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Areas of Practice:

International Refugee Law-International Human Rights Law

International Migration Law- International Criminal Law

28th June 2013

To the Prime Minister of Australia.

AN APPEAL TO THE AUSTRALIAN GOVERNMENT

Australia is a country, which upholds democratic traditions, human rights and promotes equality among various ethnic groups. Australia is the true guardian of the Rule of Law and Freedom of Expression. We, who were forced to flee our homeland in order to escape oppression and persecution by the Sri Lanka state forces, wish to present this appeal to the Australian Government and request a change in its current immigration & asylum policies which adversely affect the lives of Tamil asylum-seekers in this country.

We are fully aware of the laws of this country. We are also painfully aware of the legal complexities and political difficulties in dealing with asylum cases from people whose right to reside in the Australia has been refused. We however plead with the Prime Minister and the Immigration Minister to consider our applications on humanitarian grounds and on the basis that we are here due to a genuine fear of our lives.

We wish to bring the following questions and concerns to the Australian Government and the Ministry of Immigration.

1. What was the reason behind the Sri Lanka External Affairs Minister G.L Peiris pleading with Tamil refugees in Australia who fled the war and after to come home and saying people going to Australia are not refugees but

“economic refugees”. What criteria Mr G. L. Peiris used to arrive at this decision which affects the lives of thousands of genuine asylum seekers?

2. Who should be held to account for the human rights violations that take place in Sri Lanka today? How secure are the lives of Tamils in the north and east in the midst of these mindless human rights abuses committed with the connivance of the Sinhalese government?
3. Has the four-year-old Sri Lanka’s “perfect stable with an economic boom”, which came in after 30 years of atrocities, brought in a permanent solution to the country’s ethnic conflict?
4. If the international community is so certain that there will be no more “ethnic cleansing” in Sri Lanka, how does one justify the presence of hundreds of military bases and the building of new ones in Tamil areas?
5. What is the purpose of high security zones in Tamil areas? Does the Australian government genuinely believe that these measures by the Sri Lankan government really make the Tamils feel secure? What is the purpose of deploying one soldier for every five people of the Tamils’ homeland
6. For the country to be safe, a peaceful settlement is necessary between the communities. Both communities in the conflict should have equal status and recognition in order for such a settlement to be possible. The end of war has not diminished discrimination against the Tamils. Indeed the Rajapaksa government refers to Sri Lanka as ‘the land of Sinhalese- the majority population’. With all others seen as ‘visitors’. Not only Tamils, but also Muslims and Christian minorities are under threat. It is ironic that the same Rajapaksa government declares Sri Lanka, a safe country for Tamils.
7. The Australian government rejects asylum applications from those seeking asylum after 2009. Does this mean that the Australian government turns a blind eye to human rights violations in Sri Lanka since 2009? The recent reports of human rights violations by the Sri Lankan armed forces have been published by the international human right bodies such as Human Rights Watch, Amnesty International, and other international institutions. Australia’s treatment of asylum seekers is unjust and unfair by any standard.
8. The Sri Lankan government (Mr.G.L. Peiris) confirms that the north is safe. “There has been a total transformation of life in the north. There is absolutely nothing to run away from”. Do the Australian governments know the reason behind Sri Lanka’s refusal to allow UN diplomats and other officials to go to Vanni region of the country after the ‘Mullivaikal Genocide’? Foreigners avoided the Vanni region altogether and took great care not to travel to the Tamil areas by land. How then could the Australian

government believe that Sri Lanka is a safe country when it is fully aware that the north and east is the traditional homeland of Tamils besieged by an army of occupation, which raped our women and murdered our people. The Tamils' homeland is in the earth, is not safe to walk on and yet in the eyes of the Australian government this is a "Safe country"?

9. Sri Lankan government's co-habitant Sinhala Buddhist extreme has stepped up its hate campaign against Tamils including other minorities. How can a government which cohabits with a party, which believes in anarchy as its main political weapon, guarantee the safety of Tamils and other minorities.
10. Sri Lankan Foreign Minister Mr.G.L Peiris, during his recent meeting with the Australian Immigration Minister Mr Brendan O'Connor, discussed the deportation of Tamil asylum seekers. The present government, of which Mr. Peiris is a minister, has been in power during the war against LTTE. Has this government, at any time during its conflict, asked the international community to come to the rescue of displaced Tamils? Has it at least been brave enough to admit to the outside world that these Tamils are in fact refugees fleeing conflict and persecution? Such a government has no moral right to demand the deportation of these refugees. We invite the Australian government to see the plain truth that no Sri Lankan government can ever guarantee the safety of Tamils under the current political climate. We would also like to point out that the majority of refugees fled state terror and repression.
11. Can anyone tell us why the Sri Lankan Government has now behind the killings and the disappearance of media people of Sri Lanka? In addition, the government threatens to the Tamil leading newspaper 'Uthayan' reports coming from the north of Sri Lanka. Does this not show the government's fear of exposure? Is this not the same as admitting that there is widespread human rights violation taking place in the Tamil homeland? We respectfully invite the Australian government to take note of all this and see the true face of the Sri Lankan government.
12. The independence and impartiality of those groups of international observers, which from time to time, visit Sri Lanka has to be called into question. These groups should go to the north and east of the country by land, meet at least 10% of those Tamils who have been through 30 years of sheer hell; their wounds still bleeding, hearts still weeping. They and only they will tell the true story.
13. Conclusions based on findings from meetings in Southern Sri Lanka and few Tamils who are self beneficiaries of Rajapaksa government may suit western governments, which are desperately looking for reasons to justify their actions, and inaction, but will not mirror the true scale of the problem.

If the Australian government adopts similar methods and reaches conclusions to back up its actions, it will be inflicting great injustice on those Tamil refugees who were victims of state terror and repression in their homeland.

14. While pretending to be concerned with the well being of refugees, the Australian government has decided to remove their legal rights to challenge the government and thereby depriving them of their fundamental rights. How does the government expect these refugees to survive? Does the government not have any consideration for the future of these refugees?
15. Asylum seekers are law-abiding citizens who fled terror and oppression in search of peace. The Australian government has no justification for locking up these refugees in camps. Even the condition of refugee camps where hundreds of asylum seekers are kept is appalling. These people fled their country to escape inhuman and degrading treatment, only to face the same treatment at the hands of officers who claim to belong to a “civilized society”! We keep getting reports of an increasing number of asylum seekers becoming depressed and showing signs of mental illness, due, mainly to the repressive conditions prevailing in these camps.
16. We request the Australian government to make changes to the stringent rules restricting the lives of asylum seekers in this country providing them with reasonable opportunities to live a normal life while their applications are being processed, having due regard to their human rights.
17. The Sri Lankan Government wants Tamil asylum seekers back but refuses to ask itself the question “who made these people refugees?”. The lives of these asylum seekers have been made a misery and their future hangs in the balance.
18. We would urge the Australian government to remove Sri Lanka from the list of safe countries immediately and to terminate its deportation plans. We would further urge the Australian government to influence on the Sri Lankan government to pave the way for acceptable settlement by the Tamils to the long running ethnic conflict and to ensure the safety and security of the Tamil population.
19. Julia Gillard, former leader of the Australian government had ignored Rajapaksa’s human rights abuse as it pursued its “stop the boat people” agenda to stop Tamils on their shores. The Australian government has a choice rather than making a shameful agreement with the Sri Lankan government should be brave enough to tell the Indian and Sri Lankan governments to ensure its obligation in finding a solution to the ethnic problem in Sri Lanka. From the time of the Liberation Tigers’ armed struggle, India and Sri Lanka have been maintaining that the ethnic issue in

Sri Lanka should be solved in a peaceful manner. Now the LTTE has been destroyed, (as Sri Lankan government claimed) both governments must find the ways and means of solving the ethnic issue.

20. Australia was right to condemn the murders of East Timorese by Indonesians and recognize the self determination of the East Timo people. Why is the same Australia not prepared to condemn the murders of Tamils by the Sri Lankan government and recognize the self determination of Eelam Tamils.?

Finally, We take this opportunity to congratulate and wish Mr. Kevin Rudd, the new Australian Prime Minister for his success and his humanitarian approach to deal with Tamil refugees' issue.

Thank you.

K S Nathan
International Law Advocate
On behalf of Sri Lankan Asylum Seekers in Australia.

Copies to:

1. Mr. Brendan O'Coner. Immigration Minister. Australia.
2. Prof. G. L. Peiris. Foreign Affaires Minister. Sri Lanka
3. Ms. Julia Gillard. Former Prime Minister. Australia
4. Director. Refugee Council. Australia.
5. Editor, Daily News. Sri Lanka.
6. News Editor. BBC Tamil
7. Editor, Uthayan. Tamil News paper. Jaffna. Sri Lanka.
8. Editor, Virakesari. Tamil News paper. Colombo. Sri Lanka
9. Editor, Thinakkural. Tamil News paper. Colombo. Sri Lanka