



STATEMENT

Returns to Sri Lanka of individuals intercepted at sea

UNHCR is deeply concerned by Australia's announcement yesterday that it has returned some 41 asylum-seekers to Sri Lanka intercepted them at sea, as well as the fate of a further 153 asylum-seekers of Sri Lankan origin who are now subject to an Australian High Court injunction on their return.

UNHCR understands that "enhanced screening procedures" were used as a basis for determining whether the 41 individuals involved raised claims for protection which required further consideration. Without further information UNHCR is not in a position, at this time, to confirm whether they were in accordance with international law. UNHCR has previously made known its concerns to Australia about its enhanced screening procedures and non-compliance with international law.

UNHCR's experience over the years with shipboard processing has generally not been positive. Such an environment would rarely afford an appropriate venue for a fair procedure.

The principle of non-refoulement (the prohibition on return to threats to life or freedom) in the 1951 Refugee Convention and more broadly under customary international law is clear: it applies wherever an asylum-seeker is found and to whatever manner the expulsion or return is carried out, including during interception and other sea operations.

UNHCR does not object to the returns of persons properly found not to be in need of international protection, but considers anyone claiming asylum has a right to have their case properly assessed by qualified personnel in accordance with the necessary procedural and legal safeguards.

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