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IRB – Immigration and Refugee Board of Canada

Sri Lanka: Police reports, including records of arrest or detention, extracts of complaints, and police clearance certificates; procedures for an individual to obtain a copy of a police report; prevalence of fraudulent police reports (2019–April 2021) [LKA200594.E]

Research Directorate, Immigration and Refugee Board of Canada

1. Records of Arrest or Detention

Information on records of arrest and detention was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

According to article 38 of Sri Lanka's *Code of Criminal Procedure*,

[o]fficers in charge of police stations shall report to the Magistrates' Courts of their respective districts the cases of all persons arrested without warrant by any police officer attached to their stations or brought before them and whether such persons have been admitted to bail or otherwise. (Sri Lanka 1979)

A report by the UK Home Office on its fact-finding mission (FFM) to Sri Lanka, conducted between 28 September and 5 October 2019, citing multiple sources, notes that a receipt is issued to the relatives of an individual who has been arrested (UK 20 Jan. 2020, para. 7.2.1). The notes of an interview with a human rights activist interviewed on 30 September 2019 by the FFM team and published in the same report states that the receipt of arrest notes the reason for the arrest, the name of the arresting officer and the police station (UK 20 Jan. 2020, 38). The same source added that the receipt "may not always be issued," but "in recent years" receipts have been issued "more regularly" (UK 20 Jan. 2020, 38). A 2019 article by *Daily News*, a Sri Lankan English-language newspaper published by the state-owned Lake House, also called the Associated Newspapers of Ceylon Limited (ANCL) (Lake House n.d.), cites a police media spokesperson as indicating that a receipt of arrest will be issued to the "nearest" relative of an individual who has been arrested under the emergency law regulations, which were issued on 22 April 2019 following the Easter Sunday attacks [1] (*Daily News* 18 May 2019). The same source adds that the relatives of an arrested individual have the right to ask for the receipt at the police station holding the individual, and the receipt should be returned to the police station when the individual is released (*Daily News* 18 May 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Information on the procedure for an individual to obtain a record of their arrest or detention could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Extracts of Complaints

Information on extracts of complaints was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the website of the Sri Lanka Police, individuals can file complaints with the police, which are taken and addressed as early as possible (Sri Lanka n.d.a). The same source notes that the "public has the right to request an acknowledgement of the complaint made" (Sri Lanka n.d.a). The source also indicates that extracts of complaints are issued by the Officer in Charge (OIC) of a police station after the completion of an application and the payment of 25 Sri Lankan rupees (LKR) [C\$0.16] per hundred words (Sri Lanka n.d.a). According to the same source, extracts of criminal complaints are issued in accordance with article 444(1) of the *Code of Criminal Procedure* (Sri Lanka n.d.a). Article 444(1) of the *Code of Criminal Procedure* provides the following:

Every inquirer or officer in charge of a police station shall issue to every accused person or his attorney-at-law who applies for it a duly certified copy of the first information relating to the commission of the offence with which he is charged and of any statement made by the person against whom or in respect of whom the accused is alleged to have committed an offence. (Sri Lanka 1979)

The website of the Sri Lanka Police indicates that extracts of complaints for civil matters "may be issued upon request" (Sri Lanka n.d.a).

3. Police Clearance Certificate

According to the website of the Sri Lanka Police, a police clearance certificate is issued by the Director of Police Headquarters Administration based on background reports obtained through a police investigation of the applicant (Sri Lanka n.d.b). The same source indicates that an application for a police clearance certificate can be submitted in person to the office located at Olcott Mawatha, Colombo 11, or online (Sri Lanka n.d.b). The source also notes that applicants who reside outside of Sri Lanka can complete an application themselves and that the application bearing their signature can be submitted by a relative to the office located at Olcott Mawatha, Colombo 11 (Sri Lanka n.d.b). The same source adds that the following documents should be presented along with the application for a police clearance certificate:

- National Identity Card (NIC) and two "clear" photocopies of the NIC
- Valid passport and a "clear" photocopy of the passport (Sri Lanka n.d.b).

The website of the US Embassy in Sri Lanka indicates that a resident of Sri Lanka should provide the following documents when submitting their application for a police clearance certificate to the Sri Lanka Police headquarters at 31, Olcott Mawath, Pettah, Colombo 12:

- Photocopy of NIC
- Photocopy of birth certificate
- Photocopy of passport (US n.d.)

The same source adds that a female applicant using her husband's family name must also submit a copy of her marriage certificate and an affidavit indicating her maiden and married name (US n.d.).

The website of the Sri Lanka Police indicates that the application fee for an online application for a police clearance certificate is 1,500 LKR [C\$9.62] (Sri Lanka n.d.c). The same source notes that the police clearance certificate will be issued within 14 business days if accurate information is provided (Sri Lanka n.d.c). Sources indicate that the application fee for applications for a police clearance certificate made in Sri Lanka [at police headquarters (US n.d.)] is 500 LKR and the application fee for applications made outside of Sri Lanka [at a Sri Lankan diplomatic mission (US n.d.)] is 1000 LKR (US n.d.; Sri Lanka n.d.a).

The website of the Consulate General of Sri Lanka in Toronto indicates that applicants of police clearance certificates who are Sri Lankan or of Sri Lankan origin can submit a completed application along with the original and two photocopies of the following documents:

- Sri Lankan passport
- Sri Lankan NIC
- Canadian immigration documents such as a permanent resident card, citizenship card, or refugee documents
- Letter from Immigration, Refugees, and Citizenship Canada (IRCC)
- Previous police clearance report (if one was previously issued) (Sri Lanka n.d.d).

The same source indicates that applicants who are of other nationalities can submit a completed application form along with the original and two photocopies of the following documents:

- Canadian immigration document such as a permanent resident card, citizenship card, or refugee document
- Letter from IRCC, letter for a Green Card from US authorities, or an employment letter
- Previous police clearance report (if one was previously issued) (Sri Lanka n.d.d).

The website of the Consulate General of Sri Lanka in Toronto indicates that the application fee for a police clearance certificate is C\$36 and the processing time is "approximately" six months (Sri Lanka n.d.d).

4. Prevalence of Fraudulent Police Reports

Information on fraudulent police reports was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the notes of an interview conducted by the UK Home Office with members of Sri Lanka's Criminal Investigation Department (CID), conducted on 1 October 2019 and published in the UK Home Office's FFM report, it is "not possible to obtain fake arrest receipts" (UK 20 Jan. 2020, 38). Additional and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] Freedom House indicates that on the Easter Sunday of 2019, three Christian churches and three hotels were targeted by Sri Lankan suicide bombers who claimed ties to the Islamic State, resulting in 269 casualties (Freedom House 4 Mar. 2020).

References

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United States (US). N.d. Embassy in Sri Lanka. "[Police Clearances](#)." [Accessed 27 Apr. 2021]

Additional Sources Consulted

Oral sources: Center for Human Rights and Development; Center for Policy Alternatives; Committee for Protecting Rights of Prisoners; Human Rights Commission South Asia; INFORM Human Rights Documentation Centre; Law & Society Trust; Rights Now Collective for Democracy; Sri Lanka – Consulate General of Sri Lanka, Toronto, Legal Aid Commission, Ministry of Foreign Affairs, Government Information Centre, High Commission in Ottawa, Sri Lanka Police; Sri Lanka-based law firms (7) whose practice areas include criminal law.

Internet sites, including: Al Jazeera; Amnesty International; The Asia Foundation; Asylum Research Centre; Australia – Department of Foreign Affairs and Trade; Bar Association of Sri Lanka; BBC; Belgium – Commissariat general aux réfugiés et aux apatrides; Bertelsmann Stiftung; Brookings Institution; Centre for Policy Alternatives; Colombo Telegraph; Council on Foreign Relations; *Daily Mirror* [Sri Lanka]; Denmark – Danish Immigration Service; ecoi.net; EU – European Asylum Support Office; France – Office français de protection des réfugiés et apatrides; Groundviews; *The Guardian*; Human Rights Watch; INFORM Human Rights Documentation Centre; International Crisis Group; INTERPOL; *The Island*; Law & Society Trust; *The New York Times*; New York University – Hauser Global Law School Program; Norway – Landinfo; Sri Lanka – Consulate General in Melbourne Australia, Government Information Centre, Legal Aid Commission, Ministry of Justice; Sri Lanka Broadcasting Corporation; Swiss Refugee Council; UN – Refworld; University of Colombo – Faculty of Law; US – Department of State, Library of Congress; *The Washington Post*.

ecoi.net summary:

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