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Guidance

Country policy and information note: Tamil separatism, Sri Lanka, August 2022 (accessible version)

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) an assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within [paragraphs 339C and 339CA\(iii\) of the Immigration Rules](#) (<https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>) / Article 3 of the [European Convention on Human Rights \(ECHR\)](#) (<https://www.echr.coe.int/Pages/home.aspx?p=basictexts&c>)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within [paragraphs 339C and 339CA\(iv\) of the Immigration Rules](#) (<https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and

- if a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under [section 94 of the Nationality, Immigration and Asylum Act 2002](https://www.legislation.gov.uk/ukpga/2002/41/section/94) (<https://www.legislation.gov.uk/ukpga/2002/41/section/94>).

Decision makers must, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](http://www.refworld.org/docid/48493f7f2.html) (<http://www.refworld.org/docid/48493f7f2.html>), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual](https://www.coi-training.net/researching-coi/), (<https://www.coi-training.net/researching-coi/>) 2013. Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate and balanced, which is compared and contrasted where appropriate so that a comprehensive and up-to-date picture is provided of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote. Full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (<https://www.gov.uk/government/organisations/independent-chief-inspector-of-borders-and-immigration/about/research>) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

Independent Advisory Group on Country Information
Independent Chief Inspector of Borders and Immigration
5th Floor
Globe House
89 Eccleston Square
London
SW1V 1PN

Email: chiefinspector@icibi.gov.uk

Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#) (<https://www.gov.uk/government/organisations/independent-chief-inspector-of-borders-and-immigration/about/research#reviews>).

Assessment

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state due to the person's actual or perceived support for, or involvement with, Tamil separatist groups.

1.2 Points to note

1.2.1 This document refers to and signposts [Report of a Home Office Fact Finding Mission to Sri Lanka, January 2020](https://www.gov.uk/government/publications/sri-lanka-country-policy-and-information-notes) (<https://www.gov.uk/government/publications/sri-lanka-country-policy-and-information-notes>). Decision makers should note the country of origin information contained in this report was gathered prior to the country guidance case of [KK and RS \(sur place activities: risk\) Sri Lanka \[2021\] UKUT 130 \(IAC\)](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) and is included to provide general background information only.

2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on [Assessing](https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction) (<https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction>) [Credibility and Refugee Status](https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction) (<https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction>).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](https://www.gov.uk/government/publications/visa-matches-handling-asylum-claims-from-uk-visa-applicants-instruction) (<https://www.gov.uk/government/publications/visa-matches-handling-asylum-claims-from-uk-visa-applicants-instruction>)).

2.1.3 In cases where there are doubts surrounding a person's claimed place of origin, decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](https://www.gov.uk/government/publications/language-analysis-instruction) (<https://www.gov.uk/government/publications/language-analysis-instruction>)).

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2.1.4 This information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

2.2 Exclusion

2.2.1 The LTTE has been responsible for serious human rights abuses. It has been proscribed in the UK since March 2001 under the Terrorism Act 2000.

2.2.2 The Tribunal in [KK and RS \(sur place activities: risk\) Sri Lanka \[2021\] UKUT 130 \(IAC\)](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) held that consideration must be given to whether the exclusion clauses under Article 1F of the Refugee Convention are applicable (paragraph 536 (29)).

2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).

For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](https://www.gov.uk/government/publications/asylum-instruction-exclusion-article-1f-of-the-refugee-convention) (<https://www.gov.uk/government/publications/asylum-instruction-exclusion-article-1f-of-the-refugee-convention>), [Humanitarian Protection](https://www.gov.uk/government/publications/humanitarian-protection-instruction) (<https://www.gov.uk/government/publications/humanitarian-protection-instruction>) and the instruction on [Restricted Leave](https://www.gov.uk/government/publications/restricted-leave-asylum-casework-instruction) (<https://www.gov.uk/government/publications/restricted-leave-asylum-casework-instruction>).

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2.3 Convention reason(s)

2.3.1 Actual or imputed political opinion.

2.3.2 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the particular person has a well-founded fear of persecution on account of their actual or imputed convention reason.

2.3.3 For further guidance on the 5 Refugee Convention grounds see the Asylum Instruction, [Assessing Credibility and Refugee Status](https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction) (<https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction>).

2.4 Risk

a. General points

2.4.1 The country guidance case of [KK and RS \(sur place activities: risk\) Sri Lanka \[2021\] UKUT 130 \(IAC\)](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>), promulgated 27 May 2021 and heard 7 to 10 and 11 September 2020 held that the existing country guidance [GJ & Others \(post –civil war: returnees Sri Lanka CG \[2013\] UKUT 00319 \(IAC\)](http://www.bailii.org/uk/cases/UKUT/IAC/2013/00319_ukut_iac_gj_ors_srilanka_cg.html) (5 July 2013) (http://www.bailii.org/uk/cases/UKUT/IAC/2013/00319_ukut_iac_gj_ors_srilanka_cg.html) (heard on 5-8 and 11-12 February 2013, 15 March 2013 and 19 April 2013) is still broadly accurate in reflecting the situation facing returnees to Sri Lanka (paragraph 535). The case of [GJ & Others](http://www.bailii.org/uk/cases/UKUT/IAC/2013/00319_ukut_iac_gj_ors_srilanka_cg.html) (http://www.bailii.org/uk/cases/UKUT/IAC/2013/00319_ukut_iac_gj_ors_srilanka_cg.html) was restated in its entirety in the judgment. The Upper Tribunal held, however, that it was necessary to ‘clarify and supplement the existing guidance, with particular reference to sur place activities’ (paragraph 535).

b. Tamil ethnicity

2.4.2 Whilst Tamils may face official discrimination and harassment, in general this treatment is not sufficiently serious by its nature and/or repetition, or by an accumulation of various measures, to amount to persecution or serious harm, based on their ethnicity alone.

2.4.3 The Tribunal in [KK and RS](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) held that: ‘[The Government of Sri Lanka] GoSL views the Tamil diaspora with a generally adverse mindset, but does not regard the entire cohort as either holding separatist views or being politically active in any meaningful way.’ (paragraph 536(4)).

2.4.4 Available country evidence does not establish that as per [46] and [47] of [SG \(Iraq\) v Secretary of State for the Home Department \[2012\] EWCA Civ 940 \(13 July 2012\)](https://www.bailii.org/ew/cases/EWCA/Civ/2012/940.html) (<https://www.bailii.org/ew/cases/EWCA/Civ/2012/940.html>) there are very strong grounds supported by cogent evidence to justify a departure from [KK and RS](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>).

See [Treatment of Tamils](#) for further information on the general treatment of Tamils based on ethnicity alone).

c. Actual and perceived supporters of Tamil Separatism

2.4.5 The GoSL is interested in persons who have or had a ‘significant role’ with the LTTE and / or Tamil Separatism.

2.4.6 The Tribunal in [KK and RS](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) sought to define a ‘significant role’ in Tamil Separatism (paragraph 21). It held: ‘The term “significant role” does not require an individual to show that they have held a formal position in an organisation, are a member of such, or that their activities have been “high profile” or “prominent”. ‘The assessment of their profile will always be fact- specific, but will be informed by an indicator-based approach, taking into account the following non-exhaustive factors, none of which will in general be determinative:

- the nature of any diaspora organisation on behalf of which an individual has been active. That an organisation has been proscribed under the 2012 UN Regulations will be relatively significant in terms of the level of adverse interest reasonably likely to be attributed to an individual associated with it;
- the type of activities undertaken;
- the extent of any activities;
- the duration of any activities;
- any relevant [separatist activity] history in Sri Lanka;
- any relevant familial connections [to separatists].’ (paragraph 536(21))

2.4.7 See also paragraphs 374, 391, 393, 439-502 of [KK and RS](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) for consideration into what constitutes a ‘significant role’.

2.4.8 In general, if a person can establish they have a ‘significant role’ in a Tamil separatist organisation they are likely to be detained and at risk of treatment that amounts to persecution or serious harm. Each case must be considered on its own facts, with the onus on the person to demonstrate why they would be at risk.

2.4.9 The Tribunal in [KK and RS](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) held that: ‘Whilst there is limited space for pro- Tamil political organisations to operate within Sri Lanka, there is no tolerance of the expression of avowedly separatist or perceived separatist beliefs.’ (paragraph 536(3)) (see [Treatment of Tamil separatist groups](#)).

2.4.10 It continued: ‘TGTE is an avowedly separatist organisation which is currently proscribed. It is viewed by GoSL with a significant degree of hostility and is perceived as a “front” for the LTTE. [Global Tamil Forum] GTF and [British Tamil Forum] BTF are also currently proscribed and whilst only the former is perceived as a “front” for the LTTE, GoSL now views both with a significant degree of hostility.’ (paragraph 536(6)) (see [Proscribed groups](#) and Transnational Government of Tamil Eelam (TGTE)).

2.4.11 With regard to non-proscribed diaspora organisations, the Tribunal held: ‘Other non-proscribed diaspora organisations which pursue a separatist agenda, such as [Tamil Solidarity] TS, are viewed with hostility, although they are not regarded as “fronts” for the LTTE (paragraph 536(7)) (see [Non-proscribed groups](#)).

2.4.12 Since [KK and RS](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) was heard, the available country evidence does not establish that there are very strong grounds supported by cogent evidence to justify a departure from the UT’s findings.

d. Sur place activities

2.4.13 Sur place activities for a proscribed organisation will attract a higher degree of adverse interest from the Sri Lankan authorities than those for a non- proscribed organisation. Organisations which have never been proscribed, but have a separatist agenda are reasonably likely to attract the adverse interest of the GoSL. Each case must be considered on its own facts, with the onus on the person to demonstrate why their profile and activities would place them at risk.

2.4.14 The Tribunal in [KK and RS](#)

(<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) held:

‘Sur place activities on behalf of an organisation proscribed under the 2012 UN Regulations is a relatively significant risk factor in the assessment of an individual’s profile, although its existence or absence is not determinative of risk. Proscription will entail a higher degree of adverse interest in an organisation and, by extension, in individuals known or perceived to be associated with it. In respect of organisations which have never been proscribed and the organisation that remains de-proscribed, it is reasonably likely that there will, depending on whether the organisation in question has, or is perceived to have, a separatist agenda, be an adverse interest on the part of GoSL, albeit not at the level applicable to proscribed groups.’ (para 536(5)). (See [Treatment of Tamil Separatist groups outside of Sri Lanka](#)).

2.4.15 The GoSL has the ability to infiltrate UK-based diaspora organisations and demonstrations and monitors the Internet and social media.

2.4.16 The Tribunal in KK and RS held:

‘GoSL continues to operate an extensive intelligence-gathering regime in the United Kingdom which utilises information acquired through the infiltration of diaspora organisations, the photographing and videoing of demonstrations, and the monitoring of the Internet and unencrypted social media. At the initial stage of monitoring and information gathering, it is reasonably likely that the Sri Lankan authorities will wish to gather more rather than less information on organisations in which there is an adverse interest and individuals connected thereto. Information gathering has, so far as possible, kept pace with developments in communication technology.’ (paragraph 536(8)). (For information on intelligence gathering and monitoring of the diaspora, see [Monitoring of diaspora](#)).

2.4.17 The Tribunal further held: ‘Interviews at the SLHC continue to take place for those requiring a TTD.’ (paragraph 536(9)).

2.4.18 The GoSL is reasonably likely to know information about a returnee such as whether an individual is associated with a diaspora organisation, the type and extent of their involvement, if they have authored any separatist material, have an online presence and / or signed anti-government petitions.

2.4.19 The Tribunal in KK and RS held:

‘Prior to the return of an individual traveling on a TTD, GoSL is reasonably likely to have obtained information on the following matters:

- i. whether the individual is associated in any way with a particular diaspora organisation;
- ii. whether they have attended meetings and/or demonstrations and if so, at least approximately how frequently this has occurred;
- iii. the nature of involvement in these events, such as, for example, whether they played a prominent part or have been holding flags or banners displaying the LTTE emblem;
- iv. any organisational and/or promotional roles (formal or otherwise) undertaken on behalf of a diaspora organisation;
- v. attendance at commemorative events such as Heroes Day; vi. meaningful fundraising on behalf of or the provision of such funding to an organisation;
- vii. authorship of, or appearance in, articles, whether published in print or online;
- viii. any presence on social media;
- ix. any political lobbying on behalf of an organisation;
- x. the signing of petitions perceived as being anti-government' (paragraph 536(10)).

2.4.20 Since [KK and RS](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) was heard, there has been reduced opportunity for demonstration and physical sur place activities to take place in the UK due to the Covid-19 pandemic. Available evidence is limited, including on the monitoring or treatment of those active on social media during this time. However, the International Truth and Justice Project (ITJP) reported in September 2021 (based on 14 undated interviews with diaspora in the UK) examples of 2 people who did attend protests in London in 2021 who were photographed and in one instance, their family were contacted by the Terrorism Investigation Department (TID). It was also reported by ITJP that Tamil asylum seekers in the UK were called by Sri Lankan intelligence agents in Sri Lanka and asked to pass on passwords for private Zoom meetings.

2.4.21 Therefore, on the available evidence, there are not very strong grounds supported by cogent evidence to justify a departure from [KK and RS](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>).

e. Returnees and detention

2.4.22 The Tribunal in [KK and RS](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) held that: 'A stop list and watch list are still in use. These are derived from the general electronic database' (para 536(14)).

2.4.23 The Tribunal also found that:

‘(15) Those being returned on a TTD will be questioned on arrival at BIA. Additional questioning over and above the confirmation of identity is only reasonably likely to occur where the individual is already on either the stop list or the watch list.

(16) Those in possession of a valid passport will only be questioned on arrival if they appear on either the stop list or the watch list.

(17) Returnees who have no entry on the general database, or whose entry is not such as to have placed them on either the stop list or the watch list, will in general be able to pass through the airport unhindered and return to the home area without being subject to any further action by the authorities (subject to an application of the HJ (Iran) principle).

(18) Only those against whom there is an extant arrest warrant and/or a court order will appear on the stop list. Returnees falling within this category will be detained at the airport.

(19) Returnees who appear on the watch list will fall into one of two sub categories: (i) those who, because of their existing profile, are deemed to be of sufficiently strong adverse interest to warrant detention once the individual has travelled back to their home area or some other place of resettlement; and (ii) those who are of interest, not at a level sufficient to justify detention at that point in time, but will be monitored by the authorities in their home area or wherever else they may be able to settle.

(20) In respect of those falling within sub-category (i), the question of whether an individual has, or is perceived to have, undertaken a “significant role” in Tamil separatism remains the appropriate touchstone. In making this evaluative judgment, GoSL will seek to identify those whom it perceives as constituting a threat to the integrity of the Sri Lankan state by reason of their committed activism in furtherance of the establishment of Tamil Eelam’ (paragraph 536 (15-20). (See [Actual and perceived supporters of Tamil Separatism](#) for guidance on what could constitute a ‘significant role’ and the relevance of the HJ Iran principle ([HJ \(Iran\)](#) (<https://www.bailii.org/uk/cases/UKSC/2010/31.html>)).

2.4.24 The Tribunal further held that: ‘The monitoring undertaken by the authorities in respect of returnees in sub-category (ii) in (19), above, will not, in general, amount to persecution or ill-treatment contrary to Article 3 ECHR.’ (paragraph 536(22)).

2.4.25 The Tribunal went on to hold that ‘There is a reasonable likelihood that those detained by the Sri Lankan authorities will be subjected to persecutory treatment within the meaning of the Refugee Convention and ill-treatment contrary to Article 3 ECHR.’ (paragraph 536(27)).

2.4.26 The available evidence since the promulgation of [KK and RS](#) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) does not establish that there are very strong grounds supported by cogent evidence to justify a departure from [KK and RS](#) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>).

2.4.27 For country information on stop and watch lists, treatment of failed asylum seekers and exit and entry procedures, see [Exit and return](#).

2.4.28 If a person is detained, there is a real risk of persecution and/or serious harm.

2.4.29 The Tribunal in [KK and RS](#) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) held that:

‘The expert evidence all points to the conclusion that detention will give rise to a real risk of ill-treatment. This is in line with numerous sources of country information, including Amnesty International, the DFAT, the 2019 United States State Department report, and the December 2016 report of the UN Special Rapporteur. The use of torture and excessive force is variously described as “endemic” and “common”, and that “a “culture of torture” persists” in the country. Descriptions of the types of treatment meted out to detainees are all-too familiar and follow a similar pattern to that considered by Tribunals in previous Sri Lankan country guidance cases.

‘In light of the position set out in [GJ](#) (http://www.bailii.org/uk/cases/UKUT/IAC/2013/00319_ukut_iac_gj_ors_srilanka_cg.html), together with the evidence before us, it is abundantly clear that there is a reasonable likelihood that those detained by the Sri Lankan authorities will be subjected to persecution within the meaning of the Refugee Convention and ill-treatment contrary to Article 3 ECHR.’

2.4.30 Since the promulgation of [KK and RS](#) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>), the UN High Commissioner for Human Rights has reported deaths in custody, torture and ill-treatment in detention, including in the Tamil populated areas of the north. Therefore the available information does not provide very strong grounds supported by cogent evidence to justify departure from the finding at para 320 of [KK and RS](#) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) (See [Abductions](#), Arrest and detention and [Treatment in detention](#)).

f. The ‘HJ (Iran) principle’

2.4.31 Decision makers must take into account the [HJ \(Iran\)](#) (<https://www.bailii.org/uk/cases/UKSC/2010/31.html>) principle when considering persons who are not on a watch/stop list and would openly express a genuinely held separatist belief, but for a fear of persecution.

2.4.32 In general, if someone expresses or is perceived to express separatist views in Sri Lanka, and they become known to the Sri Lankan authorities, they are likely to be detained and be at risk of treatment that amounts to persecution or serious harm.

2.4.33 The HJ (Iran) principle establishes that a person should not be forced to conceal their sexual identity in order to avoid persecution that would follow if they did not do so. The HJ (Iran) principle also applies to cases concerning political opinions, as confirmed in [RT \(Zimbabwe\)](https://www.bailii.org/uk/cases/UKSC/2012/38.html).
(<https://www.bailii.org/uk/cases/UKSC/2012/38.html>)

2.4.34 The Tribunal in [KK and RS](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html)
(<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) held that:

‘... even an individual who does not appear on the watch list or indeed on the general electronic database at all is nonetheless entitled to have their protection claim examined in light of the HJ (Iran) principle if the findings of fact support a conclusion that they would or would wish to openly express genuinely held separatist beliefs on return but would conceal such beliefs in order to avoid the risk of detention and persecutory treatment.’ (para 555).

2.4.35 The Tribunal held:

‘... facts must then be found as to what the individual would wish to do on return in relation to the expression of his/her genuinely held separatist beliefs. If it is accepted that they would intend to manifest these beliefs in an open fashion (whether by physical protest, campaigning and/or statements in the media and/or on social media), a finding would have to be made as to whether these activities would be reasonably likely to be detected by the authorities, bearing in mind the climate of hostility towards Tamil separatism, the use of informants, and the ability to monitor individuals and most, if not all, forms of media (paragraph 551).

‘If the individual would engage in the expression of separatist views and these were to become known, it is reasonably likely that they would be detained, with the consequential risk of persecution within the meaning of the Refugee Convention and ill-treatment contrary to Article 3 ECHR.’ (paragraph 552).

2.4.36 The USSD Human Rights report covering events in 2021 noted the arrest of 110 Tamils during 2021 for criticising the government on social media. Therefore, the available information does not provide very strong grounds supported by cogent evidence to justify departure from the findings at paragraphs 551 and 552 of [KK and RS](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) (see Arrest and detention).

g. Post-return requirements including monitoring, rehabilitation and informants

2.4.37 A returnee subject to monitoring is unlikely to be sent for rehabilitation, recruited as an informant, or prosecuted for refusing to be an informant. They are therefore unlikely to face treatment by monitoring alone that is sufficiently serious by its nature and/or repetition, or by an accumulation of various measures, to amount to persecution or serious harm.

2.4.38 With regards to prospect of forced rehabilitation upon return, the Tribunal in [KK and RS](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) held: ‘It is not reasonably likely that a returnee subject to monitoring will be sent for “rehabilitation”. (paragraph 536(23)).

2.4.39 The Tribunal continued: ‘In general, it is not reasonably likely that a returnee subject to monitoring will be recruited as an informant or prosecuted for a refusal to undertake such a role.’ (paragraph 536(24)).

2.4.40 Since the promulgation of [KK and RS](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>), the additional available information is limited and therefore does not provide very strong grounds supported by cogent evidence to justify departure from the finding at paragraphs 536 (23) and 536 (24) of [KK and RS](https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>).

2.4.41 For information on rehabilitation of ex-LTTE cadres, see [Rehabilitation](#).

h. Women

2.4.42 The assessment of risk above applies equally to males and females. However, the following factors particular to the situation of women must also be considered in assessments of risk pertaining to women.

2.4.43 Decision makers must however take full account of gender issues. There are a large number of female-headed households in the north and east of Sri Lanka, many of which are headed by women who were widowed during the conflict. Women in these situations face many challenges, including risk of sexual violence and exploitation, a lack of physical security for their family, a lack of permanent housing and economic opportunities and difficulties accessing health services (see Treatment of Tamils – [Women](#)).

2.4.44 In the reported case of [PP \(female headed household; expert duties\) Sri Lanka \[2017\] UKUT 00117 \(IAC\)](https://www.refworld.org/cases%2CGBR_UTIAC%2C593ac7424.html) (promulgated 6 February 2017 and heard on 17 and 24 January 2017) (https://www.refworld.org/cases%2CGBR_UTIAC%2C593ac7424.html), the Upper Tribunal found that:

- ‘A Tamil female single head of household residing in the former conflict zone of Northern and North Eastern Sri Lanka may be at risk of sexual abuse and exploitation perpetrated by members of police, military and paramilitary State agents. (Paragraph 39 (a)).
- ‘The existence and measurement of this risk will be an intensely fact sensitive question in every case. The case-by-case assessment will be informed by the presence or absence of positive risk factors and decreasing risk factors. (Paragraph 39 (b)).
- ‘The positive risk factors are living in isolation from others, low socio- economic status, dependence upon the distribution of Government aid or the provision of other services by the security forces and a perception of former LTTE

membership, links or sympathies. These positive factors do not necessarily have to be satisfied cumulatively in every case: context will invariably be everything. (Paragraph 39 (c)).

- ‘The countervailing factors are higher socio-economic status, little dependence on Government aid or services and the support of male relatives or neighbours. The individual context of the particular case will dictate the force and weight of each of these factors, individually or cumulatively, in any given case. These too will be assessed on a case- by-case basis.’ (Paragraph 39 (d)).

2.4.45 The Tribunal in [KK and RS](#)

(<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>) found that: ‘Nothing in the expert or country evidence before us indicates that women are deemed to be less of a threat than men, whether in respect of violent or non-violent separatist activism’ (paragraph 651).

2.4.46 For further guidance on assessing risk generally, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#)

(<https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction>). See also the Asylum Instruction on [Gender Issues in the Asylum Claim](#) (<https://www.gov.uk/government/publications/gender-issue-in-the-asylum-claim-process>).

2.5 Protection

2.5.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities.

2.5.2 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#)

(<https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction>).

2.6 Internal relocation

2.6.1 In [KK and RS](#) (<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>), it was held that internal relocation is not an option within Sri Lanka for a person at risk from the authorities (paragraph 536 (29)).

2.6.2 Since the promulgation of [KK and RS](#)

(<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>), the additional available information is limited and therefore does not provide very strong grounds supported by cogent evidence to justify a departure from the findings at paragraphs 534 and 536 (28) of [KK and RS](#)

(<https://www.bailii.org/uk/cases/UKUT/IAC/2021/130.html>).

2.6.3 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instruction on [Assessing Credibility and](#)

(<https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction>).

[credibility-instruction\) Refugee Status](#)

<https://www.gov.uk/government/publications/considering-asylum-claims-and-assessing-credibility-instruction>).

2.7 Certification

2.7.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#) (<https://www.gov.uk/government/publications/non-suspensive-appeals-certification-under-section-94-of-the-nia-act-2002-process>).

Country information

3. Treatment of Tamils

3.1 Population and demographics

This section was updated on 01 July 2022

3.1.1 Minority Rights Group International (MRGI) outlined the population demographics of Sri Lanka, and found that, according to the 2012 Census, Sri Lankan Tamils constituted 11.2% of the population and Indian Tamils constituted 4.2%^[footnote 1]. In explaining the difference between Sri Lankan and Indian Tamils living in Sri Lanka, MRGI noted:

‘There are two groups of Tamils: “Sri Lankan Tamils” (also known as “Ceylon” or “Jaffna” Tamils) are the descendants of Tamil-speaking groups who migrated from southern India many centuries ago; and ‘Up Country Tamils’ (also known as “Indian” or “estate” Tamils), who are descendants of comparatively recent immigrants. Both Tamil groups are predominantly Hindu with a small percentage of Christians. They also speak their own distinct language called Tamil.’^[footnote 2]

3.2 General treatment of Tamils

3.2.1 In their annual report on political rights and civil liberties in 2020, Freedom House noted, ‘Tamils report systematic discrimination in areas including government employment, university education, and access to justice. Ethnic and religious minorities are vulnerable to violence and mistreatment by security forces and Sinhalese Buddhist extremists.’^[footnote 3]

3.2.2 Human Rights Watch (HRW) indicated in a March 2021 report that since the current 'Sinhala nationalist government' took power in November 2019, it has 'adopted discriminatory policies and practices against the country's Muslim and Tamil minorities. The authorities have subjected Tamils to bans on memorial events, the destruction of war memorials, and increasing encroachment on Hindu temples.'

[\[footnote 4\]](#)

3.2.3 According to a February 2021 report by the UN Human Rights Council, Tamils and Muslims 'are being increasingly marginalized and excluded from the national vision and government policy, while divisive and discriminatory rhetoric from State officials at the highest levels risks generating further polarization and violence.'

[\[footnote 5\]](#)

3.2.4 In their December 2021 report, the Australian Department of Foreign Affairs and Trade (DFAT report 2021) found 'Some members of the Tamil community report discrimination in employment, particularly in relation to government jobs, though other sources suggest this is because many Tamils speak neither Sinhala nor English.'

[\[footnote 6\]](#) The same report noted: 'Members of the Tamil community and NGOs report that authorities continue to monitor public gatherings and protests in the north and east, and practise targeted surveillance and questioning of individuals and groups. Security forces are most likely to monitor people associated with politically-sensitive issues, including those related to the war, such as missing persons, land release and memorialisation events.'

[\[footnote 7\]](#)

3.2.5 The same DFAT report also noted that:

'The Sri Lankan Government acknowledges that former LTTE members and their families may continue to face discrimination both within their communities and from government officials. DFAT cannot verify claims that people have been arrested and detained because of their family connections with former LTTE members, but understands that close relatives of high-profile former LTTE members who are wanted by Sri Lankan authorities may be subject to monitoring.'

[\[footnote 8\]](#)

3.2.6 In the United States Department of State's annual report on human rights in Sri Lanka in 2021 (USSD HR report 2021), it was noted: 'Both local and Indian-origin Tamils maintained that they suffered long-standing, systematic discrimination in university education, government employment, housing, health services, language laws, and procedures for naturalization of noncitizens. Throughout the country, but especially in the north and east, Tamils reported security forces regularly monitored and harassed members of their community...'

[\[footnote 9\]](#)

3.2.7 In an April 2022 report by the Office of the United Nations High Commissioner for Human Rights (OHCHR), it was noted 'Reports indicate a disproportionately high number of military checkpoints in the Northern province, and complaints of discriminatory treatment or harassment during security checks, particularly for women.'

[\[footnote 10\]](#)

3.2.8 The same report also noted 'There has been a further drift towards militarisation and an emphasis of Sinhala nationalism and Buddhism in State institutions has become more visible, increasing the marginalisation and

uncertainty of minority communities, and undermining reconciliation.’[\[footnote 11\]](#)

3.2.9 An Immigration and Refugee Board of Canada (IRB) COI query response dated 2 May 2022, based on a range of sources, noted with regards to the situation of Tamils in Colombo: ‘Tamils “struggle” to obtain formal sector employment and “often” seek jobs in the “informal” or “unorganized” sectors. Consequently, they “often” experience “labour violations,” including “wage theft,” denial of pension or benefits, “maltreatment,” and “discrimination” in employee assessment and promotion...’[\[footnote 12\]](#)

3.2.10 In an article by the BBC, published in May, it was noted:

‘While the protests in the cosmopolitan capital are peaceful and carnival-like, the situation is different in the north and east of the country, where most of Sri Lanka’s Tamil population resides.

‘Protests in these areas have so far been much rarer, even though anti-government sentiment historically runs deep.

‘Tamil activists say they fear security forces will not exhibit the same kind of restraint that has been afforded to protesters in Colombo.

“Here, organising demonstrations has always been met with state violence,” says Anushani Alagarajah, a Tamil civil rights activist based in Jaffna in northern Sri Lanka. “There are always two different treatments of protesters. It depends on who you are and where you are.”[\[footnote 13\]](#)

3.2.11 In a June 2022 article by The Guardian, it was noted:

‘Though widespread anti-government protests in Colombo have been largely dominated by the Sinhalese-Buddhist majority – with Muslims and Christians also taking part – significant attempts have been made to include Tamils. An event was held where the national anthem was sung in Tamil, a very rare occurrence. And for the first time, memorials for those who died at the end of the war in Mullaitivu and a commemoration of the burning of the library in the Tamil city of Jaffna – considered one of the worst cultural atrocities carried out by the Sri Lankan military during the war – were held on 18 May.

‘Nonetheless, these efforts have all come up against issues exposing the continued ethnic segregation of the island. A Buddhist monk said on stage that the national anthem should only be sung in Sinhala, and attempts were made to stop the Mullaitivu memorial on the basis that it was glorifying the Tamil Tigers. Conflicts over the language used in the memorial were particularly thorny; in the south, 18 May is celebrated as a day of victory, but in the north it is known as the anniversary of Mullaitivu genocide.’[\[footnote 14\]](#)

3.2.1 With regards to the prospect of reconciliation, an April 2022 OHCHR report, it was stated that ‘...actions by the Government during the past year have reinforced the nexus between Sinhalese nationalism, Buddhism and the state, increasing the sense of marginalisation and anxiety among Tamil... communities, and undermining the prospects for reconciliation.’[\[footnote 15\]](#)

3.2.2 The Freedom House 2021 report stated that: ‘In March, President Gotabaya Rajapaksa pardoned an army staff sergeant sentenced to death for murdering eight Tamils, including three children, in 2000. The island’s Supreme Court had upheld the sentence in 2019.’^[footnote 16]

3.2.3 An Immigration and Refugee Board of Canada (IRB) COI query response dated 2 May 2022, based on a range of sources, noted:

‘In correspondence with the Research Directorate, an associate professor of anthropology at Santa Clara University in California who conducts research on gender and place-making practices among Tamils in Sri Lanka indicated that, since “the return and consolidation of the Rajapaksa family” in November 2019 with the election of President Gotabaya Rajapaksa and Prime Minister Mahinda Rajapaksa, there have been unwarranted attacks on Tamil minority civilians. Additionally, since the change in leadership, the Government of Sri Lanka has directly disregarded previous commitments to human rights and transitional justice. These include those resolutions and commitments publicly mandated by international human rights actors, including the United Nations, UN Security Council, international human rights organizations, and Sri Lanka’s Office of Missing Persons (OMP)...’^[footnote 17]

(See [Report of a Home Office Fact Finding Mission to Sri Lanka, January 2020](https://www.gov.uk/government/publications/sri-lanka-country-policy-and-information-notes) (<https://www.gov.uk/government/publications/sri-lanka-country-policy-and-information-notes>) for further information on the general treatment of Tamils in Sri Lanka).

3.3 Land repatriation

3.3.1 An article by the International Crisis Group, dated 17 May 2019, stated: ‘During and after the war, the military seized large swathes of land from villagers to build camps, a policy it said was intended to keep the peace. While the state has now returned most of the land, a number of locations, including Keppapulavu, remain sites of public protest and continued grievance for Tamils in the heavily militarised northern province.’^[footnote 18]

3.3.2 The Freedom House 2021 report noted that:

‘The election of Gotabaya Rajapaksa as president in 2019 and the creation of the Presidential Task Force for Archeological [Archaeological] Heritage Management in the Eastern Province in June 2020 have led to concerns that the regime may employ the military to back claims pertaining to Buddhist heritage, to further change the region’s demographics...

‘The Sirisena administration claimed that most of the lands occupied by the military during and after the civil war had been returned as of 2019, but ongoing occupations and other forms of land grabbing remain serious problems, especially for Tamils in the northeast.’^[footnote 19]

3.3.3 The DFAT report 2021 noted:

‘The military has returned some land it occupied during the war, but retains some important agricultural and fishing land There are claims from activists that, with the recent proliferation of checkpoints in the north and east, attributed to COVID-19, the military is once again acquiring private land. In August 2021, the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted ‘Sri Lanka is yet to set up a land commission to document and carry out a systematic mapping of military-occupied private and public land for effective and comprehensive restitution.’[\[footnote 20\]](#)

3.3.4 An article published in May 2021 stated that:

“‘The Sri Lankan government continues to engage in the cultural genocide of Eelam Tamils and other minorities. This is done through rewriting Tamil narratives and through the destruction of Tamil landmarks and artifacts.

‘Recently, the Mullivaikkal memorial was demolished, which was remembering the Mullivaikkal massacre. This was done during the cover of night with a strong military presence.

‘Additionally, in Mullivaikkal this year, a Hindu temple – Hinduism being predominately worshiped by Tamil people – was demolished to be replaced by a Buddhist temple, which is the primary religion of the Sinhalese majority.’[\[footnote 21\]](#)

3.3.5 An April 2022 OHCHR report stated ‘In September 2020, media reported that the Archaeological Department took over 358 acres of land in Thennamaravadi, Trincomalee district, which are claimed by Tamil farmers, after they were identified as archaeological sites.’[\[footnote 22\]](#)

3.3.6 The USSD HR report 2022 noted:

‘Land ownership disputes continued between private individuals in former war zones, and between citizens and the government. The military seized significant amounts of land during the war to create security buffer zones around military bases and other high-value targets, known as high security zones (HSZs). During and immediately following the civil war, government officials frequently posted acquisition notices for HSZ lands that were inaccessible to property owners, many of whom initiated court cases, including FR cases before the Supreme Court, to challenge these acquisitions. Throughout the year lawsuits, including a 2016 Supreme Court FR case and numerous writ applications filed with courts, remained stalled. Although HSZs had no legal framework following the lapse of emergency regulations in 2011, they still existed and remained off limits to civilians. With the amount remaining in dispute, many of those affected by the HSZs complained that the pace at which the government demilitarized land was too slow, that the military held lands it viewed as economically valuable for military benefit, and that military possession of land denied livelihood to the local population. According to the acquisition notices, while most of the land acquired was for use as army camps and bases, among the purposes listed on certain notices were the establishment of a hotel, a factory, and a farm...’[\[footnote 23\]](#)

3.3.7 The USSD HR report 2022 also highlighted the state response to Tamil journalists covering land occupation protests: ‘Tamil journalists reported military officers requested copies of photographs, lists of attendees at events, and names of sources for articles. They also reported the military directly requested that journalists refrain from reporting on sensitive... events, such as Tamil war commemorations or land occupation protests, as well as on posting anything related to former LTTE leaders, and that they feared repercussions if they did not cooperate.’^[footnote 24]

3.3.8 The same report highlighted some instances throughout 2021 of land being returned:

‘... 20,823 acres of land had been returned, with a government priority of resettling an additional 245 internally displaced families living in 16 welfare centers in Jaffna. ...During the August 11 [2021] meeting with the Batticaloa District Secretary, army and police officials reportedly assured that most military- and police-held private lands in the district would be returned to the respective landowners before the end of the year to facilitate the return of IDPs....’^[footnote 25]

3.3.9 In an April 2022 report by the OHCHR, it was noted ‘The Government reports that the total number of private lands released by the Armed Forces from 2009 to 31 October 2021 is 2,601,796 acres or 92.42 per cent, with a further 53 (0.19 per cent) acres is proposed for release.’^[footnote 26]

3.4 Women

3.4.1 Sri Lanka became a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 17 July 1980 and ratified it on 5 October 1981^[footnote 27].

3.4.2 The USSD HR report 2022 detailed women’s abilities generally to access the political process, not specifically Tamil women: ‘No laws limit the participation of women or members of minority groups in the political process, and they did participate. There were reports of harassment of women and minorities prior to the parliamentary elections in 2020. Although women formed most of the electorate, only 5 percent of elected legislators were women.’^[footnote 28]

3.4.3 The DFAT report 2021 noted:

‘Violence against women is common in Sri Lanka... The police have established Women’s and Children’s Desks at some police stations and hospitals, including in Tamil-populated areas...’^[footnote 29], but specifically considering Tamil women’s ability to seek assistance, the DFAT 2021 report also noted:

‘For Tamil-speaking women in the north and east, language is an added barrier to state protection against domestic violence. Most police officers in the north and east are not proficient in Tamil. According to local sources, there are few Tamil-speaking female police officers trained to respond to gender-based violence, and women’s and children’s desks at police stations in the north are often attended by Sinhala-speaking male officers. One source told DFAT that police sometimes solicit

sexual favours from women who report complaints. Few cases of gender-based crimes involving a member of the security forces have resulted in convictions.^{[[footnote 30](#)]}

3.4.4 International Crisis Group's report 'Sri Lanka's Conflict-Affected Women: Dealing with the Legacy of War', published in July 2017, noted that: 'While exact figures are unavailable, there are an estimated 40,000 "war widows" in the Northern Province and 50,000 in the east. These figures do not appear to include wives of those missing and disappeared. According to one estimate, 58,000 households in the north, accounting for a quarter of the population, are headed by women.'^{[[footnote 31](#)]} In the sources consulted, CPIT were unable to find recent statistics on Tamil female-headed households (see [Bibliography](#)).

3.4.5 The DFAT 2021 report noted, with regards to Tamil female-headed households:

'High male death rates during the war left a large number of female-headed households in Sri Lanka. The... Household Income and Expenditure Survey (2016) estimates 1.4 million female-headed households in Sri Lanka (representing 25.8 per cent of the population), mostly in the north and east. The definition of a female-headed household in Sri Lanka varies, but can include war widows, never married, disabled and elderly women, and family members of the missing or disappeared.

'...Female-headed households are vulnerable to poverty, gender-based violence and sexual exploitation, and face obstacles to accessing services and employment opportunities. Anecdotal evidence suggests female-headed households are at greater risk of mental illness. Government agencies and domestic and international NGOs provide some livelihood, housing and psychosocial support to female-headed households, but local sources claim that on-the-ground support is minimal and under-resourced.'^{[[footnote 32](#)]}

3.4.6 An article published by The Diplomat, an 'international current-affairs magazine for the Asia-Pacific region'^{[[footnote 33](#)]} on 4 June 2021 noted, with reference to female-headed households:

'Over 25 percent of households in Sri Lanka (one in every four) are headed by a woman. The majority of women household leaders have lost a spouse or a partner as a direct consequence of the 30-year armed ethnic conflict that ended in 2009. WHHs were considered vulnerable even before the pandemic, as the majority of these women were only able to engage in low- paying informal employment and/or daily income generation activities after the conflict. WHHs are also prone to becoming indebted from microfinance loans. Research from U.N. Women indicates that given the majority of WHHs are engaged in informal employment they are not entitled to employment benefits. Since they lack access to adequate social protection mechanisms, they are burdened with unpaid care and domestic work, and as a result, lose their livelihoods faster during times of crisis.'^{[[footnote 34](#)]}

3.4.7 The DFAT 2021 report outlined, with reference to women accessing government services:

‘Women reported difficulties in gaining access to government services targeting female-headed households, due to a lack of awareness and to experiences of harassment and exploitation when seeking services. The social stigma of widowhood also reportedly impedes access to government and non-government services. The UN Special Rapporteur on minority issues assessed that war widows, female family members of the disappeared and female activists who advocate on behalf of other women faced particular risks. Some women reported requests for money or sexual services from officials in exchange for information on missing family members or, in the case of Sinhalese war widows, government benefits for their deceased husbands’ military service. The UN Special Rapporteur cited allegations that members of the Police Criminal Investigation Department intimidated and harassed these groups of women, particularly those connected to former LTTE members.

‘...Local sources told DFAT that female former LTTE combatants faced particular hardships, including in relation to finding employment and marriage partners. Anecdotal evidence suggests female former LTTE combatants are viewed with suspicion within their communities, and there is a societal perception that they were the subject of sexual violence during the war.’[\[footnote 35\]](#)

3.4.8 In an April 2022 report by the OHCHR, it was noted:

‘OHCHR received several reports that victim groups continue to face harassment and intimidation from the authorities, including multiple visits from intelligence and police officers inquiring about plans for protests or commemoration or their past links with the Liberation Tigers of Tamil Eelam (LTTE). In addition, rehabilitated LTTE members and their families or anyone considered to have had any link to LTTE during the conflict are targets of constant surveillance. The High Commissioner is concerned about the gender dimension of these policies in a context where many of those advocating for justice are women survivors or family members and face additional vulnerability in their dealings with the security forces and authorities.’[\[footnote 36\]](#)

3.4.9 An Immigration and Refugee Board of Canada (IRB) COI query response dated 2 May 2022, based on a range of sources, noted with regards to the situation of single Tamil women:

‘The Associate Professor stated that “[o]n a day-to-day level, Tamil women specifically experience discrimination, sexual harassment, and unwanted attention and surveillance from Sri Lankan authorities, including from the police, army, navy, and special task force... The Associate Professor indicated that, because they are seen as “unattached,” single Tamil women “often” experience “sexual harassment,” due to the “history of gendered violence” against Tamil women...’[\[footnote 37\]](#)

4. Treatment of Tamil separatist groups in Sri Lanka

4.1 Liberation Tigers of Tamil Eelam (LTTE)

4.1.1 The South Asia Terrorism Portal's (SATP) undated profile of the LTTE stated 'The LTTE was formed on May 5, 1976, under the leadership of Velupillai Prabhakaran, and has emerged as perhaps the most lethal, well organised and disciplined terrorist force...' The LTTE aims to create a separate homeland for the Tamils known as the Tamil Eelam (State) in the Northern and Eastern provinces of Sri Lanka... [\[footnote 38\]](#)

4.1.2 The DFAT 2021 report noted:

'At its peak in 2004, the LTTE had an armed force of approximately 18,000 combatants. The LTTE was proscribed as a terrorist organisation by a number of countries, including Australia. It was supported by foreign funding, primarily from the Tamil diaspora, and both voluntary and forced recruitment of Tamils. Funding from the Tamil diaspora was sometimes attained through means of intimidation and coercion, including threats against local family members and kidnapping for ransom. Within Tamil Eelam, the LTTE imposed its authority in a brutal fashion, reportedly murdering Tamil rivals and critics.

'Towards the end of the war, in 2009, government security forces arrested and detained a large number of LTTE members...' [\[footnote 39\]](#)

4.1.3 The DFAT report 2021 noted that 'The LTTE has not carried out any attacks since 2009; however, individuals linked to the LTTE have been involved in what are alleged to be thwarted attacks... Local sources told DFAT that the Tamil community had abandoned militancy and was committed to addressing its grievances through political means.' [\[footnote 40\]](#)

4.1.4 For an overview of the LTTE, including information on recruitment of LTTE cadres, see the South Asia Terrorism Portal's (SATP) undated article ['Liberation Tigers of Tamil Eelam \(LTTE\) \(https://www.satp.org/satporgtp/countries/srilanka/terroristoutfits/lte.htm\)'](#). For an overview of key events in Sri Lanka including the civil war, see the BBC's ['Sri Lanka profile – Timeline \(https://www.bbc.co.uk/news/world-south-asia-12004081\)'](#).

4.2 Discrimination, harassment, monitoring and surveillance

4.2.1 The DFAT 2021 report noted that 'The International Truth and Justice Project (ITJP), an NGO which documents torture and sexual violence by the security forces in Sri Lanka, claims that, while ex-LTTE cadres exist, they are no longer affiliated in any way with an extant LTTE, and are subject to harassment and discrimination by the Government.' [\[footnote 41\]](#)

4.2.2 The DFAT 2021 report continued:

‘Some Tamils with actual or imputed LTTE links (including those who fought for the LTTE or were part of its civilian administration) continue to report police monitoring and harassment. Multiple sources in the north told DFAT that former LTTE members, including those considered low-profile, are monitored to guard against the LTTE’s re-emergence. Testimonies provided to ITJP show that such harassment can include: frequent visits by police, visits to family members, threats and seizure of mobile devices.

‘Local sources also claimed the authorities – usually undercover police officers or intelligence agents – sometimes used more subtle methods, for example inviting individuals to tea in public places and asking questions about their activities. Such questioning did not involve violence. Telephone calls were also common. Some sources claimed questioning was sometimes indirect, and involved questioning the neighbours of suspected former LTTE members.’[\[footnote 42\]](#)

4.2.3 In a May 2021 Sydney Criminal Lawyers interview with spokesperson Charanja Thavendran of the Tamil Refugee Council, an Australia-based grassroots organisation advocating for the rights of Tamil refugees, he noted:

“Sri Lanka still remains a dangerous place for Tamil people due to the active repression of Tamil citizens. This can be observed through the continued police and military occupation of approximately 3,000 acres, according to the Sinhalese government. And with the continued police and military presence in predominantly Tamil areas, instances of police brutality haven’t deescalated post-the national liberation struggle, but have rather escalated with the recent election of president Gotabaya Rajapaksa.”[\[footnote 43\]](#)

4.2.4 The USSD HR report 2022 noted: ‘Throughout the country, but especially in the north and east, Tamils reported security forces regularly monitored and harassed members of their community, especially activists, journalists, and NGO staff and former or suspected former LTTE members.’[\[footnote 44\]](#)

4.2.5 In their World Report 2022, Human Rights Watch detailed ‘The government continued to target members of the Tamil and Muslim minority communities using the country’s overbroad counterterrorism law, and policies that threaten religious freedom and minority land rights.’[\[footnote 45\]](#)

4.3 Arrests and detentions and the Prevention of Terrorism Act (PTA)

4.3.1 The DFAT 2021 report noted the Prevention of Terrorism Act (PTA) was enacted in 1979 and remains legally in force:

“The PTA is not part of regular criminal law and contains special provisions on detention and the admissibility of confessions. The PTA allows arrests for unspecified ‘unlawful activities’, permits detention for up to 18 months without charge and provides that confessions are legally admissible. Prior to the 2019 Easter Sunday terrorist attacks, the PTA was used mainly to target those suspected of involvement with the LTTE. It was used only sporadically between 2016 and April 2019 following the then-government’s commitment to repeal and

replace the PTA under HRC Resolution 30/1 (2015). During the civil war, authorities detained more Tamils under the PTA than any other ethnic group. The PTA has been used for many years to detain people in prolonged and often arbitrary detention.’^[footnote 46]

4.3.2 According to a March 2022 article by the Guardian:

‘In recent years some of the worst abuses that were rife in the years after the war, from white-van abductions, torture and sexual crimes against Tamils, have abated. What never disappeared was the draconian Prevention of Terrorism Act (PTA). Since it was passed in 1979, the PTA has been a stain on Sri Lanka’s human rights record, enabling arbitrary arrest, detention without charge or evidence, forced confessions and torture of anyone suspected of terrorism.’^[footnote 47]

4.3.3 The same article noted ‘The Rajapaksa government... has denied all abuses of the PTA. The country’s foreign minister recently told the UN Human Rights Council that “we endeavour to strike a just balance between human rights and national security when dealing with terrorism”.’ ^[footnote 48]

4.3.4 The DFAT report 2021 also noted:

‘The PTA has also recently been used against Tamils. Media reported a Tamil man was arrested by Eravur police in April 2021 for allegedly sharing a photo of LTTE leader Prabhakaran, while Jaffna Mayor, V. Mannivannan, was arrested by [Terrorist Investigation Department] TID in April 2021 under accusations of attempting to resurrect the LTTE, allegedly because the choice of uniforms for a municipal environmental enforcement team resembled those of the LTTE...

‘In 2015, President Sirisena committed to repeal and replace the PTA with improved counter-terrorism legislation. This proposal, which was criticised by some human rights defenders as being as bad or even worse than the PTA, lapsed with that Government...

‘In March 2021, the Government added “de-radicalisation regulations” to the PTA which allow for arbitrary administrative detention of individuals for up to two years without trial. The Government also proscribed 300 Tamil and Muslim groups and individuals allegedly “linked to terrorism.” On 5 August 2021, the Supreme Court, in response to Fundamental Rights Petitions filed by several activists, issued an Interim Order suspending the operation of Prevention of Terrorism (De-radicalization from holding violent extremist religious ideology) Regulations No. 01 of 2021. These petitioners argued that individuals arrested under these new regulations could be subject to potentially indefinite detention under the guise of rehabilitation, without judicial review...

‘In September 2021, during the UN Human Rights Council Session, the Sri Lankan Government announced a Cabinet sub-committee had been convened in June to “review” the PTA within three months.’^[footnote 49]

4.3.5 The Freedom House report 2021 noted, ‘Due process rights are undermined by the Prevention of Terrorism Act (PTA), under which suspects can be detained for up to 18 months without charge. The law has been used to hold perceived

enemies of the government, particularly Tamils, and many detained under the PTA's provisions have been kept in custody for longer than the law allows.'[\[footnote 50\]](#)

4.3.6 A September 2021 article by the Sri Lanka Brief, a news source focused on 'news, views and analysis of Human Rights & Democratic Governance in Sri Lanka'[\[footnote 51\]](#), reported on 3 Tamil women arrested and detained under the PTA 'for months without trial'. The source stated 'The... PTA... has been used to arbitrarily arrest and unlawfully detain these women without proper reasons.'[\[footnote 52\]](#)

4.3.7 The article continued:

'All of them were produced six times in-front of the Majistrate's [Magistrate's] Court in Valaichenai, but continuously being detained without facing a trial. Once in a week they are allowed to speak to their families.

'Families of these detainees are under the continuous surveillance of the intelligence and threatened by them not to speak any thing to outsiders. This has made these families to live in fear.

'Memorialization is one of the key aspects of transitional justice and national reconciliation process. Sri-Lankan government is responsible for arresting and detaining women who participated in memorialization.'[\[footnote 53\]](#)

4.3.8 In a February 2022 report focusing on the PTA, Human Rights Watch noted that 'The preamble to the PTA states that its purpose is to prevent "unlawful activities ... within Sri Lanka or outside Sri Lanka."[\[footnote 54\]](#)

4.3.9 Human Rights Watch went on to opine:

'The effect of the PTA is to deprive people accused by the government of vaguely defined "terrorist" acts of due process rights, enabling detention without trial that can last for years or even decades, and removing protections that would reduce the risk of torture. A lawyer who has defended suspects in numerous PTA cases said that the authorities bring cases and only then begin their investigation: "If they cannot find any evidence then they record a confession. I have not seen any confession that was recorded in compliance with procedures. My experience is that in only a few cases the confessions have been rejected by the judges." The effect, the lawyer said, is that "prisoners know they are in a legal black hole. They can't see the light at the end of the tunnel. They know that they have no future." This characterization is borne out by the many cases in which suspects are held, sometimes for years, without the government indicating having [sic] any evidence against them...' [\[footnote 55\]](#)

4.3.10 The same report noted that: 'According to data, disclosed for the first time by the Human Rights Commission, as of January 7, 2022, 392 people were being held on remand under the PTA and another 92 people were held on PTA detention orders. In 2021, 109 people were arrested under the PTA.'[\[footnote 56\]](#)

4.3.11 The same report also noted ‘The Rajapaksa government has rejected pledges by the previous administration of Maithripala Sirisena to repeal the law. Instead, it has used the PTA to target religious and ethnic minorities, fuelling concerns the government aims to further institutionalize Sinhala Buddhist nationalism in keeping with President Rajapaksa’s ethnically divisive campaign rhetoric.’[\[footnote 57\]](#)

4.3.12 With regard to arrests under the PTA, an April 2022 OHCHR report noted:

‘Reports indicate that at least 70 people have been arrested under the PTA for sharing social media posts commemorating victims of the war that included LTTE images or Tamil nationalist iconography. On 18 May, police arrested 10 people near Batticaloa under the PTA for organizing a memorial event; they were finally released on bail on 8 December. A journalist, Murugupillai Kokulathasan, has been detained for 15 months since November 2020 in relation to photos of the LTTE leader appearing on his social media. The Government shared with OHCHR a directive issued by the Inspector General of Police dated 23 October 2021 providing guidance on restricting the use of the PTA and exercising greater discretion in evaluating cases such as, possession of pictures.’[\[footnote 58\]](#)

4.3.13 According to an article published on 14 June 2022 by Daily News, an English-language newspaper in Sri Lanka[\[footnote 59\]](#):

‘Foreign Affairs Minister Prof G.L.Peiris told the UN Human Rights Council yesterday that Sri Lanka had taken steps to amend the Prevention of Terrorism Act (PTA) soon after his pledge to the Council at the previous meeting to do so.

‘Delivering Sri Lanka’s statement at the 50th Session of the UNHRC in Geneva Peiris said “After the last Session of this Council, from March to June 2022, 22 persons detained under the PTA have been released on the recommendation of the Advisory Board established under Section 13 of the PTA.

‘He said the amendments to the PTA and cumulative effect of other Amendments made since then will make a substantial improvement of, and a profound impact upon, the existing law and will further the cause of human rights and human freedoms in Sri Lanka.

“In this regard, the Inspector General of Police has issued instructions whereby there is a de facto moratorium on arrests being made under the PTA. Law enforcement officials have been instructed by the Inspector General of Police to follow due process in the conduct of investigations under the PTA and to use the PTA only in instances of extreme necessity” he added.’[\[footnote 60\]](#)

4.3.14 In an April 2022 report by the OHCHR, it was noted:

‘On 10 February 2022, the Prevention of Terrorism Act (PTA) Amendment Bill was presented to Parliament. The Government informs these are initial steps towards promulgation of more comprehensive legislation. The High Commissioner recognises the importance of this initial step and notes the proposed amendments, such as the increase of magistrates’ powers to visit places of detention, speeding up of trials, as well as the repeal of section 14 which imposes serious limitations to

publications. However, other parts of the proposed amendments do not comply fully with Sri Lanka's international human rights obligations and leave intact some of the most problematic provisions of the PTA which have led to alleged human rights violations including arbitrary detention and torture. These include an overly broad and vague definition of terrorism, which may result in discriminatory or arbitrary application of the law, and the admissibility of confessions under the PTA made to law enforcement without a lawyer's presence, often used as primary evidence in courts in PTA cases, lengthy administrative and pre-trial detention of up to 12 months, and provisions for immunity of officers from prosecution which are not in compliance with the international human rights standards.' [\[footnote 61\]](#)

4.3.15 In considering specific arrests under the PTA, the DFAT 2021 report noted that, 'The Sri Lankan Government may not accept that the LTTE is finished, arresting several Tamils in 2021 under the Prevention of Terrorism Act (PTA) for alleged LTTE-supportive behaviour... In July 2021, a Tamil man was deported from Qatar to Sri Lanka at the request of Counter-Terrorism Investigation Department (CTID) for allegedly promoting the LTTE.' [\[footnote 62\]](#)

4.3.16 The USSD HR report 2022, covering events in 2021 noted that 'At year's end, according to civil society activists, those remaining in detention under the PTA included approximately 300 individuals who they reported identified as Muslim, approximately 70 Tamils held for years for alleged links to the LTTE during the civil war, and more than 110 Tamils arrested for social media posts critical of the government and alleged activities to revive the LTTE.' [\[footnote 63\]](#)

4.3.17 The same report also highlighted instances of arrests and detentions on accused LTTE members in the year 2021:

'On April 9, press reported Terrorism Investigation Department (TID) police arrested Jaffna mayor Visvalingam Manivannan on charges of attempting to revive the LTTE. The arrest came after police, prompted by social media comments, accused the mayor of forming a "police-like" unit that wore uniforms similar to those of the banned Tamil Eelam police (LTTE police wing). Speaking to press after giving police his statement, Manivannan explained that his office used the Colombo Municipal Council uniform as a model for the new unit's uniforms and that the uniforms "held no further connotations." On April 9, the Jaffna Magistrate Court released the mayor on bail, charging him under the penal code for "exciting or attempting to excite feelings of disaffection for the government." On April 17, the TID arrested four men from Jaffna and another from Mullaitivu under the PTA on charges of attempting to revive the LTTE. According to press reports, the Jaffna men were arrested after TID officers intercepted telephone conversations between them and suspected drug and gun smugglers arrested in India on March 18. The fifth man from Mullaitivu, described as a "rehabilitated former LTTE cadre," was arrested for maintaining contact with the four men from Jaffna. On July 19, the Jaffna Magistrate's Court released all five individuals. According to press reports, the TID informed the court that they could not pursue the case as there were no charges against them; the magistrate subsequently ordered their release.' [\[footnote 64\]](#)

4.3.18 The same report also noted the arrest of a poet and teacher under the PTA, who was released in December 2021, after 18 months in detention:

‘Poet and teacher Ahnaf Jazeem was arrested under the PTA in May 2020 for a collection of Tamil poems he published that allegedly contained “extremist” messages, but Amnesty International asserted that the writings spoke out against extremism, violence, and war. On May 16, 13 organizations issued a statement expressing concerns regarding his detention. On June 12, the Colombo Magistrate Court remanded Jazeem without presenting him before a magistrate or informing his lawyers. On September 7, the international NGO Freedom Now filed a petition on his behalf with the UN Working Group on Arbitrary Detention, noting “Ahnaf’s poetry should be celebrated, not condemned” and asserted his wrongful detention was indicative of the country’s “blatant misuse of antiterrorism laws to criminalize peaceful expression.” Jazeem appeared before the Puttalam High Court and indicted under the PTA for speech-related offenses on November 15. The court granted Jazeem bail on December 15 after 18 months of detention. He was released on December 16.’^{[[footnote 65](#)]}

4.3.19 The DFAT 2021 report provided its own definition of high-profile LTTE leaders and noted: “High-profile” former LTTE members are individuals who held senior positions in the LTTE’s military wing and civilian administration. The LTTE’s former leadership face the highest risk of monitoring, arrest, detention or prosecution, regardless of whether they performed a combat or civilian role during the war.’^{[[footnote 66](#)]}

4.4 Abductions

4.4.1 The DFAT 2021 report highlighted:

‘In September 2021, the UN Report of the Working Group on Enforced or Involuntary Disappearances noted that more than 6,000 cases remain outstanding in Sri Lanka (though most date back to war time) and criticised the Government for a lack of accountability with regard to such disappearances. It did not, however, have any disappearances reported to it in the last two years. One human rights defender claimed disappearances have been replaced with “warrants, seizures and disinformation campaigns”; that is, mechanisms of the legal system have been used or arguably misused by the Government to suppress dissent rather than resort to extra- legal violence.’^{[[footnote 67](#)]}

4.5 Treatment in detention

4.5.1 In an April 2022 report by the OHCHR, it was noted:

‘The Government informed OHCHR that nine custodial deaths occurred between 1 January 2021 to 30 November 2021, and that two police officers were charged, and seven police officers faced disciplinary actions in relation to custodial deaths, but it is not clear in which cases. The High Commissioner believes that in addition

to attributing individual responsibility for these crimes and ensuring reparations to families, these cases warrant independent investigation to identify patterns and any command responsibility within the police service.

‘Several allegations of ill-treatment and torture by police have also been reported in 2021. The family of Chandran Vidushan, who died in police custody on 3 June reportedly of a drug overdose, alleged that police tied him to a tree and severely beat him with poles before taking him away. Cases have also been reported of ill-treatment and torture by military personnel. For instance, on 22 December 2021, a fisherman alleged that he was severely beaten by Sri Lankan military officers in Jaffna. On 27 November, a journalist was reportedly beaten by Sri Lankan military personnel while he was photographing the roadside name board at Mullivaikkal. Lawyers for Prevention of Terrorism Act (PTA) detainees have also reported torture and ill-treatment during interrogation by the TID in Joseph Camp, Vavuniya.

‘It was widely reported that in September 2021 the State Minister of Prison Management and Prisoners’ Rehabilitation, Lohan Ratwatte, forcibly entered a prison in Colombo with a group of friends to show them the gallows, and later a prison in Anuradhapura where he allegedly forced two Tamils detained under PTA to kneel at gunpoint and threatened to kill them.

Ratwatte resigned from the Prisons portfolio, but retains his position as State Minister for Gems and Jewellery.

‘In what the Government highlights as a torture prevention measure, the Criminal Procedure Code was amended requiring Magistrates to visit police stations at least once a month to personally see suspects in police custody to check on whether they have been subject to torture or ill-treatment during and after arrest. Concerns have been expressed that this alternative inspection regime will be difficult to implement in practice due to limited time and capacity. Meanwhile there has been no further progress towards establishment and operationalization of a National Preventive Mechanism under the Optional Protocol to the Convention against Torture. The High Commissioner recalls the comprehensive observations made on Sri Lanka by the Committee Against Torture in 2016 and urges the Government to take concrete steps to implement those recommendations.’^[footnote 68]

4.5.2 The ITJP 2021 report noted:

‘The victims being detained now are generally young and of little intelligence value to the security forces, who appear to be mounting a campaign of repression against legitimate Tamil expression of fundamental rights including protests or calls for accountability. One of the few ex-LTTE cadres detained describes being blindfolded when forced to sign a confession, with his torturers guiding his hand to sign on the page, calling into question its utility. In all cases the so-called “confession” was written in Sinhala, a language none of the Tamil detainees could read – not that they were given a chance to peruse these documents. They signed only in the hope it would stop their torture and end their suffering. In interrogations, victims are confronted with the constant refrain that the Liberation Tigers of Tamil Eelam (LTTE) are re-grouping.’^[footnote 69]

4.5.3 The same report found, based on research and interviews (dates of interviews unknown) conducted in the UK by independent international investigators with 14 victims of torture, including one separate medico-legal report studied for a female victim: 'Sri Lanka continues to be in violation of its treaty and domestic obligations. Torture, sexual torture and sexual violence including cruel, inhuman and degrading still occur. Torture is the outcome of deliberate policies and practices which exist in Sri Lanka and which have continued over the last four decades. The main victims of torture are Tamils...' [\[footnote 70\]](#)

4.5.4 Freedom House noted in their annual Freedom in the World 2021 Report that '...police and security forces have engaged in extrajudicial executions, forced disappearances, custodial rape, and torture, all of which disproportionately affect Tamils.' [\[footnote 71\]](#)

4.5.5 The same report also noted that 'Systemic discrimination, including via language laws and naturalization procedures, negatively affects Tamils' political participation.' [\[footnote 72\]](#)

4.5.6 The USSD HR report 2022 noted, more generally, 'During the year the HRCSL documented 236 complaints of torture, assault, or both in addition to 64 complaints from prisoners.' [\[footnote 73\]](#)

4.6 Rehabilitation

4.6.1 In an undated article published by Modern Diplomacy, a platform focused on 'assessing and evaluating complex international issues' [\[footnote 74\]](#), the rehabilitation programme was outlined:

'Following Sri Lanka's crippling civil war, the challenge faced by the government was the rehabilitation process of the former LTTE combatants. Reportedly there were approximately 11,664 ex-combatants out of which 82% were child soldiers. The Sri Lankan government under the leadership of Mahinda Rajapaksa established an extensive program for the rehabilitation and reintegration of ex-military combatants of LTTE for long term peace.

This "6 + 1 Model" rehabilitation program was primarily focused in six major areas including (1) Educational (2) Vocational (3) Psych-social and creative therapies (4) Social, cultural and family rehabilitation (5) Religious and spiritual (6) Recreational Rehabilitation and (+) Community engagement.' [\[footnote 75\]](#)

4.6.2 DFAT noted in their 2021 report:

'Since the end of the war, successive Sri Lankan Governments have managed a large-scale "rehabilitation" process for former LTTE members. The aim of the 24 rehabilitation centres was to process LTTE members who surrendered in the final stages of the war and to assist them to adjust to a life after war, with a focus on vocational training. According to Sri Lankan Government statistics from March 2019, 12,191 former LTTE members (including 2,265 women) had completed rehabilitation...

'Local sources have previously estimated that between 4,000 and 6,000 former LTTE members are undisclosed and non-rehabilitated, the majority of whom may now be living overseas. Military sources have previously estimated the number of undisclosed and non-rehabilitated former LTTE numbers within Sri Lanka as being low, including approximately 280 individuals in Jaffna (Northern Province).'[\[footnote 76\]](#)

4.6.3 The DFAT 2021 report also noted, with specific reference to discrimination of former LTTE members:

'Most former LTTE members released from rehabilitation have been accepted back into their communities in the north and east, despite some suspicion that they may be pressured to act as informants for Sri Lankan authorities. There is an acknowledgement within the Tamil community that many people were forced to participate in LTTE activities against their will... Societal discrimination against former LTTE members is also related to caste, as the majority of former LTTE members are lower caste. Former LTTE members can readily access government services.

'Local sources in the north characterised former LTTE members as the most vulnerable and neglected segment of the Tamil population. Former LTTE members face ongoing challenges reintegrating fully into society. Sources told DFAT that unemployment among this cohort, particularly the women, is high. Many, even those who received vocational education as part of the post-war rehabilitation process, lack the skills to find and hold meaningful employment, and some have reportedly resorted to criminal activities.

Reluctance by employers to hire known former LTTE members, for fear of inviting monitoring by the authorities, is also reported as a factor. In-country sources said that the lack of economic options experienced by former LTTE members meant that some had become paid informers for the authorities. Anecdotal evidence indicates that mental illness linked to the war is prevalent among former LTTE members. Those with disabilities sustained during the war receive minimal state support, if any at all.'[\[footnote 77\]](#)

4.6.4 In the sources consulted, no information could be found to suggest forced rehabilitation still occurs (see [Bibliography](#)).

This section was updated on 01 July 2022

5. Treatment of Tamil separatist groups outside of Sri Lanka

5.1 Tamil diaspora

5.1.1 The DFAT 2021 report noted:

‘At least one million Sri Lankan Tamils live outside Sri Lanka, mostly in Canada, Europe (with large communities in the UK and France), Australia and India. Members of the Sri Lankan Tamil diaspora may be citizens or legal residents of those countries, or dual nationals. Some members of the Tamil diaspora return to Sri Lanka to visit family members, for holidays and for business. Remittances from the Tamil diaspora provide an important source of income for family and community members in Sri Lanka.’^[footnote 78]

5.1.2 According to the Office for National Statistics’ (ONS) dataset on population of the UK by country of birth and nationality, there are an estimated 41,000 Sri Lankan nationals living in the United Kingdom^[footnote 79].

5.1.3 There are various Tamil diaspora groups in the UK, namely: [British Tamils Forum \(BTF\)](https://www.britishtamilsforum.org/) (<https://www.britishtamilsforum.org/>) (which includes UK political party support groups [British Tamil](https://www.tamilconservatives.com/) (<https://www.tamilconservatives.com/>), [Conservatives \(BTC\)](https://www.tamilconservatives.com/) (<https://www.tamilconservatives.com/>), [Tamils for Labour](https://www.tamilsforlabour.org/?fbclid=IwAR1Li9S_gdcwIM6Mz_DH3Oas2G3uSLRmpvGY3L81o4OhMeatxqHrvl25jw) (https://www.tamilsforlabour.org/?fbclid=IwAR1Li9S_gdcwIM6Mz_DH3Oas2G3uSLRmpvGY3L81o4OhMeatxqHrvl25jw) and [Tamil Friends of the Liberal Democrats](https://www.facebook.com/people/Tamil-Friends-of-Liberal-Democrats/100067438838056/) (<https://www.facebook.com/people/Tamil-Friends-of-Liberal-Democrats/100067438838056/>)), [Global Tamil Forum \(GTF\)](https://www.globaltamilforum.org/) (<https://www.globaltamilforum.org/>), [Tamils Coordinating Committee \(TCC-UK\)](http://tccuk.org/) (<http://tccuk.org/>), [Tamil Information Centre \(TIC\)](https://ticonline.org/index.php) (<https://ticonline.org/index.php>), [Transnational Government of](http://tgte-us.org/) (<http://tgte-us.org/>) [Tamil Eelam \(TGTE\)](http://tgte-us.org/) (<http://tgte-us.org/>), [International Centre for the Prevention and Prosecution of Genocide \(ICPPG\)](http://icppg.org/) (<http://icppg.org/>) which was initiated by the TGTE and [Tamil Solidarity \(TS\)](http://www.tamilsolidarity.org/) (<http://www.tamilsolidarity.org/>).

5.2 Monitoring of diaspora

5.2.1 In March 2019, the Tamil Guardian reported on a private prosecution of a Sri Lankan soldier, who was attending an event at the Sri Lankan High Commission in London to mark ‘Independence Day’ and was filmed motioning a death threat to Tamils who were demonstrating outside the High Commission. The report noted that:

‘During the court case the job description of a Sri Lankan defence attaché was read out in court, as the defence argued that the gesture was indeed part of the Brigadiers job description.

‘The job entails “monitoring any anti-Sri Lanka activities in the UK” and reporting to the ministry of defence, intelligence agencies, amongst others, as well as “monitoring any LTTE activities in the UK and devising appropriate plan with the coordination of intelligence agencies in Sri Lanka to counter it” the defence explained.

‘The judge rejected the idea that the death threat could be part of a defence attaché’s job description.’^[footnote 80]

5.2.2 The Guardian reported on 6 December 2019 that Brigadier Priyanka Fernando was found guilty of public order offences in London and ordered him to pay more than £4,000 in fines, costs and compensation^[footnote 81].

5.2.3 According to a March 2021 article by the Tamil Guardian, “Sri Lanka’s embassies are ... heavily invested in carrying out surveillance of, and advocating against Tamil communities in the diaspora.”^[footnote 82]

5.2.4 The ITJP 2021 report noted ‘Since 2019 there are also signs of a more sophisticated intelligence operation abroad, including infiltration attempts, spoofing and impersonation and entrapment attempts.’^[footnote 83]

5.2.5 The same report noted:

‘Relatively few diaspora events have occurred in the UK where victims were physically present because of prolonged periods of lockdown, however W346 did attend a protest in 2021 and thereafter the Terrorism Investigation Division came to his wife’s house and showed her photos of him at the event in London. Another witness said on two occasions while protesting outside the Sri Lankan High Commission in London “two people have come outside the building and taken photographs and filmed us on their phone”.

‘Surveillance of diaspora events abroad continued into the Gotabaya Rajapaksa Presidency. Before the Covid lockdown, there was surveillance of physical events such as protests in the UK. During lockdown, Tamil asylum seekers in the UK were called by Sri Lankan intelligence agents in Sri Lanka and asked to pass on passwords for private Zoom meetings. One victim testified that a TID officer called him in late 2020:

“When I remained silent, he told me that whatever happened in the past is the past and you should work for us in the UK. He also said there are many people working for them in the UK and that meetings anyway happened on Zoom. I told him I couldn’t do that and that I didn’t have any information... I hung up. He called twice and sent a text but I didn’t respond.”

‘Human rights activists in Sri Lanka also confirm this is a new threat from the intelligence agencies who intrude into online meetings, record the names of participants and what they say for future use against them.’^[footnote 84]

5.3 Non-proscribed groups

5.3.1 There are various Tamil diaspora groups in the UK, namely UK political party support groups [British Tamil Conservatives \(BTC\)](https://www.tamilconservatives.com/)

[\(https://www.facebook.com/Tamils4Labour/\)](https://www.facebook.com/Tamils4Labour/), [Tamils for Labour](https://www.tamilconservatives.com/)

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5.4 Proscribed groups

5.4.1 On 29 March 2021, The Colombo Gazette, a news and entertainment website covering stories related to Sri Lanka^[footnote 85] noted:

‘The Government has banned a number of Tamil diaspora groups, including some influential organizations based in the UK.

‘Some of the groups were banned in 2014 but were de-listed by the Government in 2015.

‘The Global Tamil Forum (GTF), British Tamil Forum (BTF), Canadian Tamil Congress (CTC), Australian Tamil Congress (ATC), National Council of Canadian Tamil, Tamil Youth Organisation and the World Tamil Coordinating Committee have been proscribed by the Ministry of Defence...have been banned under Regulation 4(7) of the United Nations Regulations No. 1 of 2012...

‘The Government has also banned a number of individuals based in the UK, Germany, Italy, Malaysia and several other countries. Among those banned are GTF spokesman Suren Surendiran, who had been engaged in talks with then Foreign Minister Mangala Samaraweera and the Tamil National Alliance after the former Government lifted the ban on some of the diaspora groups.

‘The former Government had de-listed most groups considered as being moderate in their views, in an attempt to seek their support for the reconciliation process and development of the North.

However, the current administration considers these groups as still being linked to terrorism and a threat to national security.^[footnote 86]

5.4.2 In a September 2021 oral update on the human rights situation in Sri Lanka, the Human Rights Council noted ‘The Government has also proscribed or listed over 300 Tamil and Muslim groups and individuals for alleged links to terrorist groups.’^[footnote 87]

5.4.3 The Transnational Government of Tamil (TGTE) is a proscribed group in Sri Lanka^[footnote 88]. According to the TGTE website:

'The Transnational Government of Tamil Eelam (TGTE) is a political formation to win the freedom of the Tamil people on the basis of their fundamental political principles of Nationhood, Homeland and Right of self- determination. At present the Tamil people have absolutely no prospect of articulating their political aspirations or of exercising their fundamental rights in their homeland itself. The Sri Lankan government, through legal impediments, military occupation and murder is strangling the Tamil people's aspirations and their political rights.

'In this context, the Tamil Diaspora, an integral part of the nation of Tamil Eelam, utilizing democratic means in their respective countries, establishes the Transnational Government of Tamil Eelam (TGTE) as the highest political entity to campaign for the realization of the Tamils' right to self- determination. Since it is impractical for political leaders and people in Tamil Eelam to participate in the TGTE, only those Tamils in the Diaspora are elected to the TGTE through democratic elections. The TGTE will work hand-in-hand with anyone working for the well-being of the Tamil people in the island of Sri Lanka, including the political and social leaders of the people in Eelam.'

[footnote 89]

5.4.4 Further information about the TGTE can be found on their [website](http://tgte.org/?page_id=6111) (http://tgte.org/?page_id=6111)

[footnote 90]

5.4.5 In the sources consulted, CPIT were unable to find up-to-date information relating to the government's attitude towards the TGTE (see [Bibliography](#)).

5.4.6 There are various Tamil diaspora groups that have been proscribed in the UK, namely [British Tamils Forum \(BTF\)](https://www.britishtamilsforum.org/) (<https://www.britishtamilsforum.org/>), [Global Tamil Forum \(GTF\)](https://www.globaltamilforum.org/) (<https://www.globaltamilforum.org/>), [Tamils Coordinating Committee \(TCC-UK\)](http://tccuk.org/) (<http://tccuk.org/>), [Transnational Government of Tamil Eelam \(TGTE\)](http://tgte-us.org/) (<http://tgte-us.org/>).

5.4.7 For a list of proscribed groups within Sri Lanka, see the South Asia Terrorism Portal's (SATP) page [Sri Lanka - Terrorist, insurgent and extremist groups](https://www.satp.org/terrorist-groups/srilanka) (<https://www.satp.org/terrorist-groups/srilanka>)

6. Media

This section was updated on 01 July 2022

6.1 Freedom of speech and treatment of journalists

6.1.1 The Constitution guarantees freedom of speech and expression

[footnote 91]

However, Sri Lanka ranked 146th out of 180 countries in Reporters Without Borders' (RWB's) Press Freedom Index for 2022, dropping 19 places since 2021

[footnote 92]

6.1.2 The DFAT report 2021 noted:

‘The state owns two major television stations, radio networks and a large newspaper group publishing in Sinhala, Tamil and English. Many privately- owned and -operated television and radio stations, newspapers, magazines and websites also broadcast and publish in Sinhala, Tamil and English. Sri Lanka has vigorous and vibrant media and social media environments where criticism of the Government is not uncommon. This criticism has in the past sometimes resulted in prominent journalists and editors being subjected to state violence’[\[footnote 93\]](#)

6.1.3 The same report also noted:

‘Journalists told DFAT that self-censorship is common, though journalists and editors continue to openly criticise the Government and security forces, including in the north and east. Some journalists in the north reported ongoing monitoring by the authorities, including receiving anonymous telephone calls, particularly when covering sensitive issues, although they were not being subjected to physical violence. Local sources claim intelligence officers take photographs of journalists covering protests by the families of disappeared persons and memorial events. The Committee to Protect Journalists also claims that journalists and editors routinely perform self-censorship in response to the prevailing media climate. In the last two years, some journalists have been interrogated for their stories (for example, Srilal Priyantha was interrogated for four hours in July 2020 about a 2017 article he wrote alleging that SIM cards connected to the murder of Lasantha Wickramatunge had been linked to security forces). In a separate incident, journalist and human rights defender, Dharisha Bastians, had her home raided and work computers seized in 2020, reportedly in relation to her stories and human rights work. Bastians had left Sri Lanka in November 2019...’[\[footnote 94\]](#)

6.1.4 The USSD HR report 2021 noted:

‘Independent media were active and expressed a wide variety of views, including criticism of the government. Most online commentators and journalists shared opinions concerning government policies and politicians, including the president, without fear of consequence. Some journalists including citizen journalists, however, reported harassment, threats, intimidation, and interference from members of state security services, especially when reporting on issues related to the civil war or its aftermath, including missing persons. Tamil journalists reported military officers requested copies of photographs, lists of attendees at events, and names of sources for articles. They also reported the military directly requested that journalists refrain from reporting on sensitive events, such as Tamil war commemorations or land occupation protests, as well as on posting anything related to former LTTE leaders, and that they feared repercussions if they did not cooperate.’[\[footnote 95\]](#)

6.1.5 The same report notes the reported differential treatment of Tamil journalists, compared to Sinhalese journalists ‘In May local media reported Tamil journalists travelling to Mullaitivu were repeatedly blocked at checkpoints by military officers, despite presenting travel permits. Media activists pointed out that most Sinhala journalists did not encounter such harassment while covering news stories when travel restrictions were imposed.’[\[footnote 96\]](#)

6.1.6 The same report also highlighted instances of violence and harassment against journalists, 'There were reports of harassment and intimidation of journalists when covering sensitive issues. Reporters alleged that authorities, sometimes in government vehicles, surveilled journalists, especially those covering protests.'[\[footnote 97\]](#)

6.1.7 On 2 December 2021, when reporting on an instance of a Tamil journalist attacked by soldiers at a Tamil memorial event, the Sri Lanka Brief also highlighted a number of other instances of attacks by security services on journalists: 'The attack is the latest in a series of hostilities against Tamil journalists by Sri Lankan officials. On September 14 [2021], Tamil journalist and union treasurer Punniyamoorthy Sasikaran was interrogated by Sri Lankan police for the third time in three months. Batticaloa-based Tamil journalist, Selvakumar Nilanthan, was also interrogated by authorities in July, who demanded he disclose his personal and financial details.'[\[footnote 98\]](#)

6.1.8 In April 2022, an article by Reporters Without Borders noted, with reference to 2022 protests over the economic crisis in Sri Lanka, that 'Access to social media was cut off, many journalists have been harassed or attacked by police and at least nine have been injured in the course of the anti- government protests under way in Sri Lanka since 31 March.'[\[footnote 99\]](#)

6.1.9 According to Reporters Without Borders 2022 index on press freedom, which seeks to compare the level of press freedom enjoyed by journalists and media in 180 countries and territories[\[footnote 100\]](#), Sri Lanka ranked 146th out of 180, down from 127th out of 180 in 2021[\[footnote 101\]](#).

7. Exit and return

This section was updated on 01 July 2022

7.1 Exit / returns of failed asylum seekers

7.1.1 In a 2019 article by the Sunday Times, a Sri Lankan news source, plans for hi-tech facial recognition systems were outlined:

'The Bandaranaike International Airport (BIA) is to be equipped with a Facial Recognition System (FRS) as part of the heightened security measures in the aftermath of the Easter Sunday massacres by ISIS-linked terror groups...

'Facial recognition technology will improve the capability of the law enforcement officers to identify suspects trying to flee through the airport.... The system will be able to match and identify facial features of the person even if they are using a forged passport or a false name. This will also enable security officials to recognise terrorist suspects when they enter the country.

‘The Sunday Times learns that the system will include 10 high resolution cameras linked to a software that can match facial biometric features of persons walking past each camera against a Police watch-list of persons of interest.’^[footnote 102]

7.1.2 The DFAT 2021 report outlined:

‘Unsuccessful asylum seekers, both those subject to removal or departing voluntarily, are returned to Sri Lanka either using commercial or charter flights. In some cases, they may be accompanied by security escorts. On arrival in Colombo, returnees will be presented to Sri Lankan Immigration where they will be interviewed by the Chief Immigration Officer. Depending on the circumstances of their departure from Sri Lanka and their personal history, they may be interviewed by other agencies including CID, Sri Lankan State Intelligence Service (SIS) and Sri Lankan Navy Intelligence (SLNI).

These agencies check travel documents and identity information against the immigration databases, intelligence databases and records of outstanding criminal matters. Those who have departed illegally will be referred to CID at the airport and charged accordingly. Once charged they are taken to the courts at Negombo where they are bailed and released.’^[footnote 103]

7.1.3 The same report continued, ‘For returnees travelling on temporary travel documents, police undertake an investigative process to confirm identity. This would identify someone trying to conceal a criminal or terrorist background, or trying to avoid court orders or arrest warrants. This often involves interviewing the returning passenger, contacting police in their claimed hometown, contacting claimed neighbours and family, and checking criminal and court records...’^[footnote 104]

7.2 Treatment of failed asylum seekers

7.2.1 An Immigration and Refugee Board of Canada (IRB) COI query response dated 2 May 2022, based on a range of sources, stated:

‘In an interview with the Research Directorate, a professor at an American university who focuses on South Asian politics stated that asylum seekers are viewed as having “undermined or shamed the country” and that returnees who sought asylum are viewed as “traitors”... In correspondence with the Research Directorate, the Executive Director of Law & Society Trust (LST), a not-for-profit “engaged in legal research, advocacy and human rights documentation”... noted that there is “resentment and antipathy” toward both Tamil refugees and Tamil asylum seekers as the government believes that they have “aired negative views about Sri Lanka and the government abroad.”’^[footnote 105]

7.2.2 The same response outlined:

‘The Analyst noted that there have been “credible allegations” over the years of people thought to have connections to the LTTE being arrested, detained and tortured and there is “deep mistrust” among security forces of Tamil returnees... The Professor stated that if there is a reason for the authorities to believe the

person was connected to the LTTE during the war, even for something such as transporting goods for a Tamil person that they did not know was connected to the LTTE, they are “taken into custody and tortured, [and face] extortion”... The Executive Director noted that “there are reports” that asylum seekers have been questioned by security personnel...

According to the Professor, individuals who have been forced to return, provided the authorities have been notified of their arrival, face “vary[ing]” “degrees of harassment,” depending on their ethnicity, how long they have been away, whether they are on a watchlist and whether they are perceived to have ties with the LTTE... The same source added that “ethnicity matters” and Tamils face “more scrutiny,” especially those who are failed asylum seekers...’[\[footnote 106\]](#)

7.2.3 The DFAT 2021 report noted:

‘... Between 2002 and September 2021, the IOM has facilitated the return of 876 Sri Lankans from Australia. Many others returned from the US, Canada, the UK and other European countries. Most returnees are Tamil. Although individual experiences vary, many Tamil returnees choose to return to the north, either because it is their place of origin and they have existing family links, or because of the relatively lower cost of living compared to the south.

‘Refugees and failed asylum seekers face practical challenges to successful return to Sri Lanka. Most returnees have incurred significant expenses or debt to undertake their outward journey. Some voluntary returnees receive reintegration assistance in the form of transport and livelihood support upon return to Sri Lanka from the Government, UN agencies and NGOs, but this requires a returnee to meet strict eligibility guidelines and is minimal. Failed asylum seekers receive limited reintegration assistance. Many returnees have difficulty finding suitable employment and reliable housing on return.

Those who have skills that are in high demand in the labour market are best placed to find well-paid employment. The IOM provides eligible returnees with livelihood assistance and makes regular visits to monitor the welfare of returnees.

‘Multiple local sources said that some returnees, especially those in the north and east with suspected LTTE links, have been the subject of monitoring by the authorities, involving visits to returnees’ homes and telephone calls by the CID. DFAT understands that most returnees, including failed asylum seekers, are not actively monitored on an ongoing or long-term basis. DFAT is unable to verify whether monitoring, where it occurs, is specific to former LTTE cadres. Some Tamils who had failed to secure asylum in Australia and since returned to the Northern Province told DFAT they had no protection concerns and had not experienced harassment by the authorities, nor received monitoring visits, but DFAT cannot determine if this is the case for all such returnees.’[\[footnote 107\]](#)

7.2.4 The same report also highlighted:

‘Bureaucratic inefficiencies present a significant challenge to reintegration for returnees. Refugee returnees, particularly those who returned without UNHCR or IOM facilitation, can experience delays in obtaining necessary identification

documents and proof of citizenship. Lack of documentation inhibits access to social welfare schemes and the ability to open bank accounts, find employment or enrol in educational institutions. Limited job availability in the north and east further contributes to difficulties in securing employment and housing. DFAT assesses that reintegration issues are not due to failure to obtain asylum, but rather due to the employment and accommodation difficulties returnees may face. Some Tamils who had failed to secure asylum in Australia and since returned to the Northern Province told DFAT they were able to reintegrate into their communities and find employment. DFAT understands that returnees may face financial difficulties reintegrating into their communities, including due to sale of their belongings to fund irregular ventures overseas, but do not experience societal discrimination for seeking asylum elsewhere.

‘Some refugees and failed asylum seekers reported being pressured upon return to their communities, chiefly for being beneficiaries of financial reintegration assistance. Others experienced resentment upon return because they spent family funds on what proved to be a futile attempt at irregular migration. Overall, DFAT understands that societal discrimination is not a major concern for returnees, including failed asylum seekers. Some Tamils who had failed to secure asylum in Australia and since returned to the Northern Province told DFAT they had not experienced significant societal discrimination following their return.’[\[footnote 108\]](#)

7.3 Stop and watch lists

7.3.1 The DFAT 2021 report noted that:

‘While the LTTE was comprehensively defeated, Sri Lankan authorities remain concerned over its potential re-emergence, and to separatist tendencies in general. Sources report that Sri Lankan authorities collect and maintain sophisticated intelligence on former LTTE members, supporters and other separatists, including “stop” and “watch” electronic databases.

DFAT understands these databases remain active. ‘Stop’ lists include names of those individuals who have an extant court order, arrest warrant or order to impound their Sri Lankan passport. “Watch” lists include names of those individuals whom the Sri Lankan security services consider to be of interest, including for suspected separatist or criminal activities.’[\[footnote 109\]](#)

Terms of Reference

A ‘Terms of Reference’ (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office’s Country Policy and Information Team uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Treatment of Tamils
 - Treatment of Tamils generally
 - Land repatriation
 - Women, including female-headed households (FHH)
- Treatment of Tamil separatist groups
 - Liberation Tigers of Tamil Eelam (LTTE)
 - Discrimination and harassment
 - Monitoring and surveillance
 - Prevention of Terrorism Act (PTA)
 - Abductions
 - Arrest and detention
 - Treatment in detention
 - Rehabilitation
- Treatment of Tamil separatist groups outside of Sri Lanka
 - Tamil diaspora in the UK
 - Monitoring and surveillance
 - Proscribed groups
 - TGTE
 - Government attitude
- Media
- Post-conflict reconciliation
- Exit and return
 - Failed Asylum Seekers (FAS)
 - Stop and watch lists

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Version control

Clearance

Below is information on when this note was cleared:

- version 8.0
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Official – sensitive: Start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: End of section

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