



AUSTRALIAN TAMIL MANAGEMENT SERVICE

Would UN Censure Australia?

Last night's 4 Corners program on Australian Broadcasting Corporation - ABC TV here in Australia was about our Offshore Detention Centers. This morning's mail brought the following news from the UK: *'John Baird, Canada's foreign minister, said he was stunned that Colombo was not facing censure for its behaviour.*

"We're appalled that Sri Lanka seems poised to host CHOGM and to be chair-in-residence of the Commonwealth for two years," he told the Guardian'

In the meantime as per our local Australian news *'A spokesman for Foreign Affairs Minister Bob Carr says Australia disagreed with Canada on moving the CHOGM meeting from Sri Lanka.*

"We will be attending CHOGM and we don't support having it moved," the spokesman told AAP on Sunday

"We believe it is important to engage with Sri Lanka rather than seeking to isolate them." He said Australia had a good relationship with the southern Asian nation.

"We do raise human rights concerns with them."

No other nation supported the views of Canada at Friday's meeting, the spokesman said.

Opposition justice and border protection spokesman Michael Keenan said Australia should keep talking with Sri Lanka to improve the environment there.

"(I) actually support the position that the government has taken here and we certainly should be present at CHOGM when it occurs there later this year," Mr Keenan told ABC Television.

Former prime minister Malcolm Fraser added his name in the past week to a petition calling on Australia to join with Canada in avoiding the biennial CHOGM in the Sri Lankan city of Hambantota in November.'

In essence Australian Government did not consider it necessary to censure the Sri Lankan Government through non violent non-cooperation.

The distressful revelation by ABC's 4 Corners program about the condition of Asylum seekers in Nauru and Manus Island, Papua New Guinea – indicates some common traits between the two Governments. The main common trait seems to be their need to physically control and punish those who do not listen to them. It is also my feeling that the Asylum seekers also contribute strongly to their own plight. Their seniors who already have their resident visas and citizenship are also responsible for this tragedy. Every senior has the responsibility to share her/his Truth with the juniors. In terms of Sri Lanka, I do not know of many who have done so. Once we know that we do not have direct control to influence authorities – we need to present our own Truth to the world – so others would be saved. If those others undertake the journey / experience despite knowing the Truth – then they are

solely responsible for what happens, unless they had practiced the applicable global principles in which case they are entitled to expect as per the global path. This Asylum issue has now gone beyond the management of the UN – the body responsible to facilitate humanitarian management of refugees.

The Sri Lankan Government was censured by the UN over its treatment of Tamils – and the worst of it manifested in May 2009 in the camps – parallel to the ones in Nauru and Manus Island. But would the UN censure the Australian Government for its treatment of Asylum seekers?

We the ordinary Australians need to identify with the conduct of our Government as per our Australia's status within the International community. Dr. John Valentine who worked in Manus Island said words to the effect that '*for the first time in his life he was ashamed to be an Australian*'. Wonder what Gordon Weiss and his patron Professor Gareth Evans have to say about the Australian Government on this issue?

As Dr. Valentine highlights – it is not the fault of the officers working there. It is the policies of the Government and the Agencies that take money to provide services that are lower than Australian standards. It is alright to say 'No' to the Asylum seekers but that must be done Australian style as per our Global Status and not Sri Lankan/Iraqi style. The judgment is made not when the application is assessed. It is made when these Asylum seekers are placed. Relative to the ones I saw on the 4 Corners program there are many from Sri Lanka who are outside the camps and are getting paid an allowance for their living. Some of them are not genuine refugees. To the extent even one Sri Lankan in these detention centers suffers more than these onshore applicants – our Government is guilty of serious unlawful discrimination.

As per The Australian '*THE Australian Human Rights Commission has called for the Manus Island asylum-seeker detention centre to be closed down, a week after the Department of Immigration raised its own concerns about the facility.*'

The Sydney Morning Herald reported in this regard '*The federal government's top legal adviser has told Australian Human Rights Commissioner Gillian Triggs she cannot visit Nauru and Manus Island to assess and act on complaints from asylum seekers about conditions on the islands.*

This is despite the centres being set up with Australian money and at Australia's behest. Legal advice from the Solicitor-General, sent to Professor Triggs' office late last week, argued she did not have the jurisdictional power on Manus Island and Nauru to hear the complaints of people kept in offshore processing centres.

She could still hear and consider complaints from Australia but would be unable to verify conditions firsthand.

To my mind, it is the Australian Human Rights Commission's own lack of independence that is punishing them now. When I – an Australian citizen complained against members of the Australian Federal Government – the Commission repeatedly dismissed my complaints – as 'lacking in substance'. I complained on the basis that the pain and loss experienced by me were NOT due to merit but due to my race. Even when the Police recorded that I was 'Sri

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Lankan' and not 'Australian' as claimed by me – the Commission dismissed my complaint as lacking in substance. These dismissals were through discretionary powers of the President of the Commission. If the President could not identify with the belief of an Australian – how would the President identify with one is not yet an Australian? Mental trauma is far more damaging than physical trauma – especially when such trauma is experienced by those who have followed the law and regulated their conduct as per the law. The Human Rights Commission failed to apply the Equal Opportunity principles in assessing my complaints – despite my high achievement at the workplace, based on my Sri Lankan brains. They expected physically verifiable evidence directly connected to the pain and loss I experienced. How could such a Commission bring about relief to the Offshore Asylum Seekers about whom they would know much less than they would about an Australian?

Back then I raised the question about the Commission's independence of the Federal Government – in particular the Attorney General's Department. I learnt then from Ms Rocky Clifford of the Commission about the Doctrine of Separation of Powers which required them to act independent of the Executive Government. Accordingly they did hear my complaint. But did they actually listen to me through their own belief about our Government? They could have found fault with the Government for failing to follow Equal Opportunity principles by applying affirmative action to my complaints to the Government. That would have brought the Government under the Common Due Processes that confirm Equal Opportunity laws and principles. This did not happen. If the President of the Commission had identified more with me than with the Government – the President would have used the discretionary powers (which are belief based subjective powers) to identify with my findings instead of dismissing me. Now – the Commissioner is being dismissed by that very same Government that went unpunished.

In both instances – mine and that of the Manus Island asylum seekers – the relevant laws are largely idle. Hence when discretionary powers are used against a genuine complainant – it goes back to the person who used the discretionary powers against that genuine complainant. This is based on the Oneness principle. The Human Rights Commission used its discretionary powers confirming its identification with the Federal Government. It now lacks substance to even hear the pain of the Asylum seekers. As they say – it is better for many guilty persons to go free than for one innocent person to be punished. A strong investor in Equal Opportunity principles becomes a facility when s/he practices it beyond the officials responsible for upholding those principles and laws. The failure by the Australian Human Rights Commission to remain independent of the Executive – cost me hundreds of thousands of dollars. I believed that they would have invested at least as much as I. I discovered that their investment was more close to that of the Executive Government and by taking their side against that of a citizen – the Commission lost its Independence.

In the Commission's shoes I would have not asked for legal advice to get the 'right' ticks from my paymasters but would have gone to the island and listened and explained and shared with them the non violent way to protest. That is a counseling role which brought me the opportunity to go to the Sri Lankan Detention Camps in May 2009. I went there on my own. The initial request came from Professor Arunachalam Sathananthan of Monash University whose status with the Sri Lankan Health Ministry helped me to be recognized by the middle

management. Thereafter it was a case of me fighting on my own – waiting patiently – day in and day out – praying to Lord Buddha in the office of those authorities. It was my belief in Higher Powers that helped me bring out my Truth – towards which I sought Lord Buddha’s form of Divinity that majority Sri Lankan Government officials would quickly identify with. In contrast – I was arrested at the University of New South Wales – even when there was no emergency and the Human Rights Commission did not find fault with the University nor the Police nor the Government to whom I had complained. The Commission’s karma is coming back to it. As Lord Buddha said – if it does not belong to us it would get ‘returned to sender’.

Our physical experiences are like ‘majority vote’. They help make a decision at that point in time at that place by direct observers. Those driven largely by the ‘seen’ with little connection to their own investment in the key issues – are also ‘vote’ driven – just like the Sri Lankan Government as well as the Australian Government. To know the Truth about these Asylum seekers – one must identify with one’s own Truth. If that Truth is not strong enough – one has to remain within the boundaries of the institution that pays them – irrespective of whether it seems right or wrong. We have all had to ‘come out’ to express our assessments as independent citizens who have facilitated practice of human rights beyond the requirements of our official portfolios.

Gajalakshmi Paramasivam – 30 April 2013

The Hon Julia Gillard
Prime Minister
Parliament House
Canberra

01 May 2013

Dear Ms Gillard,

Bali and Manus Island Connection

Yesterday, I received copy of Application dated 03 April 2013, to the Supreme Court of New South Wales, by the Commonwealth of Australia for Costs against myself for seeking compensation for false imprisonment by the New South Wales Police who acted under the instructions of the University of New South Wales. The matter was heard in the Supreme Court of New South Wales in 2006. The Commonwealth was listed as the Third Respondent. The Commonwealth's Solicitor did engage with me in the beginning but failed to turn up for the hearing. Subsequently Mr. Colin Hodgson - the lawyer for the Second Respondent – the State of New South Wales stated that he represented the Commonwealth also. The Cost Application that arrived yesterday is in regards to Mr. Hodgson appearing for the Commonwealth.

As per my understanding the matter was heard and dismissed by the Equity division of the Supreme Court of New South Wales by a Judge who stated during the hearing that he was given the assignment just that morning and that he had not had time to study the matter in detail. The matter was dismissed as vexatious.

I am able to identify that Mr. Hodgson is claiming for items that were already covered by his claim through the State Government and in this claim he lists 301 items of costs !!!! The only action by me was the legal one which was not heard at depth but was more a theoretic discussion between the Judge and the lawyers.. In contrast, the Respondents' actions through NSW Police was to imprison me and threaten me with enforced medication for alleged mental illness. Now I am being asked to pay for my own belief in the system. This is in addition to the costs already paid to the University of New South Wales and to State Government as well as carrying the label that I am a criminal as per Police records. Compare that with the welfare benefits given to Asylum seekers who may never be Australians and more importantly positive migrants adding to Australia's sense of independence. Charity needs to begin at home.

Ms Gillard, these are painful experiences of a migrant which when invoked would manifest negative outcomes for those responsible. I found it in myself to heal the pain through submission to God and am helping other victims of Government negligence here in Australia as well as in Sri Lanka. Last night I looked over Coogee Beach towards Bali Memorial inaugurated by Mr. Carr. and meditated about the root cause of the loss. To me each one of us has the real powers to work the system of Natural Justice. I learnt this through my Australian experiences. I observed the karma returning to the person responsible – including

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Mr. Howard who was responsible as Prime Minister to strengthen the laws of Equal Opportunity or stay within our truly earned status in the Democratic world.

When we have laws that are not practiced by the Government more than the citizen especially independent citizens those laws become the reason for militant actions. My militancy is intellectual and it is non-violent. If I had not taken action against the Government including the Human Rights Commission which in reality functions as an arm of the Executive (Please see **Appendix**) instead of acting independently, I would have participated in the Government's violence against myself and therefore against the migrant community - through its negligence of Equal Opportunity values that the Government is responsible to uphold. My legal actions helped me discover our Government's true limits in this regard and I continue to educate and share with fellow Australians the lessons I have learnt through my experiences – so we would become your facilities in migrant issues. But your Administration continues to violate my independence and peace – even after 7 years of silence. By taking legal action – I escalated the conflict to ownership level. But your government is trying to bring it down to cash level which would automatically create a place for a militant reacting physically when her/his expectations are not met. This was a matter that ought to have been resolved through dialogue and not by causing economic hardship to the citizen. Since I do not deserve it – the hardship in real terms would come to the one who caused it through negligence of responsibility.

Ms Gillard, to my mind, I also contributed to the Manus island problem that your government is facing today. Objectively measurable outcomes help us find our own connections between cause and effect for our own purposes. The connections I see may look different to the connections you see. But when we are genuine – my discoveries would work for me and yours for you.

The first communication of the above costs on behalf of the Commonwealth arrived in February this year – when I was away in Sri Lanka working with war victims to heal themselves and also to discourage them from taking the boat trip to Australia. You may not know about these details but if your mind is connected to the minds of good migrants – we the good migrants would not be hurt during your period in Government. I do believe that I have strong powers as a good migrant who realized independence despite negative actions by the Government. To me you are looking more and more like Mr. Howard whose negative forces contributed strongly to the Bali tragedy.

If we do not observe a direct connection or a logical reason between cause and effect – we call it an Act of God. Bali bombing was an Act of God for many Australians but should not have been for Mr. Howard who did not have the influence to prevent such tragedies for Australians, despite Indonesia being the country origin for many Australians. Likewise, due to his lack of connection with the Sri Lankan migrants – Mr. Carr is unable to prevent boat arrivals from Sri Lanka.

If it is too late for us to develop that prevention power from zero base – the next best is to include ourselves with those who have greater positive powers in that issue. Mr. Howard's government failed to even talk to me about that issue and thus contributed to the fears of

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migrants in the minds of Australians of this ethnic origin. Belief is the Power of One. Hence even one person believing that Mr. Howard was part of the cause would affect the whole area Mr. Howard was responsible for. There is little point in inaugurating Memorials on the one hand and then facilitating negative forces that resulted in 9/11. As they say – about Governments – that we get the Governments we deserve – we get also the Terrorists we deserve.

Government recruiting a migrant is like a parent adopting a child. One needs to be conscious of the need to take affirmative action so that one does not show partiality to favor one's own biological children. ABC 's 4 Corners program revealed many workers with inside knowledge revealing the Truth through the media. This happened also at the University of NSW causing the University much damage in money, status and most importantly self confidence. I followed Due Process despite the pain along that path. I am being punished for doing the right thing through the straight path.

The Officers of the State Government broke into our apartment to remove family assets to recover these costs. This might happen yet again due to your Government's claim which is false in substance and inappropriate due to its lateness and inaccuracies. Strong negative powers could surface negative manifestations for even the most genuine of citizens. They would be temporary and the citizen becomes independent of the negative forces by absorbing such pain. But when the good citizen hurts genuinely which happens from time to time – it is heard directly in the Court of Natural Justice and the punishment comes as Act of God. This time it is Manus Island.

Yours sincerely

Gajalakshmi Paramasivam

CC: All Concerned including:
Professor Gillian Triggs - Australian Human Rights Commissioner\
Senator the Hon Bob Carr – Minister for Foreign Affairs
The Hon Tony Abbott , MP – Leader of the Opposition