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**ASeTTS: Association for Services
to Torture and Trauma Survivors**

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286 Beaufort St
Perth, WA 6000
t: 08 9227 2700

Companion House

Postal Address:
PO Box 112
Jamison Centre ACT 2614
t: 02 6251 4550

**Phoenix Support Service for
Survivors of Torture and Trauma**

Address:
2/116 Bathurst St,
Hobart, TAS 7000
t: 03 6234 9138

**QPASTT: Queensland Program of
Assistance to Survivors of Torture
and Trauma**

Postal Address:
PO Box 6254
Fairfield, QLD 4103
t: 07 3391 6677

**STARTTS: Service for the
Treatment and Rehabilitation of
Torture and Trauma Survivors**

Postal Address:
PO Box 203,
Fairfield, NSW 2165
t: 02 9794 1900

**STTARS: Survivors of Torture and
Trauma Assistance and
Rehabilitation Service**

Address:
81 Angas Street,
Adelaide, SA, 5000.
t: 08 8206 8900

**Melaleuca Refugee Centre: Torture
and Trauma Survivors Service of
the Northern Territory**

Postal Address:
PO Box 1226,
Nightcliff, NT 0814
t: 08 8985 3311

**VFST: Victorian Foundation for
Survivors of Torture**

Address:
6 Gardiner St
Brunswick, VIC 3056
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The Hon. Tony Abbott, MP
Prime Minister of Australia
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

13 December 2013

Dear Prime Minister

The Forum of Australian Services for Survivors of Torture and Trauma acknowledges your long-standing appreciation of the prevalence of torture and its awful impacts, reflected in your strong support for the Program of Assistance to Survivors of Torture and Trauma when you were Health Minister.

We write on this occasion with respect to your remarks about torture in Sri Lanka on 15 November 2013. You stated that the Australian Government deplores any use of torture, wherever it occurs, "but we accept that sometimes in difficult circumstances, difficult things happen."

For over two decades, the member agencies of the Forum have assisted thousands of people from many countries who were subjected to torture. The pain and suffering they endured was commonly inflicted upon them by officials acting at the instigation of, or with the acquiescence of, the governments the officials served. During the violent conflict in Sri Lanka, torture and other serious human rights violations were perpetrated by those supporting the government and the **Liberation Tigers of Tamil Eelam**.

The survivors of torture do not think of the acts they were forced to endure and which continue to impact on them as "difficult things" or that they occurred in circumstances beyond human control. Torture occurs because people decide to torture those over whom they

have power. This circumstance has profound and prolonged consequences on those who were tortured, their families and the broader society.

As you are aware, under Commonwealth law a person charged with torture cannot plead as a defence that what they did was a “necessary” response to any exceptional circumstances, including a state of war. This reflects the Convention against Torture, to which we and Sri Lanka are long-standing parties, which provides that no exceptional circumstances may be invoked as a justification of torture. Accordingly, we believe the Australian Government should press Sri Lanka to fulfil its obligations under the Convention against Torture to take effective action to prevent torture, to investigate all allegations of torture and prosecute alleged perpetrators where the evidence warrants. The suggestion that Australia “accepts” that torture occurred because of the circumstances regrettably indicates otherwise.

We also note with concern that the incidence of serious human rights violations in that country did not cease with the effective ending of the armed conflict, as evidenced by the recognition by Australian authorities of Sri Lankan citizens as refugees and evidence from other credible sources.

We believe that Australia can make a significant contribution to encouraging the improvement of human rights conditions in Sri Lanka through our bilateral relationship and membership of the Commonwealth of Nations. To serve that objective effectively, and in view of our global human rights protection role as a member of the United Nations Security Council, we urge you to confirm that the Australian Government unequivocally considers that the use of torture can never be justified and that perpetrators should be brought to justice.

Yours sincerely

FASSTT Executive



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CEO, VFST



Jorge Aroche
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Tracy Worrall
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