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# Sri Lankan asylum seekers removed from deportation flight at last minute after judge accepts there is risk of torture

JEROME TAYLOR | WEDNESDAY 19 SEPTEMBER 2012

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Dozens of failed Sri Lankan asylum seekers were removed at the last minute from a controversial deportation flight today after a senior judge accepted there was a risk that they could be tortured on their return.

The government has insisted on continuing with its policy of chartered deportation flights to Sri Lanka even though the judiciary have now twice issued last minute injunctions because of concerns over torture.

The latest injunction, which was granted after a frantic scramble by lawyers in the High Court, is a major challenge to the Home Office's assurances that none of those it deports to Colombo are at risk of torture. A similar ruling was made by the High Court in May - the last time the Government tried to put on a chartered deportation flight to Sri Lanka.

Human rights groups, lawyers and news organisation including The Independent have all documented what is a growing dossier of evidence showing that torture is commonplace in Sri Lanka and that Tamil ethnicity migrants who are returned from Britain are particularly at risk over their perceived or real links to the Tamil Tigers.

At least 37 cases have been identified in the last two years where people have been returned to Sri Lanka from Britain or Europe and tortured. Many of these victims managed to escape to Britain a second time and have their asylum claims accepted - but only after undergoing harrowing ordeals.

Lawyers acting on behalf of three test cases went to the High Court to seek an injunction banning the removal of any Tamil ethnicity deportee on the flight on the grounds that they would face a real risk of ill treatment on their return.

Mr Justice Wilkie declined to order the removal all the Tamil passengers but he did rule that anyone who showed during their failed asylum process that they risked allegations against them from the Sri Lankan government of a real or perceived Tamil Tiger connection, or had shown evidence that they had been previously tortured, should not be deported.

The ruling, which only applied to those three cases, prompted a flurry of further applications from lawyers representing Tamil clients which were then decided on an individual basis using the injunction as guidance. It is not known exactly how many people were taken off the flight but it is thought to be at least a dozen.

Kulasegaram Geetharthanan, from Jain Solicitors in Lewisham, told The Independent that one of his clients - a former low ranking member of the Liberation Tigers of Tamil Eelam's civilian wing who had been tortured by a pro-government militia before he fled to Britain in 2007 - was taken off the flight.

"The Home Office abandoned their opposition at the last minute and have vowed not to put him on the deportation flight," he said. "But we cannot rest easily as my client could be put on another flight in the future and we will need to do everything we can to make sure he is not deported back to Sri Lanka."

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Vasuki Maruhathas, another London based solicitor who went to the High Court yesterday, said one of her clients had also been stopped from being deported after an intervention from a judge.

Campaigners say the latest injunctions are a clear indication that Britain's immigration stance towards Sri Lanka needs a radical rethink.

"It is increasingly clear that the UK needs to urgently reassess its policy on the deportation of failed Tamil asylum seekers to Sri Lanka," said David Mepham of Human Rights Watch. "These actions by the courts highlight the real risks of torture facing some Tamils returned to Sri Lanka from the UK and other countries, and they demonstrate why a change in policy is required."

Suren Surendiran, a spokesperson for the Global Tamil Forum, added: "We are very concerned and disappointed with the coalition government's position on deportation of Tamils when there are growing evidence of torture and intimidation of returnees."



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stevehill6 • 16 hours ago

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Begging the judge's pardon, I see absolutely no good reason why Britain should become a safe haven for more of the world's terrorists and gangsters (drug dealing is a favourite activity of the LTTE).

If not Sri Lanka, then Tamil Nadu. But not here.

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icarus\_69 • 15 hours ago • parent

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The judge was not asked to say whether they should go to Tamil Nadu, but whether they should be returned to Sri Lanka. He very reasonably judged that they should not. That does not preclude negotiations with India as to whether they could become refugees there.

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