

Tarnishing image of refugees as terrorists is an injustice to humanity

By Satheesan Kumaaran

Tarnishing the image of genuine asylum seekers, with the same brush used to expose terrorists, is just a ploy to reject them, with no consideration of their dire situation as persecuted persons. After spending weeks on the high seas, facing the dangers of such perilous travel on the oceans, in search of protection to try to escape persecution and oppression in their own states, the Tamils flee Sri Lanka. However, the host countries tend to reject these genuine refugees, branding them as terrorists. This is a shame to humanity.

In this paper, we are, in no way, holding a brief for international people, smugglers both from Sri Lanka and of other nationalities, who prey on the desperation of the refugees. They should be dealt with in the severest manner possible. The question, we appreciate, is how they can do this, but that is not to say that genuine refugees should be denied access. There is the recent case of the people smuggler, called Alex, having jumped ship and escaped. This makes it difficult for genuine refugees.

The so-called defeat of the LTTE in May 2009 has created an exodus of refugees from the shores of Sri Lanka. The Tamils, who have been held in detention centers with fist-tight security of the Sri Lankan armed forces with daily tortures and denial of fundamental rights, have been escaping the centers to seek protection. Also, others who were already released, but live in their relative's homes or temporary shelters, risk their

lives. They fear they will get arrested by the security forces again. But, despite the UN agencies' reports about the plights of the Tamil civilians on the island, some members of the international community refuse to hear of their plights.

Since 1983, Tamil refugees have been seeking new homes to protect their lives and that of their families in foreign climates. It is common knowledge that during the last months of the Sri Lankan war against the LTTE, with the war crimes and the genocide at least 40,000 Tamil civilians killed leaving their near relatives destitute, more than 300,000 Tamils were incarcerated, still with no homes to go to. At least 10,000 suspected LTTE militants have been summarily executed with their immediate relatives left in the lurch.

Tamils would not have risked their lives in the seas if they were allowed to live in peace with freedom in their homeland. They have no choice but to seek out to western countries, so that they can experience equality and freedom. These asylum seekers do not reach other countries to exploit their resources or cause harm to the security of these countries. These people are genuine asylum seekers. But, the recent Australian and Canadian events are clear examples that the western countries have a double standard in dealing with the genuine refugees. Recently in the Australian federal Senate Parliament, the Green party leader, Bob Brown, pointed out that there were nearly 400,000 persons of European origin that have been overstaying their visas for years.

The fear is that there are hundreds of Tamil boat people reaching the shores of Australia and Canada who are facing hardships, despite their genuine claims. The Australian government is negotiating with East Timor and Indonesia to accommodate the Tamil refugees, as well as sending back the refugees who are detained in the Christmas Island, with the promise that these refugees will be provided financial aid by the Australian government to start up small businesses back in Sri Lanka, while Canada fears that they will have to face a dilemma of another 200 or more Tamils who have been sailing towards Vancouver.

The Canadian and Australian way of dealing with refugees

An episode that began last October gave a real headache to Canadian Prime Minister Stephen Harper's government, when 76 innocent Tamil civilians arrived off the coast of Vancouver, in the province of British Columbia. The Conservative Party, led by Harper, has been maintaining anti-Tamil sentiments for quite some time, especially because they were using the Tamil plight as a political tool to discredit the Liberals. Harper, Stockwell Day, and senior Conservatives, were openly tarnishing the image of the Tamils as terrorists. They went on to claim that over 8,000 trained Tamil Tigers were operating out of Canadian soil. After the Conservatives came to power, they toned down their past claims. However, they continued their quasi anti-Tamil sentiments.

Of the 76, 25 were detained for months after the Canada Border Services Agency (CBSA) said it had "reasonable grounds" to believe they were terrorists. In fact, the Sri Lankan government alerted the Canadian government that they had evidence that all the 76 asylum seekers were terrorists, and all that of them were senior members of the LTTE. However, all were later released when the CBSA admitted that it had no evidence of terrorist connections.

Of the 414 Tamils processed in Australia, since May 2009, 329 were accorded refugee status. However, the Australian government does not want to accept a greater influx of Tamils, and so the government is planning to set up camps, either in East Timor or Indonesia, under the guise that the Tamil immigrants could be a threat to Australian national security, which has no foundation whatsoever.

In this context, another 200 or more Tamils are reportedly sailing through towards British Columbia on the Thai-registered MV Sun Sea. Sri Lankan government officials confirmed the report saying that the ship was seen near Guatemala. The government officials further said that these refugees were leaders of the LTTE, as they were claiming that the 76 people had reached Canadian shore last October.

Legal experts argue that the ships carrying asylum seekers cannot be turned away before they reach Canada's 12-mile. Also, the Marine Transportation Security Act, which facilitates the matter responsible for giving the approval to enter the Canadian waters, mandates the refugees are required to give 96 hours notice before entering territorial waters. If a ship hasn't provided notice, or has been told not to enter the territorial sea, but is sailing resolutely toward it, there is no question – Canadian enforcement agency can stop it, but it is unlikely to happen, as there are several precedent events that have been cited as an example.

One of the precedents is that, in 1914, the Japanese-registered *Komagata Maru* arrived in Vancouver carrying 376 passengers from the Indian State of Punjab. The ship was forced back to India without disembarking on its return to Calcutta. At least 19 of the passengers were shot by police. In 2008, Stephen Harper apologized on behalf of all Canadians for the *Komagata Maru* incident.

In 1939, the German-registered *SS St. Louis* arrived in Halifax harbour with more than 900 Jewish asylum-seekers on board, having already been refused landing, in both Cuba and the United States. The Canadian government also refused entry, forcing the ship to return to Belgium. More than 200 of the passengers were later murdered by the Nazis. Canadian Citizenship, Immigration and Multiculturalism Minister, Jason Kenney, referred to the *SS St. Louis* as an example of how racist attitudes coloured the policies of previous Canadian governments.

Are the Tamil asylum seekers terrorists?

The question is whether these asylum seekers are members of the LTTE. Some of the leading international officials, including the UN's former envoy to Sri Lanka, Mr. Gordon Weiss, have flatly denied the allegation that refugees considered terrorists is nothing but an excuse to turn down their claims for genuine refugee status.

Terrorism Expert and a professor at Australian National University, Dr. Clive William, during in an interview to 'The Age' newspaper, said that the Sri Lankan government is focusing on the Tamils as terrorists, as they belong to the Tamil community. In this interview, William said that an accusation was recently submitted that the Sri Lankan Tamils entering Australia from the year 2008 have links with the LTTE. A major portion of the northern and eastern regions in Sri Lanka were in the control of LTTE, and during

that period, most of the people were under their regime. But William pointed out that, as they were under the LTTE's control, they cannot be assumed as LTTE members. William further said he opposed permitting Tamils stained with blood to enter Australia, but according to his knowledge, 99% of Tamils arriving Australia have clear records and they do not have any blood stains.

Former UN spokesman in Sri Lanka, Gordon Weiss, has said: "It's (Sri Lanka's) government is dominated by racist ideologues, who promote the notion of the Sinhalese as a "chosen people." Government death squads have snatched thousands of people from the streets over the years. The country's highest court has explicitly rejected the role of international human rights instruments, in Sri Lanka's affairs. And the government continues to deny that it killed civilians, during the recent war, that there were battlefield executions, that it bombed hospitals, or that there is anything wrong with the sham democratic machinery of the state. The repressive creature of extreme nationalism is alive, and well, in Sri Lanka."

Weiss further said: "It [Colombo] still holds tens of thousands of civilians in internment camps. It shows no sign of instituting a political process to redress the half-century-old grievances of the Tamils and thus remove the causes for any future conflict. And, it shows no sign of seriously investigating allegations that both sides committed war crimes... Colombo broke every guarantee that it gave Ban Ki-moon not to use heavy weapons in civilian areas. Its interests lie in repression, not confession, and it has no interest in potential witnesses reaching these shores."

The UN High Commissioner for Refugees (UNHCR), in its July 5th, 2010, report said: "In the immediate post-conflict period, there have been allegations of enforced disappearances of persons suspected of LTTE links. Furthermore, the broad powers of arrest and detention under the Prevention of Terrorism Act (PTA) and the Emergency Regulations have reportedly generated considerable controversy around issues such as the arrest and detention of persons suspected of LTTE links, in a number of cases allegedly on limited evidence and often for extended periods. Human rights observers have also expressed concerns regarding the broadly defined offences under the Emergency Regulations, which allow, *inter alia*, detention without charge for up to 18 months, and use of informal places of detention."

The UNHCR further said: "According to some reports, young Tamil men, particularly those originating from the north and east of the country, may be disproportionately affected by the implementation of security and anti-terrorism measures on account of their suspected affiliation with the LTTE. In light of the foregoing, persons suspected of having links with the LTTE may be at risk on the ground of membership of a particular social group."

Despite the claims of the leading experts, the Sri Lankan government has been trying to tarnish the image of Tamils as terrorists, just as they did at the peak of the war with the LTTE. The situation for the Tamils in the Tamil areas in Sri Lanka is dismal. Reports of murders and kidnappings are on the rise. Unidentified gunmen shoot and kill civilians at gun point and they escape without any apprehension by the law enforcement agencies.

The irony is that the Sri Lankan government, which does not allow the Tamils to live in peace on their homelands, keep hounding them to countries that would allow them refuge, with all kinds of accusations. Thanks to the Sri Lankan government, persecution of the Tamils follows them wherever they go. For example, Palitha Kohonne, once considered a war criminal, is now the Sri Lankan permanent representative to the UN, who has dual citizenship, both in Sri Lanka and Australia, and was a senior employee of the Australian foreign ministry, who often uses his clout with the Australian government to frequently intervene to say that the refugees are not genuine refugees. It is unfortunate that the Australian government should still listen to this racist war criminal, who is a disgrace to the UN, without knowing his antecedents.

The Tamil National Alliance (TNA) parliamentarian, P. Ariyanentran, has said that he has received complaints from the relatives of the detainees that the detainees who were held at Welikkandai detention centre were taken away by the Sri Lankan security forces on grounds that they were being taken to various rehabilitation centers, but later found that there was no information about the whereabouts of these detainees. Also, the high command of the Sri Lankan Defense Ministry has been sending the list of persons, who should be transferred to the different camps. They are now being taken away, but their whereabouts are not known. The relatives fear that these detainees might have been executed by the Sri Lankan security forces.

Despite ignoring the current situation inflicted upon the Tamils in Sri Lanka, the global community is trying to say that the Tamil asylum seekers are terrorists in order to turn down their genuine claim for refugee status. The acknowledgements of Stephen Harper and Jason Kenney, in regard to the *Komagata Maru* and *SS St. Louis* cases, are seen as precedents, which should be taken into consideration when dealing with the Tamil refugees. Otherwise, the same fate of the Punjabis and Jews will happen to the Tamils. The summing up of genuine refugees with terrorists is a real danger to humanity, and hence, Canada, Australia, and other countries which respect the concepts of equality and freedom, should go down in history as violators of these aspects of the international law.

(The author can be reached at e-mail: satheesan_kumaaran@yahoo.com)

Courtesy: The Tamil Mirror

(<http://www.thetamilmirror.com/Tamil%20Mirror%20July%202010.pdf>)