisoned after removal from Australia

By Max Newman
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In blatant defiance of international law, the Australian government forcibly deported 12 asylum seekers back to Sri Lanka after they arrived on a small wooden boat in Australian waters last week. On board were nine men, one woman, one child and an infant, all reportedly of Sinhalese descent.

As soon as they landed in Sri Lanka, the refugees were imprisoned by the country's notorious Criminal Investigation Department (CID), underscoring the flagrant violation of the 1951 Refugees Convention, which bans the refoulement (removal) of asylum seekers to face the risk of persecution. The CID has a documented record of torture and violent treatment of opponents of the Sri Lankan government.

The speed and directness with which the refugees were delivered into the hands of the CID takes to a new level the criminality of the bipartisan anti-refugee regime established by successive governments in Australia over the past two decades, starting with the mandatory detention of all asylum seekers by the Keating Labor government in 1992.

Prime Minister Malcolm Turnbull's Liberal-National government, following the lead set by the previous Rudd and Gillard Labor governments, flatly denied the refugees their fundamental legal and democratic right, also recognised by the Convention, to even apply for asylum.

Instead, after arriving in the shallow waters of the Cocos Islands, a small territory controlled by Australia in the Indian Ocean, on May 2, the asylum seekers were immediately imprisoned by the Australian Federal Police (AFP).

On May 6, all 12 were forced onto a white minibus, which had the windows blocked by cardboard, and driven to the airport. They were forced onto a chartered jet that flew them back to Sri Lanka.

In Sri Lanka, the refugees were handed over to the CID. Such returnees face imprisonment for up to three years for trying to leave the country without permission. Sri Lankan Immigration Department spokesman Lakshma Zoysa said an investigation would determine how the people left Sri Lanka. Displaying the contempt for basic rights shared by President Maithripala Sirisena's government, he stated: "They are involved in criminal activities, yeah, that's an immigration crime."

Zoysa claimed not to know where the refugees were being held. Asked if they were being detained, he replied "maybe." Zoysa claimed they were being treated properly, saying: "We are not torturing them, our CID officers ... handled them [in a] legal manner."

Australia's Immigration and Border Protection Department initially refused to confirm reports of the boat reaching the Cocos Islands, saying it would "not comment on operational procedures." This was in line with the military secrecy imposed on all Australian operations to forcibly turn back refugee boats or transport asylum seekers back to the countries they fled.

Immigration and Border Protection Minister Peter Dutton later confirmed that the boat had reached the Cocos Islands, while claiming that "we were able to successfully return those 12 people, which included men women and children, back safely to Sri Lanka on the sixth of May." He also announced that Australia had intercepted three asylum boats so far this year, but refused to provide details on the other two boats.

Since the Liberal-National government adopted the militarised "Operation Sovereign Borders" policy in 2013, an unknown number of boats has been turned back. Only several boats have been acknowledged as reaching Australian territory before being intercepted.

The last vessel officially reported to have reached Australian waters was a small Indonesian fishing vessel carrying 16 asylum seekers. It was captured by the Australian Navy last November and forced to sail back toward Indonesia without enough fuel to safely reach land.

The deportation of Sri Lankan refugees was pioneered under the Gillard government in 2012, working in collaboration with Sirisena's predecessor Mahinda Rajapakse. The Labor government established a close partnership with the Sri Lankan police apparatus operating together to intercept refugees.

Gillard's government also worked hand in hand with the Sri Lankan regime to forcibly return 650 asylum seekers who were already in Australia's detention centres. Arbitrary "screening processes" were instituted, effectively blocking refugee visa applications.

The Liberal-National government continued this practice, first under Tony Abbott and then Turnbull. According to a Human Rights Law Centre report, between October 2012 and September 2014, 1,248 refugees were sent back to Sri Lanka.

This was despite the known likelihood of torture. When a journalist pointed to well-documented allegations of torture in Sri Lanka, Prime Minister Abbott declared that while his government "deplores the use of torture, we accept that sometimes in difficult circumstances difficult things happen."

Desperate asylum seekers have fallen victim to the most reactionary policy calculations. Domestically, Australian governments have demonised refugees, making them scapegoats for rising unemployment and declining social conditions. In foreign policy, they have collaborated with the authorities in Sri Lanka, a strategically-located island in the Indian Ocean, supporting the US "pivot" or "rebalance" to the Indo-Pacific region, directed against China.

Officially, Labor introduced the policy on the pretext of preventing "people smuggling." The real targets were the people fleeing from oppression and victimisation in Sri Lanka and other locations, including the Middle East, where millions have been displaced by the wars launched by the US and its allies, notably Australia.

Precisely because governments around the world are emulating Australia's barbaric model, refugees fleeing

these countries have no choice but to pay "smugglers"—often poor fishermen—to escape.

The masquerade of combatting "people smuggling" was further exposed last year when it became evident that successive Australian governments paid such smugglers to return asylum seekers to Indonesia and elsewhere.

Largely because of the protracted war and repression by the Sri Lankan government and military against Tamils, Sri Lankans once accounted for the largest group by nationality seeking asylum in Australia. In January 2013, there were 3,437 Sri Lankan refugees either in Australian detention centres or in "community detention" awaiting protection visas. Today, as a result of the bipartisan crackdown, that number has fallen to just 221.

The fact that the latest asylum seekers were said to be ethnic Sinhalese demonstrates that Tamils are not the only victims of the repression in Sri Lanka, and that the repression has continued long after the civil war was brought to a bloody end in 2009.

While Labor initiated the mass deportation of Sri Lankans, it could not have done so without the assistance of the Greens, who kept the minority Labor government in office from 2010 to 2013. In the campaign for Australia's July 2 election, the Greens are once again proposing a Labor-Greens government, while posturing as advocates of a more humane refugee policy.

This duplicity underscores the reality that no party within the political establishment, including the Greens, has any real difference with the underlying policy of defending the nation-state borders at the expense of some of the most vulnerable members of the world's working class.

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