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Abstract

For a brief period of time Sanjeev 'Alex' Kuhendrarajah gained international notoriety as the self-styled spokesperson for 254 Sri Lankan Tamils who refused to disembark from a small wooden cargo boat, KM Jeya Lestari 5, docked off the Indonesian port of Merak from October 2009. The boat, which was detected by Australian authorities while floundering in international waters off the Sunda Strait, was intercepted by the Indonesian navy at the request of the then Australian prime minister, Kevin Rudd. The charismatic asylum seeker, who introduced himself as Alex at a dockside press conference, quickly became a favourite with journalists for his command of English and his 'raw and defiant' manner (Allard 2009).

Alex & I: In proximity to the Other of politics

Sumugan Sivanesan

1 Reading Alex

For a brief period of time Sanjeev 'Alex' Kuhendrarajah gained international notoriety as the self-styled spokesperson for 254 Sri Lankan Tamils who refused to disembark from a small wooden cargo boat, *KMJeya Lestari 5*, docked off the Indonesian port of Merak from October 2009. The boat, which was detected by Australian authorities while floundering in international waters off the Sunda Strait, was intercepted by the Indonesian navy at the request of the then Australian prime minister, Kevin Rudd. The charismatic asylum seeker, who introduced himself as Alex at a dockside press conference, quickly became a favourite with journalists for his command of English and his 'raw and defiant' manner (Allard 2009).

It soon emerged that Alex was not an English language teacher from Jaffna or a businessman with an MBA, as he had initially told reporters, but rather an ex-member of the Toronto street gang, *AK Kannan*, who had been gaoled and then deported from Canada in 2003 for his involvement with organised crime (Fitzpatrick November 9 2009). Despite this initial deception, Kuhendrarajah retained his media profile, and in particular the rapport he had developed with the journalist Stephen Fitzpatrick.

Stephen Fitzpatrick notes that when Alex was engaged in the stand-off at Merak, he was in constant contact with advisors from the international Tamil diaspora, as well as Australian activists that seized on 'Alex and "his" people' (Fitzpatrick January 4 2010) and urged them to stay onboard. As long as they were a newsworthy spectacle, the so-called 'Merak refugees' were useful political subjects that could be used to claim against the Sri Lankan state and expose the failures of the Australian immigration system. However, as his criminal past emerged, Alex became less of an interest to the Tamil cause, and more of a concern to others onboard the *KM Jeya Lestari 5* who expressed anxiety about being tarnished by his negative reception. To further complicate matters, the Sri Lankan foreign ministry alleged that he was not an asylum seeker at all, but rather involved in the business of people-smuggling.

Following several attempts by Indonesian authorities to arrest him and acting on concerns that media exposure was inhibiting his chances for resettlement, Alex jumped ship in March 2010, after which he kept a low profile, very occasionally posting status updates on his *Facebook* profile. One such message was posted on September 11, 2012 stating that Sanjeev

Has officially been granted refugee status by the United Nations High Commission for Refugees. I have waited for this for 3 years since being forced into exile and seeking political asylum in 4 different countries. Thank you for not forsaking me Lord!

2 Meeting Sanjeev

One could say Sanjeev invented Alex, and although their histories are entwined, I choose to distinguish between the two. 'Alex', the name Sanjeev gave to journalists, was in effect the identity he assumed when presenting himself to the international media. Alex can be read both as a performance by Sanjeev as well as a construct of journalists such as Stephen Fitzpatrick. This is evident in the ways that Alex was variously described in the media; as an English teacher, a businessman with an MBA, and a call centre operator. All of these identities are easily

digestible generalisations of educated, aspirational middle class South Asians in 'the West'. When Sanjeev's criminal past came to light, his perceptively pitched alter-ego, Alex, also began to distort accordingly: he was depicted as a heavily tattooed Toronto street gang member; a ranked official for the Toronto wing of the Liberation Tigers of Tamil Eelam (LTTE); a combatant pilot (on returning to Sri Lanka); and an intimidating enforcer for a people-smuggling racket that his brother masterminded from Canada. As the projection of such fears, Alex became a terrorist, a social threat, an opportunistic migrant and a queue jumper.

After leaving the port of Merak, Sanjeev eventually resurfaced in immigration detention in Bangkok as a UNHCR-recognised asylum seeker awaiting resettlement. In 2013, I travelled to Thailand to become for a few days his strange interlocutor. Speaking across a narrow, wire-fenced corridor, we formed an easy rapport under circumstances that for him were undoubtedly fraught and frustrating.

3 A Tamil Thing

During our conversations in Bangkok, I was given a glimpse of Sanjeev's world as he spoke openly of his dreams, ambitions, flaws and torments. Unlike countless others in similar situations, Sanjeev is known for his role in the Merak stand-off and retains some public notoriety. After he arrived in Bangkok, he was visited by the journalist Lindsay Murdoch, whose account of that meeting was published in the Fairfax news media (Murdoch 2012). The article included a 'selfie' photograph that Alex had taken earlier on a mobile telephone smuggled into the facility and that had already been posted on his *Facebook* page. The article, and in particular the photograph which depicted a scene inside the detention centre, found its way back to Bangkok officials. Sanjeev was duly disciplined: his possessions were searched, his telephone was confiscated and his internet access was curtailed. He was also moved to a crowded cell with no toilet, away from other Sri Lankan detainees or anyone else with whom he could converse, and was in other ways 'severely punished.' Although happy to receive visitors, he

was still recovering from this punishment when I first arrived. Sanjeev was well aware that the world at large was not entirely sympathetic, if not wholly indifferent to his plight, however it was this complication that I found compelling, namely, that a flawed and, as some argue, undesirable non-citizen might yet determine a politics of mobility that would have implications beyond his own self-interest.

The pop star M.I.A. (a.k.a Mathangi 'Maya' Arulpragasam), perhaps the most famous Tamil in global popular culture, used her celebrity to draw attention to the plight of Tamils as the violence in Sri Lanka reached its zenith early in 2009. Contemplating Arulpragasam's *nom de guerre*, the cultural theorist Suvendrini Perera notes that

as a figure for 'a Tamil thing', Missing in Action invokes the gone missing, the here and not-here of the diasporic ... At the same time, to be Missing in Action may still hint at being 'in action' elsewhere: to remain active while being missing; to be active and present in one place while being missing or absent from another. In this sense it is a state that speaks not only of vacancy and loss, but also of participation or engagement, through both presence and absence, in more than one location (Perera 2012: 2–3).

To 'remain active while being missing' might also be applied to Sanjeev. Whilst he is trapped in detention and undoubtedly missed by his family¹ and supporters, is it possible that Sanjeev's other, Alex, might be activated elsewhere?

Sanjeev's removal from public culture is an act of 'de-presentation' (Sheikh 2011: 2), as he is excluded from participation in the public sphere and the history he was once pivotal to recedes from memory. Counting myself as part of a Tamil diaspora, my interests and investigations converged on Sanjeev's story. By comparison, his restrictions accentuate my relative freedoms determined by citizenship, class and social experience.

4 Right of Passage

According to Lindsay Murdoch (2012), Alex secretly disembarked the *KM Jeya Lestari 5* in March 2010. One night he swam from the

boat, jumped a perimeter wall at the harbour and took a motorcycle to Jakarta. From there a friend helped him board a flight to an Indonesian island near Singapore. After hiding out for two days he boarded a twin-engine boat, along with approximately fifty others, which took them to the Malaysian peninsula. The group trekked through the jungle for two days before boarding a bus to Kuala Lumpur, after which Alex disappeared.

In Malaysia, Sanjeev lived on funds provided by his family, but constantly feared retribution from those that arranged the *KM Jeya Lestari 5*, over information he had provided to Indonesian and Australian authorities (Murdoch 2012). Like others involved in the standoff, he retained fears of Government of Sri Lanka (GoSL) operatives working amongst UN officials.² However, on advice from family and supporters he registered with the UNHCR in December 2010. He also engaged the services of another smuggling agent in order to travel to the UK, where his father resides. In March 2011, a year after he left Merak, he attempted to cross the Malaysian border into Thailand en route to Europe; in so doing, he brought several interests into play.

Sanjeev was arrested attempting to enter Thailand with a false Malaysian passport. Significantly, he was not detected exiting Malaysia.³ Although registered with the UNHCR in Malaysia, Thailand's immigration laws make no provisions for refugees or asylum seekers, so any attempts to enter the kingdom without valid documents are considered illegal.⁴ Consequently, Sanjeev served time for his border transgression in a Thai prison before being transferred to immigration detention. Thus Thailand enacted its sovereign right not only to reject and exclude, but also to criminalise and imprison Sanjeev, who had no intention to stay in that country on his passage to seek asylum. This act of criminalising migration is consistent with both the GoSL response of imprisoning (and torturing) Sri Lankan asylum seekers on their return, as well as with the Australian policy of mandatory detention and offshore processing. This suggests that an individual's right to seek asylum⁵ and a sovereign state's prerogative to control migration are inherently incompatible.

5 The Other of Politics

Historical anthropologist Michael Roberts emphasises Sanjeev's mother's role in influencing his migratory path:

... his mother then let the cat out of the bag on 2 December 2009. She was a good mother. As a 'businesswoman' she was sufficiently endowed to travel to Merak to visit her son. There the two of them spoke to Stephen Fitzpatrick of *The Australian* who presented them through a captivating image of Alex squatting before Sathia, an attractive sariclad woman. Ms Rajaratnam 'said she felt guilty over his predicament, having urged him last year to move from Chennai in India, where he and his wife had a hotel business, to Sri Lanka, where business opportunities looked to be opening after the civil war' (Roberts 2012).

Perhaps the most problematic sector of Sanjeev's narrative of migration was his decision to leave India where he ran a successful small business to return to Sri Lanka (Fitzpatrick December 2 2009). In the above quote, Roberts (2012) calls attention to Sanjeev's mother's urging to imply that Sanjeev was an opportunist 'economic migrant' and not a 'real refugee' seeking political asylum. Moving to Sri Lanka for business opportunities that might open up after the war apparently contradicts the narrative of fleeing persecution that asylum seekers claim. In an earlier interview, Sanjeev told Mr Fitzpatrick that he had returned to Sri Lanka to arrange passports for his children so that they might travel to Canada (Fitzpatrick November 9 2009). Whatever the case, it appears that when Sanjeev arrived back in Sri Lanka after living in India he was arrested on suspicion of being a LTTE combatant and imprisoned without charge under the country's Prevention of Terrorism Act, effectively persecuted as a minority.

Further complicating Sanjeev's cause is his access to funds and his family's willingness to engage smuggling agents and lobby government officials. The notion of 'shopping for a country' – or, in Sanjeev's case, lobbying for a country – might seem distasteful given the current political rhetoric of border protectionism. However, seeking better opportunities is undoubtedly a common concern for all migrants, including, of course, those of us in the professional middle-classes

seeking opportunities abroad to further our careers and expand our world view.

As a stateless, criminalised subject removed from the social and political field – and punished for his attempts to re-insert himself – Sanjeev has become the Other of politics. Since Sanjeev’s ‘politics-of-movement’ (Mitropoulos and Neislon 2006) have effectively been brought to a halt, there is potential for our dialogue (albeit uneven and possibly ill-advised) to translate as a movement-of-politics that can be inserted into the field of art.

6 Social Sickness

I make contact with Sanjeev soon after I arrive in Bangkok. I tell him that I’ve been in the city for two days and he replies that he has been living here for more than two years, but that I would have already seen much more of the metropolis than him. I laugh awkwardly, and we arrange to meet the next day.

The Suan Phlu immigration detention centre is located in central Bangkok not far from the broad avenue where many embassies are located. The immigration bureau is off a busy street, crowded with food vendors and market stalls, that swells with office workers and public servants over lunch. In the detention centre, all meals consist of the same thin soup with rice, and most visitors bring bags bulging with supplies such as spices, biscuits and fresh fruit to supplement the detainees’ diets.

Sanjeev tells me that the worst thing about detention is the boredom. There are no social services, diversions or education projects and, somewhat ironically, this idleness leads to ‘mental exhaustion.’ He is powerless to protect or support his wife and children who are refugees elsewhere, and this ‘erodes his manhood.’ His children are growing up, including a son born as he was waiting to board the *KM Jeya Lestari 5* whom he has never met. Awaiting re-settlement can be a frustratingly slow and bureaucratic process, and Sanjeev indicates that there are those in Bangkok who have remained in detention for more than ten years; like them, his life is also on hold as years pass by.

One way that states affirm their normative terms of sovereignty is via controls over migrating bodies, and in doing so suffuse ‘illegal immigrants’ with qualities that threaten, requiring isolation and quarantining. A recent study conducted by the University of Melbourne’s Mental Health Research Institute revealed ‘extraordinary rates of mental illness’ (Beck 2012) amongst long-term detainees even whilst living in the community. For most participants in the study, even those who had suffered through war and torture, the refugee experience became ‘the primary trauma’ (cited in Beck 2012).

The presence of significant populations of non-citizens is accepted as a common crisis of contemporary life. The normalisation of this crisis, marked by opaque bureaucratic measures and the slow processing periods of asylum appeals, results in a gradual wearing down of detainees and their supporters. Take for example ‘Selva’, a recognised asylum seeker detained in Melbourne who received a negative security clearance from ASIO in 2012 – to which he had no course of appeal. In a letter released to the media he reveals:

I feel like a vegetable, and my body is listless ... Sometimes, I believe that is better for the Australian government to kill me in a merciful way, rather than slowly kill me, by first making me ‘a worthless human being’ (Kulachelvan 2013).

A detainee with a similar experience is ‘Sasi’, who was known as the translator for another group of Tamil asylums seekers also caught in a stand-off between Australian and Indonesian authorities. Sasi wrote a letter to the Australian Department of Immigration in 2012 and, like Selva, also begged for a mercy killing. Sasi’s lawyer, Stephen Blake, stated that he received no response (Dingle 2012). Such pleas might be easily dismissed as publicity stunts, however they also indicate that such scenes of distress have become so ordinary as to not warrant a response. Might this indifference itself be understood as a kind of social sickness that permeates society more generally?

7 The Other Alex

During our conversations, Sanjeev recalled a visit from US officials

enquiring if he had made any attempts to enter there. When he denied doing so, the officials indicated they had records of a person bearing his documents trying to enter the US, and suggested a date in 2010 when Sanjeev was still in Merak and talking to the media. Sanjeev explained that when he boarded the *KM Jeya Lestari 5* in Malaysia, the smuggling agents took his passport. It is possible they sold it on to another potential migrant, one that would have resembled him, Sanjeev's double – The Other Alex. Commonly, when asylum seekers are about to enter a nation that is their desired destination, they will destroy their documents; The Other Alex did not. If he did not have a valid visa and was rejected by the US, would he have been deported back to the country that issued the passport, which in Sanjeev's case was Sri Lanka?

In March 2010, when Sanjeev was at the height of his notoriety Sri Lanka's Rajapaksa Government was aggressively making allegations to discredit him. Despite denials by Sri Lankan officials, there have been consistent reports of asylum seekers returning to Sri Lanka where they are imprisoned, tortured and coerced into signing confessions.⁶ Whatever befell The Other Alex would have been invariably intended for Sanjeev.

Sanjeev is currently awaiting the outcome of a re-settlement appeal he lodged with the US in April 2013, and has been advised that he could be waiting in detention for up to three years before a decision is made. Alternatively, UNHCR representatives have suggested he could return to Sri Lanka immediately for which they would offer some small financial assistance. They also informed him that if his appeal to the US fails, then they could revoke his refugee status, effectively forcing him to return. On a recent trip to Sri Lanka, Sanjeev's mother discreetly enquired as to the likely consequences of her son's return; nobody she spoke to would assure his safety.

8 Friends

My first contact with Alex was via *Facebook* after I simply submitted a 'friend request'.⁷ Friendship on *Facebook* is a 'concept' (Goh 2011: 96) by which the social media giant collates an expanding and interconnected database of personal information and behaviour patterns, for profit and manipulation. Here, the accumulation of friends is not only part of the participatory play, but also narcissistic, entrepreneurial and even predatory.

I meet Sanjeev in person after his internet access is revoked. Face-to-face yet a world apart, we negotiate our differences across a wire fence. After several meetings and despite his often frank admissions, I expect there are still aspects of his story that he is withholding. I have made some effort to discuss and assist with his appeal, yet our friendship is restricted to a space where his incarceration and my (cultural) interests intersect – alluding to a space beyond, where we may yet have nothing in common. So ours is also a conditional friendship, further qualified by its reception in art and made political by its public annunciation. However, if Sanjeev was coerced into returning to Sri Lanka, would I let it slip by without a response? Could I stand by as a 'friend' was sent to his possible death?

For those of us in the West who have deconstructed our identities in terms of ethnicity and citizenship, claiming an identity – such as becoming Tamil – is a political act. My family's stories like many others involve migration in pursuit of better opportunities and material conditions and we were raised to appreciate the risks and sacrifices that had been undertaken by our forebears. Sanjeev has been criminalised in his attempts to act upon similar values with the means available to him, whereas I have the benefits of Australian citizenship and a degree of 'artistic licence' that allows me to travel and follow opportunities. So, what would be the purpose of recalling Alex now – in all his complexity – to re-present him in the limited cultural sphere of art after he has been excluded from the world at large?

9 Other Imaginaries

Engaging with Sanjeev has become a process of untangling his criminal past from his current criminalisation as an asylum seeker, to address how the conflation of migration with crime informs an understanding of seeking asylum as being illegal. I have recently begun to share my experiences with Sanjeev as a performative lecture, entitled 'Alex & I', in art and academic contexts. Using images of Alex in the media, I re-narrate Sanjeev's story to recall the co-operation between asylum seekers, journalists, activists and others that for a brief period of time cut through political manoeuvring and obfuscation to transform social relations between citizens and non-citizens.

One could draw a connection between art, politics, sociability and ultimately friendship. The sphere of art is an ecology of institutions, infrastructures, people and relations where speculative politics and notions of sovereignty yet-to-come might be articulated, trialled and enacted. It is a space where the interplay of theory and material practice has the potential to facilitate new subjectivities and ways of being in society, with ramifications beyond the limits of the art world.

The curator and theorist Simon Sheikh argues that:

...the great division of our time is between those who accept, and thus actively maintain the dominant imaginary of society, subjectivity and possibility – and those who reject the current imaginary of society, subjectivity and possibility, and, instead, partake in what I will call other imaginaries (Sheikh 2011: 8).

Many consider the atrocities that occurred during the conclusion of the civil war in Sri Lanka as a failure of the international community to intervene. One might then deduce that this failure to intervene, despite the protests of the Tamil diaspora and their supporters, indicates a limit in the dominant imaginary of society – the limits of possibility.

If a current concern for artists involved in the cultural rebuilding after genocide is the production of subjectivities that can address the failure to prevent genocide, how might we come closer to understanding what these roles could be? It may be useful to think of such practices

as addressing a *differend*; activities that produce subjectivities, relations and friendships that are irreconcilable with ordinary life after genocide. 'Alex & I' presents one such relationship. De-presented in public, yet re-presented as the objective of art, might Alex return as one (amongst others) who shapes subjectivities in the contest for equal rights for all, the right to seek asylum and the consequential right of passage?

Notes

- 1 Sanjeev's wife and children are in a refugee camp having also fled Sri Lanka in 2009; his mother, brothers and another daughter are in Canada; his father remains in the UK.
- 2 Ostensibly to weed out LTTE cadres.
- 3 According to Sanjeev, following his arrest Malaysian police inspecting his documents commented that they looked authentic and consequently did not arouse suspicion. This led Sanjeev to suspect there was some collusion between his smuggling agent and the Thai border guards.
- 4 Immigration Act B.E. 2522 (1979). The Thai Committee for Refugees Foundation in collaboration with Thailand's National Human Rights Commission (NHRC) and the National Law Reform Commission (NLRC) are currently seeking to amend this bill.
- 5 Everyone has the right to seek and to enjoy in other countries asylum from persecution.' Article 14. 1 of the Universal Declaration of Human Rights, 1948. URL: <http://www.un.org/en/documents/udhr/index.shtml#a14>
- 6 For example see Pettitt 2011 or the recent case of 'Kumar' as reported in Ewart 2013.
- 7 As the largest social media platform in the world, *Facebook* counts over one billion users, and is a virtual imagined community that extends across the planet's physical and political boundaries, facilitating real world consequences. *Facebook* founder Mark Zuckerberg announced the 'one billion' users figure in a status update on 4 October 2013. However, he later qualified that this was an estimate based on sample analytics. More recent reports also state large numbers of users are also leaving (see Garside 2013).

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