Sri Lanka is Not Safe for Tamils

The DFAT country report on Sri Lanka, which is used as a basis for rejecting claims by asylum seekers, portrays Sri Lanka as having largely overcome past problems following the end of the war and a change of government. The report implies that it is now a safe place for asylum seekers to return.

But the DFAT report ignores or downplays a number of facts that still make Sri Lanka unsafe, especially the great disparity between benign declarations of intent from above and the reality on the ground. Nor does it appreciate adequately the continuing lack of real political rapport between the major ethnic and religious groups on the island.

The Sri Lankan government talks of "transitional justice", but so far this remains more rhetoric than reality. Good governance and reconciliation with the minorities therefore are still only promises and it is premature to believe that suspected Tamils, especially those who have felt the need to escape overseas, will be safe if returned to Sri Lanka.

There is little information collated on the plight of asylum seekers being forcibly returned to Sri Lanka from Australia. Given the poor human rights record the security forces have in their dealings with those who are jailed, this is of huge concern.

**RECOMMENDATIONS**

In the light of the continuing opaque situation in Sri Lanka we call for:

1. A moratorium on returning asylum seekers to Sri Lanka until implementation of the rule of law and the security of minorities become a reality on the ground;
2. An independent monitoring process to follow up asylum seekers who have been forcibly repatriated to Sri Lanka;
3. Less reliance on the authorities of Sri Lanka for advice regarding what is happening in that country;
4. More attention to be paid to relevant reports by the UN, international human rights organisations, local human rights groups and NGOs;
5. A much clearer demarcation between those drawing up country reports such as the one on Sri Lanka, and those who implement the Australian government's foreign affairs agenda, including their approach to refugees.

**THE REALITY OF SRI LANKA IN 2017**

|  |
| --- |
| The new government is a coalition dependent on diverse and often disorderly groups. * It lacks the cohesion to implement resolutely its promises of good governance and reconciliation.
* It is not able yet to rein in the “teach them a hard lesson” mindset of the victorious armed forces.
* Many in the government itself are among those who continue to object vehemently to investigation of war crimes or any punishment of the perpetrators.
 |
| There are still hundreds of people detained without trial under the Prevention of Terrorism Act.  |
| Abductions, torture and rape by the army and police have occurred even under the current regime. International observers such as the Asian Human Rights Commission (AHRC) based in Hong Kong report regularly about police excesses, detentions without trial and corruption and lethargy and incompetence at the lower levels of the judiciary. |
| The International Truth and Justice Project (ITJP) has investigated in depth the claims of 20 people who were tortured and detained by the armed forces in the North and East of the country since the change of government. It makes disturbing reading. The ITJP has verified their individual stories in a variety of ways - including court verified medical reports and some of the asylum seekers being granted refugee status.  |
| The detained are tortured in a variety of ways: whipped; burnt with cigarettes; branded with hot metal rods; water torture; suffocated in a plastic bag filled with petrol or chillies; hung upside down; being beaten on the soles of their feet; and having electric currents coursing through their bodies. [1] |
| A disproportionately large military presence is imposed upon Tamil areas. The military is almost totally composed of the Sinhalese and little has been done to wean these soldiers from their triumphalist attitudes towards a defeated people, whereas the defeated Tamil youths were subjected to long periods of “Rehabilitation”, in order to change their attitudes. Inevitably Tamils feel intimidated and vulnerable. There are numerous incidents of harassment.  |
| Military bases occupy large areas of land owned by Tamils. Their Tamil owners are unable to return to their homes and farms.  |
| There are restrictions on free speech. It is illegal to advocate an independent Tamil state, even by non-violent means. This being the formal position, the army resident in Tamil areas sees it as its duty to monitor and muzzle expressions advocating devolution particularly from the youth. |
| There is discrimination against religious and ethnic minorities. Police and civil servants are disproportionately Sinhalese. Often they are stationed in Tamil-speaking areas but cannot speak the local language. This disadvantages the local people in their dealings with government officials. |
| Sinhala-Buddhist culture is glorified, while other cultures are neglected and disrespected. There has been a flurry in the building of Buddhist temples and statues of the Buddha in areas where there is no history of Buddhism and the residents are Muslim, Hindu or Christian. This is an attempt to re-write the history of these areas and to proclaim in an unsubtle and triumphant manner Sinhalese hegemony in the North and East. Monuments extolling the heroism of Sinhalese soldiers have been built in Tamil areas, while Tamil war cemeteries have been bulldozed. |

*References :* (1)Silenced; survivors of torture and sexual violence in 2015. International Truth & Justice Project Sri Lanka. January 2016.