

Role of UNHCR and the protection of Tamil asylum seekers and refugees

Tamil Refugees

A Tamil refugee is someone who has been forced to flee his or her country the Tamil Eelam because of persecution, anti-Tamil pogroms and continuing genocide. Tamil refugees have a well-founded fear of persecution for reasons of Tamil race, Tamil nationality, political opinion of establishing an independent state of Tamil Eelam or membership of Tamil organisations demanding separation. They cannot return home or are afraid to do so. All forms of atrocities and the mega crimes committed by the Sri Lankan state terrorists and mass murderers are leading causes of the Tamil refugees fleeing their country.



Tamil refugees in Merak Indonesia



Tamil refugees reached shores of Tamil Nadu

Tamil asylum seeker

When Tamils flee their own country of Tamil Eelam and seek sanctuary in another country, they apply for asylum – the right to be recognized as a refugee and receive legal protection and material assistance. An asylum seeker must demonstrate that his or her fear of persecution in his or her home country of Tamil Eelam or Sri Lanka is well-founded.



Some of the 78 Tamil asylum seekers picked up by The Oceanic Viking

Internally displaced Tamil person

A Tamil person who has left her or his home in Tamil Eelam in fear of persecution, but has not crossed an international border.



Forced repatriation of failed Tamil asylum-seekers. Recently one of the asylum seekers who was forcibly returned by the British authorities against his will to Sri Lanka, from which he had fled, was tortured severely by the Sri Lankan authorities & the evidence of the torture is illustrated below



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Version 5 by E.Logeswaran, Researcher



Many Tamil asylum seekers and the refugees are unwilling to return to Sri Lanka because there is a fear of persecution due to their race, political opinion and suspected past connection to LTTE

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The following Tamils have been systematically mistreated by the Sri Lankan government and their armed forces.

- 1. Tamils who are trying to set up an independent sovereign state of Tamil Eelam**
- 2. Tamils who are exposing the human rights violations of the Sri Lankan army**
- 3. Tamils who are against the army interfering in their daily family life**
- 4. Tamils who are claiming their land which is occupied by the army**
- 5. Tamils who are exposing the crimes committed by the Rajapaksas**
- 6. Tamils who could give evidence for the crime of Tamil genocide**
- 7. Tamils who are identified as future influential nationalists**
- 8. Tamils who have evidence about the crimes of genocide**
- 9. Tamils who criticize the army for committing crimes**
- 10. Tamils who are against the military rule in Eelam**

Well founded fear of the Tamils

Abductions, torture, disappearances, forced prostitution, intimidation, indefinite detention, fear of raping, hanging, harassment, never ending discrimination and continuing genocide of the Tamils

At least a temporary protection should be considered for the failed Tamil asylum seekers and the refugees till the following is achieved throughout Sri Lanka

- 1. No more impunity**
- 2. Innocent Tamils are free of prosecution**
- 3. Extermination of the Tamils is stopped fully**
- 4. Torture camps are closed and there is a rule of law**
- 5. There is a permanent mechanism to protect the Tamils**
- 6. A political solution acceptable to the Tamils is implemented**
- 7. Tamils can exercise their human rights fully, freely and continuously**

Local integration or resettlement in a third country should be considered for the successful Tamil asylum seekers and the refugees

Office of the United Nations High Commissioner for Refugees (UNHCR) could do the following to the Tamil asylum seekers and the refugees

- 1. Lead and co-ordinate international action to protect them**
- 2. Resolve the Tamil refugee problems worldwide.**
- 3. Safeguard the rights and well-being of the Tamil refugees.**
- 4. Ensure that everyone can exercise the right to seek asylum**
- 5. Find safe refuge in another State, with the option to return home voluntarily when possible, integrate locally or to resettle in a 3rd country.**
- 6. Handle cases in which Tamil refugees and asylum seekers are in need of assistance, support and advice.**
- 7. If possible monitor the state obligations and commitments towards Tamil asylum seekers and the refugees.**

“Everyone has the right to seek and to enjoy in other countries asylum from persecution” Universal Declaration of Human Rights, Article 14

Refugee status - means that a person has the protection of a foreign government and can not be forced to return Tamil Eelam until such time as it is deemed to be safe to go back.