



தமிழ் இளைஞர் அமைப்பு Tamil Youth Organisation

Empowering youth to excel as leaders and architects of our nation

The Hon Mike Rann
High Commissioner to the United Kingdom
Australian High Commission
Strand
London WC2B 4LA

20 January 2014

Dear High Commissioner,

RE: Indefinite Detention of Refugees

We, as members of the **British Tamil Community along with the other concerned citizens of the United Kingdom** are deeply disturbed by Australia's policy of indefinitely detaining legitimate and recognised refugees and are writing to you to express our grave concerns regarding their inhumane detention.

We understand that currently more than 40 refugees face the prospect of indefinite detention as a result of the negative security assessments carried out by Australia's Security and Intelligence Organisation (ASIO) and almost all of them are Tamil refugees. While it is necessary to ensure that refugees accepted by Australia do not pose a risk to others in the community, we strongly believe that these detainees will not pose any such risks due to their personal and pro-western political beliefs. It is also significant to note that no other country has found it necessary to detain Tamil refugees indefinitely on security grounds. Many European countries have thousands of Tamil asylum seekers and refugees living in their communities and we strongly believe that the long term detention of these refugees in Australia is influenced by factors other than security risk.

We note that:

- ASIO assessment indicates that they are being held because they had links with the Tamil independence struggle and with now defunct LTTE.
- These refugees have no credible avenue to challenge the assessment made about them as they are not provided details of the complete assessment made by ASIO, given selective information is withheld as "classified".
- Negative ASIO assessments, which it would seem are not based on any real risk to the Australian community, have effectively condemned these people to a life sentence. It is shameful that your government has held these people as political prisoners, on the basis of their political beliefs related to another country. This is a very concerning and conflicts with Australia's long held commitments to freedom and human rights.
- It should be noted that these people have all been recognised as refugees both under international and Australian conventions. Therefore, Australia has an obligation to protect and provide a harmless setting to them. But most of these people have now been detained for more than four years and have been suffering mental health problems as a result. Some have young families and are separated from their spouses and young children. There were also instances of children being born in detention.



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As you know, several international human rights organisations have already severely criticised this inhuman and cruel treatment of these refugees in Australia. Australia's current treatment of the refugees raises a number of inconsistencies with Australia's international human rights law obligations, especially in relation to Article 9 of the ICCPR which prohibit arbitrary or unlawful detention and require meaningful judicial supervision of detention.

It would appear that the detention of these refugees is intended to appease the Sri Lankan Government and to strengthen the bilateral relationship to prevent further boat arrivals.

We, as part of the global Tamil Diaspora are also deeply concerned about the recent remarks your Prime Minister, the Hon Tony Abbott MP made during the Commonwealth Heads of Government Meeting (CHOGM) in Colombo. As Prime Minister of Australia, he not only praised President Rajapaksa but also justified the use of torture by saying "sometimes in difficult circumstances difficult things happen." This statement is appalling and totally un-Australian and deserves strongest condemnation by the global community.

In the last two years, Australia have deported back thousands of Tamil asylum seekers without properly and comprehensively assessing their refugee claims. In November 2013, Human Rights Watch accused Australia of targeting Tamil asylum seekers after your Government introduced the "enhanced screening" process solely targeting Tamils where most of the Tamil refugees were "screened out" and deported back to Sri Lanka only after a brief interview. We urge you to put a stop to the practice of targeting Tamils.

Australia cannot turn a blind eye to the brutal crimes that Sri Lanka commits on the Tamil people. The United Nations High Commissioner, Navi Pillay raised the seriousness of the human rights violations during her visit to Sri Lanka. The Sri Lankan state has also been found guilty of committing genocide against Eelam Tamils by the jurists of the Permanent Peoples Tribunal.

We are deeply hurt by Australia's actions and ignorance of human rights abuses in Sri Lanka. The Tamil Diaspora is profoundly concerned about the continuous detention of 46 refugees and wants Australia to end this inhuman and cruel practice of indefinite detention of our brethren, who have sought refuge in your country, fleeing persecution from Sri Lanka.

Based on the above, we strongly urge your Government to exercise its discretion and release these 46 refugees on humanitarian grounds into the community, effective immediately.

Yours faithfully

Tamil Youth Organisation UK