

Australia urged to open up about asylum seekers boat -Transnational Government of Tamil Eelam (TGTE)

TGTE response to the information that the Australian Border Protection Command has intercepted a boat containing 153 Tamil asylum seekers.

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1) Calls on the Government of Australia not to make refugee determinations on board its ships.

The Transnational Government of Tamil Eelam (TGTE), in response to the information that the Australian Border Protection Command has intercepted a boat containing 153 Tamil asylum seekers of Sri Lankan refugees on the high seas, calls on the Government of Australia not to make refugee determinations on board its ships.



Those making refugee claims should have an opportunity to collect and present witness and documentary evidence in support of their claims, said Legal Adviser for TGTE, Center for Refugee and Lawyer and international Human Rights Defender, David Matas.

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David Matas

The person examining the claims must make all relevant inquiries and analyses to determine if the claimants need protection. Claimants are entitled to respect for the right to counsel. They should be offered disclosure of all relevant materials on which those deciding their fate intend to rely. They should be given advance notice of any interview or

hearing, so that they can prepare themselves for it.

They should not be detained merely because they are seeking protection. They are entitled to access to the courts for judicial review of negative decisions. All of these rights are violated by refugee determinations on the high seas.

They determinations do not respect due process or the duty of fairness or natural justice or fundamental justice. Refugee determinations on the high seas of claims by passengers of interdicted

boats are unfair determinations. Unfair determinations lead to inaccurate results. Inaccurate results mean that real refugees will be returned to risk and harm.

The TGTE views high seas interdiction and expedited refugee determination on ships to be a violation of several international treaties which Australia has signed. The TGTE welcomes the response of the Office of the United Nations High Commissioner for Refugees to the current abuse. "The TGTE, Center for Refugees has brought to this matter to the attention to UNHCR in Geneva.

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BACKGROUND:

Tamils have faced repeated mass killings since 1958 and the killings in 2009 prompted UN Secretary General Ban Ki-moon to appoint a Panel of Experts to report on the scale of killings.

According to the report by this UN Panel, tens of thousands of Tamil civilians were killed (UN Internal Review Report on Sri Lanka: over 70,000 Tamils were killed in five months in 2009).

These people were killed due to deliberate and intense shelling and bombing of areas designated by the government as "no-fire zones", where Tamil civilians had assembled for safety. The Sri Lankan Government also restricted food and medicine for Tamils, resulting in large numbers of people dying from starvation and many of the injured bleeding to death.

According to the UN Panel, the killings and other abuses that took place amount to war crimes and crimes against humanity. Independent experts believe that there are elements of these abuses that constitute an act of genocide.

According to a May 2012 report by the British Foreign and Commonwealth Office on Human Rights and Democracy; there are up to 90,000 Tamil war widows in the North & East of Sri Lanka. A book "Unfinished War: Torture and Sexual Violence in Sri Lanka: 2009 - 2014 highlight the continuing sexual abuses by the Sri Lankan Security forces.

UN Human Rights Council in March 2014 established an international war crimes investigation for these killings.

Members of the Sri Lankan security forces are almost exclusively from the Sinhalese community and the victims are all from the Tamil community.

Tamils overwhelmingly voted in an election in 1977 to establish an independent and sovereign country Tamil Eelam. This election was conducted by the Sri Lankan Government.

ABOUT TRANSNATIONAL GOVERNMENT OF TAMIL EELAM (TGTE):

Transnational Government of Tamil Eelam (TGTE) is a democratically elected Government of Tamils (from the island of Sri Lanka) living in several countries.

It held internationally supervised elections among Tamils around the world to elect over 132 Members

of Parliament and is leading a campaign to realize Tamils' political aspirations through peaceful, diplomatic and democratic means.

TGTE has a bicameral legislature and a Cabinet and held one of its Parliamentary sittings in the British Parliament.

The Constitution of the TGTE mandates that it should realize its political objective only through peaceful means.

The Prime Minister of TGTE is Mr. Visuvanathan Rudrakumaran, a New York based lawyer.

Transnational Government of Tamil Eelam (TGTE)

TGTE

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