

PUBLIC

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EXTRA 58/01

Fear of forcible repatriation

29 August 2001

AUSTRALIA

Refugees stranded off Australian coast

The Australian authorities are refusing to accept a ship carrying 438 refugees, including children and pregnant women, and have sent troops on board to prevent it from docking. The Indonesian government has also refused the ship permission to land, and Amnesty International is concerned that those on board may be forcibly returned to countries where they would risk being tortured or killed.

Under Article 33 of the Convention relating to the Status of Refugees (1951 Refugee Convention), Australia is obliged not to forcibly return any refugees to any country where their lives or freedom would be threatened.

The Norwegian freighter *Tampa* rescued the refugees from a crippled Indonesian vessel on 26 August. Most are reportedly from Afghanistan, but some are from Iraq, Sri Lanka and Pakistan. Many refugees have fled these countries to escape brutal regimes and serious human rights violations. In the last few years the Australian authorities have recognised that many of those who flee Afghanistan are in genuine need of international protection, and have granted over 80% of Afghan asylum-seekers refugee status.

The ship picked up the refugees in international waters and was closer to Australia than to Indonesia, and the captain sailed towards Christmas Island, some 930 miles off the Australian mainland. The Australian authorities refused him permission to land, and ordered him to stay in international waters. Australian troops boarded the ship today after he sailed closer to Christmas Island into Australian territorial waters, asking the Australian authorities to resolve the crisis.

The male refugees have been on hunger strike since yesterday and reportedly threatened to jump overboard if Australia sent them back to Indonesia. Many of the refugees are suffering from dysentery, scabies and diarrhoea. The Australian authorities have sent medical help and food.

The Norwegian authorities complain that the ship is not equipped to make the journey to Indonesia or anywhere else because they do not have enough lifeboats or food.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern for the safety of the 438 refugees aboard the *Tampa*;
- reminding the authorities that under Article 33 of the Refugee Convention they are obliged not to forcibly return anyone to a country where they would be at risk of human rights violations;
- urging them to allow the refugees to disembark in Australia and allow them access to a fair and satisfactory asylum procedure, in accordance with the Australian government's obligations under the 1951 Refugee Convention;
- expressing concern that legislation is currently going through parliament which would allow the Australian government to ignore its responsibilities under the 1951 Refugee Convention and forcibly return refugees to countries where they would be at risk of serious violations.

APPEALS TO:

Hon. Philip Ruddock
Minister for Immigration and Multicultural Affairs
Suite MF 40
Parliament House
Canberra ACT 2600

Fax: + 61 2 6273 4144

Salutation: Dear Minister

Hon. John Howard

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Prime Minister
Suite MG8
Parliament House
Canberra ACT 2600

Fax: + 61 2 6273 4100

Salutation: Dear Prime Minister

COPIES TO:

Mr Jean-Marie Fakhouri
Director, Bureau for Asia and the Pacific
United Nation High Commissioner for Refugees - Headquarters
94 Rue de Montbrillant
1202 Geneva
Switzerland

Fax: +41 22 739 7373

and to diplomatic representatives of Australia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 26 September 2001.