

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	339
Land:	Sri Lanka
Kilde:	British Home Office
Titel:	"Country of Origin Information Report"
Udgivet:	3. marts 2008
Optaget på baggrundsmaterialet:	7. marts 2008

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	339
Land:	Sri Lanka
Kilde:	British Home Office
Titel:	"Country of Origin Information Report"
Udgivet:	3. marts 2008
Optaget på baggrundsmaterialet:	7. marts 2008

COUNTRY OF ORIGIN INFORMATION REPORT

SRI LANKA

3 MARCH 2008

Contents

Preface

Latest News

EVENTS IN SRI LANKA, FROM 1 FEBRUARY TO 27 FEBRUARY 2008

REPORTS ON SRI LANKA PUBLISHED OR ACCESSED BETWEEN 1 FEBRUARY AND 27 FEBRUARY 2008

Paragraphs

Background Information

1. GEOGRAPHY.....	1.01
Map	1.07
2. ECONOMY.....	2.01
3. HISTORY.....	3.01
The Internal conflict and the peace process	3.13
4. RECENT DEVELOPMENTS.....	4.01
Useful sources for updates	4.18
5. CONSTITUTION.....	5.01
6. POLITICAL SYSTEM	6.01

Human Rights

7. INTRODUCTION.....	7.01
8. SECURITY FORCES	8.01
Police	8.03
Arbitrary arrest and detention	8.15
Cordon and search operations	8.24
Disappearances/Abductions	8.50
Torture	8.79
Extra-judicial killings	8.89
Armed forces	8.99
Arbitrary arrest and detention	8.102
Torture	8.103
Extra-judicial killings	8.104
Avenues of complaint	8.105
Human Rights Commission of Sri Lanka (HRCSL)	8.108
Protective custody	8.119
Ad hoc commissions of inquiry	8.123
Police abuses: investigations and prosecutions	8.136
Witness protection	8.150
Position on UN Human Rights Council recommendations	8.153
9. MILITARY SERVICE	9.01
10. ABUSES BY NON-GOVERNMENT ARMED FORCES	10.01
Arbitrary arrest and detention	10.05
Disappearances/Abductions	10.07
Torture	10.10
Extra-judicial killings	10.12
Forced conscription	10.21
LTTE	10.22

Karuna Group	10.31
11. JUDICIARY	11.01
Organisation	11.02
Independence	11.05
Fair trial	11.07
12. ARREST AND DETENTION – LEGAL RIGHTS	12.01
Bail/Reporting conditions.....	12.13
Arrest warrants	12.14
13. PRISON CONDITIONS	13.01
14. DEATH PENALTY	14.01
15. POLITICAL AFFILIATION	15.01
Freedom of political expression	15.01
Freedom of association and assembly	15.05
Opposition groups and political activists	15.08
16. FREEDOM OF SPEECH AND MEDIA	16.01
Journalists	16.10
Internet freedom	16.24
17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS	17.01
18. CORRUPTION.....	18.01
19. FREEDOM OF RELIGION	19.01
Buddhists	19.06
Hindus	19.07
Muslims	19.10
Christians	19.17
20. ETHNIC GROUPS	20.01
Sinhalese.....	20.09
Tamils.....	20.11
Up-Country Tamils	20.20
Muslims	20.21
Indigenous people.....	20.23
21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS	21.01
Legal rights	21.01
Government attitudes	21.05
Societal ill-treatment or discrimination	21.08
22. DISABILITY	22.01
23. WOMEN.....	23.01
Legal rights	23.04
Political rights.....	23.08
Social and economic rights.....	23.11
Violence against women.....	23.18
24. CHILDREN	24.01
General information	24.01
Education	24.13
Child care	24.18
Child soldiers.....	24.22
25. TRAFFICKING.....	25.01
26. MEDICAL ISSUES	26.01
Overview of availability of medical treatment	26.01
HIV/AIDS – anti-retroviral treatment	26.06
Cancer treatment.....	26.12
Kidney dialysis	26.13
Mental health	26.14
27. HUMANITARIAN ISSUES	27.01
28. FREEDOM OF MOVEMENT	28.01

Police registration	28.14
Check-points	28.16
Lodges in Colombo	28.28
29. INTERNALLY DISPLACED PEOPLE (IDPs)	29.01
30. FOREIGN REFUGEES	30.01
31. CITIZENSHIP AND NATIONALITY	31.01
Identity cards and travel documents	31.04
32. EXIT – ENTRY PROCEDURES	32.01
Treatment of returned failed asylum seekers	32.09
33. EMPLOYMENT RIGHTS	33.01

Annexes

- Annex A – Chronology of major events
- Annex B – Timelines
- Annex C – Political organisations
- Annex D – Prominent people
- Annex E – Fatalities by district
- Annex F – Incidents of violence between the LTTE and the Karuna faction
- Annex G – List of abbreviations
- Annex H – References to source material

Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, Border and Immigration Agency (BIA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 31 January 2008. The 'Latest News' section contains further brief information on events and reports accessed from 1 February to 27 February 2008.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any BIA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by BIA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. BIA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the BIA as below.

Country of Origin Information Service

Border and Immigration Agency
Apollo House
36 Wellesley Road
Croydon CR9 3RR
United Kingdom

Email: cois@homeoffice.gsi.gov.uk

Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the BIA's country of origin information material. The APCI welcomes all feedback on the BIA's COI Reports, Key Documents and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk
- xii In the course of its work, the APCI reviews the content of selected BIA COI documents and makes recommendations specific to those documents and of a more general nature. The APCI may or may not have reviewed this particular document. At the following link is a list of the COI Reports and other documents which have, to date, been reviewed by the APCI: www.apci.org.uk/reviewed-documents.html
- xiii Please note: It is not the function of the APCI to endorse any BIA material or procedures. Some of the material examined by the Panel relates to countries

designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Advisory Panel on Country Information:

Email: apci@homeoffice.gsi.gov.uk

Website: www.apci.org.uk

Latest News

EVENTS IN SRI LANKA, FROM 1 FEBRUARY TO 27 FEBRUARY 2008

27 February It was reported that the Sri Lankan government had “the upper hand” in a new phase (further to the formal end of the ceasefire) of the 25-year civil war against the Tamil Tigers, but “it would be foolish to write the rebels off”. The two sides were reported to be “locked in a parallel propaganda war and seen inflating enemy losses and playing down their own” but with a lack of monitors there are no independent battlefields accounts. According to the military, a total of 6,486 rebels, 1,196 military personnel and 982 civilians had been killed since the beginning of 2006 and only around 5,000 rebel fighters are still alive.

Reuters Foundation Alertnet, 27 February 2008
<http://www.alertnet.org/thenews/newsdesk/COL7551.htm>
Date accessed 27 February 2008

26 February The Supreme Court ordered the Attorney General (AG) to take steps to release LTTE suspects if no evidence was found against them. The Chief Justice Sarath Nanda Silva was reported to have observed that it was 'unacceptable' that these suspects were kept in remand for periods as long as 12 months. The Government's Terrorist Investigation Division stated that “about 116 Tamil nationals are currently held in remand custody”.

BBC Sinhala, 'Charge or release' LTTE suspects, 26 February 2008
http://www.bbc.co.uk/sinhala/news/story/2008/02/080226_ltte_suspects.shtml
Date accessed 27 February 2008

25 February The Civil Monitoring Committee (CMC) was reported to have claimed that Police were “clueless” over 214 incidents of abduction in Colombo and its suburbs since November 2006. The CMC stated that 99% of the victims of these kidnappings were Tamils living in these areas. When the government had claimed that these persons had left the country, the CMC had presented the Controller of Immigration and Emigration with the names, the national identity card numbers and other information of the abducted people and had been told that no persons matching these details had gone abroad during that period.

Lankadissent, Police clueless over 214 abductions in Colombo - CMC 25 February 2008
http://lankadissent.com/allnews/2008_02_25_06_news.htm
Date accessed 25 February 2008

The LTTE were blamed for killing two party activists of the Tamil Makkal Viduthalai Pulikkal (TMVP) who were campaigning in the first elections to be held in the Eastern Province since the region was captured by the Government in July 2007. According to the Defense Ministry, the representatives of the breakaway group were killed when a suicide attacker blew himself up in Batticaloa on the previous day. Tamil parties had previously declared that elections in the region would not be free and fair as the LTTE were “still engaged in hit and

run attacks” while a government-backed paramilitary group openly carried weapons.

Bloomberg, Sri Lanka Blames Tamil Rebels as Party Activists Killed in East, 25 February 2008
http://www.bloomberg.com/apps/news?pid=20601091&sid=aQx_RERTVveE&refer=india#

Date accessed 25 February 2008

BBC Sinhala, Suicide blast in Batticaloa 24 February 2008
http://www.bbc.co.uk/sinhala/news/story/2008/02/080224_batticaloa_suicide.shtml

Date accessed 25 February 2008

The pro-LTTE website TamilNet reported that 30 civilians - predominantly Tamils - had been taken into custody in a 'cordon and search operation' conducted in the western province and Embilipitya since the previous day.

Pro-LTTE website TamilNet, 30 civilians arrested in Colombo, Embilipitya, 25 February 2008

<http://www.tamilnet.com/art.html?catid=13&artid=24772#>

Date accessed 25 February 2008

23 February 18 people were injured in a bomb attack on a bus in the southern suburb of Mount Lavinia in Colombo, which was blamed on Tamil Tiger rebels.

BBC News, Sri Lanka bus bombing injures 18, 23 February 2008
http://news.bbc.co.uk/1/hi/world/south_asia/7260255.stm

Date accessed 25 February 2008

21 February The Defence Ministry said that Sri Lankan troops had killed 92 rebels in an offensive in the northern districts of Mannar and Vavuniya and three soldiers were killed, 20 injured. It was reported that both the military and the Tamil Tigers tend to inflate casualty figures in the absence of independent corroboration of events.

Reuters Foundation Alertnet, 21 February 2008
<http://www.alertnet.org/thenews/newsdesk/COL186834.htm>

Date accessed 25 February 2008

20 February Irin reported that “Children in Sri Lanka are increasingly being killed and injured and having their education disrupted as bomb attacks blamed on the Liberation Tamil Tigers of Eelam (LTTE) as well as government security forces drive families from their homes in search of safety. At least 21 children are known to have died since the beginning of this year in assaults in the northern and southern parts of the island. Most were killed after the government called off a 2002 ceasefire with the Tamil Tigers on 16 January.”

Irin, Sri Lanka: Escalating war takes toll on children, 20 February 2008
<http://www.irinnews.org/Report.aspx?ReportId=76845>

Date accessed 25 February 2008

Expressing “grave concern about reports from its affiliate, the Free Media Movement (FMM), that several incidents involving attacks on journalists or abuse of the rights of journalists have been instigated by police and CDC members”, the International Federation of

Journalists (IFJ) called on Sri Lanka's Inspector General of Police, Victor Perera, "to investigate cases of harassment of journalists by members of the police and the Civil Defence Committees (CDC) and to prohibit authorities' interference in the professional duties of journalists."

IFJ Calls on Sri Lanka Police to End Harassment of Journalists, 20 February 2008

<http://www.ifj.org/default.asp?index=5843&Language=EN>

Date accessed 25 February 2008

18 February

It was reported that the Civil Monitoring Committee (CMC) had received 115 complaints regarding missing persons in 2007 for Colombo alone. The number of abductions had apparently declined at the start of 2008 but increased in February.

On the same day, the police denied accusations that they were abducting Tamil people in the capital, noting that the police could launch investigations upon receiving complaints by relatives of people who were taken to custody without informing their next of kin. According to MP Mano Ganeshan, of the Civil Monitoring Committee, police were abducting Tamil civilians 'like dogs'. He was reported as saying that "since 12th February seven people were kidnapped by white van in Colombo".

Pro-LTTE website TamilNet, Abductions on rise in Colombo, 18 February 2008

<http://www.tamilnet.com/art.html?catid=13&artid=24693#>

Date accessed 18 February 2008

BBC Sinhala, Police deny 'abduction' charges, 18 February 2008

http://www.bbc.co.uk/sinhala/news/story/2008/02/080218_police.shtml

Date accessed 19 February 2008

BBC Sinhala, More Tamils 'abducted by police' 18 February 2008

http://www.bbc.co.uk/sinhala/news/story/2008/02/080218_mano.shtml

Date accessed 19 February 2008

14 February

The Government announced that the first set of 'Civil Defence Committees to protect civilians from terrorists attacks' would be established in the Colombo and Gampaha Districts, and that within a month the Government would set up 14,913 of such committees at village level in order to strengthen national security. The Civil Defence Committees would be set up with ten volunteers in each Grama Niladhari Division along with other public officers.

The Official Website of the Government of Sri Lanka, Civil Defence Committees to protect civilians from terrorist attacks, 14 February 2008

http://www.priu.gov.lk/news_update/Current_Affairs/ca200802/20080214civil_defence_committees_protect_civilians.htm

Date accessed 19 February 2008

13 February

The International Committee of the Red Cross (ICRC) expressed its deep concern about "the growing number of civilian casualties, including children, resulting from the deteriorating security situation across Sri Lanka" and noted that the number of civilians affected by the violence has reached 'appalling levels'. More than 180 civilians were reported killed and almost 270 injured in a series of 'targeted and/or indiscriminate attacks' during the first six weeks of 2008.

International Committee of the Red Cross (ICRC), Sri Lanka: Civilian casualties reaching appalling levels, 13 February 2008

<http://www.icrc.org/Web/eng/siteeng0.nsf/html/sri-lanka-news-130208!OpenDocument>

Date accessed 19 February 2008

- 9 February The former minister and ruling party dissident Sripathi Sooriyaraachchi was killed in a road accident near Anuradhapura. It was reported that in 2006 he had accused President Rajapaksa "of entering into a secret deal with the Tamil Tiger rebels to win the 2005 presidential election" and was sacked together with fellow minister Mangala Samaraweera with whom he later founded a new faction of the ruling Sri Lanka Freedom Party (SLFP), called SLFP (Mahajana).

NewKerala.com, Dissident Sri Lankan leader dies in accident, 10 February 2008

<http://www.newkerala.com/one.php?action=fullnews&id=20517>

Date accessed 28 February 2008

- 6 February The Sri Lankan Parliament voted to extend the Emergency Regulations, with 103 votes in favour and 19 against. The TNA and SLMC voted against. The UNP abstained and the JVP voted with the Government.

Daily Mirror (Sri Lanka), Emergency passed 103 – 19, 6 February 2008

http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=5860

Date accessed 6 February 2008

- 4 February The army reported that at least 13 people – including five soldiers - died and 16 were injured in a bomb attack on a civilian bus near the town of Anuradhapura in northern Sri Lanka, which was blamed on the Tamil Tigers.

BBC News, Many dead in Sri Lanka bus attack, 4 February 2008

http://news.bbc.co.uk/1/hi/world/south_asia/7225488.stm

Date accessed 5 February 2008

- 3 February At least 11 people were reported to have been killed and nearly 100 injured in a suicide attack blamed on Tamil Tiger militants at the main railway station in Colombo despite increased security for the celebrations of the 60th anniversary of Sri Lanka's independence. On the previous day, 18 people died and 50 were injured when a bus was hit by an explosion in the central town of Dambulla. A military spokesman accused the LTTE for the attack while the Tamil Tigers blamed a clandestine army unit operating behind their lines.

BBC News, Colombo station attack kills 11, 3 February 2008

http://news.bbc.co.uk/1/hi/world/south_asia/7224783.stm

Date accessed 4 February 2008

BBC News, Deadly blast hits Sri Lanka bus, 2 February 2008

http://news.bbc.co.uk/1/hi/world/south_asia/7223674.stm

Date accessed 4 February 2008

Return to Contents
Go to list of sources

REPORTS ON SRI LANKA PUBLISHED OR ACCESSED BETWEEN 1 FEBRUARY AND 27 FEBRUARY 2008

International Crisis Group (ICG)

Sri Lanka's return to war: limiting the damage

Asia Report N°146, 20 February 2008

[http://www.crisisgroup.org/library/documents/asia/south asia/sri lanka/146 sri lanka s return to war limiting the damage.pdf](http://www.crisisgroup.org/library/documents/asia/south%20asia/sri%20lanka/146_sri_lanka_s_return_to_war_limiting_the_damage.pdf)

Date accessed 20 February 2008

Reporters sans Frontières (Reporters without Borders)

Sri Lanka - Annual report 2008, 12 February 2008

http://www.rsf.org/article.php3?id_article=25690

Date accessed 14 February 2008

International Committee of the Red Cross (ICRC)

Operational update 08/1 - Sri Lanka: Civilians bear the brunt of surge in violence, 8 February 2008

<http://www.icrc.org/Web/eng/siteeng0.nsf/html/sri-lanka-update-080208!OpenDocument>

Date accessed 8 February 2008

Amnesty International

Sri Lanka: Silencing Dissent, 7 February 2008

http://www.amnesty.org/en/alfresco_asset/0d18ed10-cb33-11dc-b181-d35374267ce9/asa370012008eng.pdf

Date accessed 8 February 2008

Asian Centre for Human Rights

Sri Lanka: A test for the UPR mechanism [Contribution under the Universal Periodic Review of the Human Rights Council], 6 February 2008

<http://www.achrweb.org/UN/HRC/UPR-SriLanka.pdf>

Date accessed 27 February 2008

International Commission of jurists (ICJ)

Human Rights Council 2nd Session of the Universal Periodic Review, 5 – 16 May 2008, ICJ Submission to the Universal Periodic Review of Sri Lanka, February 2008

<http://www.icj.org/IMG/UPR-SL-final-08-02-07.pdf>

Date accessed 25 February 2008

[Return to Contents](#)
[Go to list of sources](#)

Background Information

1. GEOGRAPHY

- 1.01 As recorded in the CIA World Factbook, Sri Lanka (website accessed on 15 February 2008), the Democratic Socialist Republic of Sri Lanka, formerly known as Ceylon, lies in the Indian Ocean, south of India. The country covers an area of 65,610 square kilometres. The capital is Colombo [Note: Sri Jayewardenepura Kotte is the legislative capital] which has a population of 20,926,315 (July 2007 estimate). There are eight provinces: Central, North Central, North Eastern, North Western, Sabaragamuwa, Southern, Uva and Western. [30] As recorded by the Sri Lanka Department for Census and Statistics (Statistical Abstract 2006, Population of principal towns by sex, census, years) (Table 2.4, website accessed on 10 September 2007) the principal towns are Colombo, Dehiwala-Mount Lavinia, Moratuwa, Sri Jaywardene Kotte, Negombo, Kandy, and Galle. [58a]
- 1.02 The Sri Lanka Department of Census and Statistics recorded in their Statistical Data Sheet 2007 (undated, website accessed on 10 September 2007) that the provisional estimated population for 2006 was 19,886,000 (10,060,000 females and 9,826,000 males). [58c]
- 1.03 The CIA World Factbook, Sri Lanka recorded that the population can be divided into the majority Sinhalese (73.8 per cent), Sri Lankan Moors [Muslims] 7.2 per cent, Indian Tamil 4.6 per cent, Sri Lankan Tamil 3.9 per cent, other 0.5 per cent, unspecified 10 per cent (2001 census provisional data) [30] However, as recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2006, Chapter II, tables 2.10 - 2.11, undated, website accessed on 10 September 2007), based on a total population of 18,797,257 the population comprises: Sinhalese (82 per cent), Sri Lankan Tamil (4.3 per cent), Indian Tamil (5.1 per cent), Moor (7.9 per cent), Burgher (0.2 per cent), Malay (0.3 per cent), Sri Lankan Chetty (0.1 per cent) and other (0.1 per cent). However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts, in which the 2001 census enumeration was not completed, were not included. [58a]
- 1.04 As recorded in the US State Department Report for 2007 on Religious Freedom in Sri Lanka published on 14 September 2007, Buddhism, Hinduism, Islam, and Christianity are practised. Approximately 70 percent of the population is Buddhist, 15 percent Hindu, eight percent Christian, and seven percent Muslim. [2a] (Section I)
- 1.05 The CIA World Factbook Sri Lanka also recorded that three languages are spoken: Sinhala (official and national language) 74 per cent of the population, Tamil (national language) 18 per cent, and English (commonly used in Government and spoken competently by about 10 per cent of the population). Other languages are also spoken (8 per cent). [30]
- 1.06 As recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2006, Chapter II, table 2.10) the highest concentration of Sinhalese population is in the districts of Gampaha, Colombo, Kurunegala, Kandy and Galle. The districts of Colombo, Ampara, Gampaha, Kandy, Puttalam and Nuwara Eliya have a high concentration of Tamils. However,

data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts, in which the 2001 census enumeration was not completed, were not included. [58a]

[Return to Contents](#)
[Go to list of sources](#)

MAP 1.07



<http://www.un.org/Depts/Cartographic/map/profile/srilanka.pdf> [6a]

For additional maps:

<http://www.unhcr.org/publ/PUBL/3dee2ccd0.pdf>

<http://www.unhcr.lk/statistics/index.html>

<http://www.unhcr.lk/offices/>

<http://ochaonline2.un.org/Default.aspx?tabid=6745>

Return to Contents
Go to list of sources

2. ECONOMY

- 2.01 As recorded in the CIA World Factbook, Sri Lanka (website accessed on 15 February 2008):

“In 1977, Colombo abandoned statist economic policies and its import substitution trade policy for more market-oriented policies, export-oriented trade, and encouragement of foreign investment. Recent changes in government, however, have brought some policy reversals. Currently, the ruling Sri Lanka Freedom Party has a more statist economic approach, which seeks to reduce poverty by steering investment to disadvantaged areas, developing small and medium enterprises, promoting agriculture, and expanding the already enormous civil service. The government has halted most privatizations. Although suffering a brutal civil war that began in 1983, Sri Lanka saw GDP growth average 4.5% in the last 10 years with the exception of a recession in 2001. In late December 2004, a major tsunami took about 31,000 lives, left more than 6,300 missing and 443,000 displaced, and destroyed an estimated \$1.5 billion worth of property...About 800,000 Sri Lankans work abroad, 90% in the Middle East. They send home more than \$1 billion a year. The struggle by the Tamil Tigers of the north and east for an independent homeland continues to cast a shadow over the economy.”
 “GDP per capita: \$4,100 (2007 est.); Unemployment rate: 6.3% (2007 est.); Population below poverty line: 22% (2002 est.).” [30]

- 2.02 The Human Development Index (HDI) for Sri Lanka was 0.743 for 2005, giving Sri Lanka an HDI rank of 99 out of 177 countries. The GDP per capita was US\$ 4,380 for the same year. “The HDI provides a composite measure of three dimensions of human development: living a long and healthy life (measured by life expectancy), being educated (measured by adult literacy and enrolment at the primary, secondary and tertiary level) and having a decent standard of living (measured by purchasing power parity, PPP, income).” (UNDP, Human Development Report 2007/2008, Country Fact Sheet, Sri Lanka) [60a]

- 2.03 As noted in the Economist Intelligence Unit (EIU), Country Report Sri Lanka, Main report, January 2008, “Average consumer price inflation was estimated at 17.5% in 2007, with year-on-year inflation standing at 16.4% in December [2007].” [75a] (p7) “According to data released by the census and statistics department, real GDP expanded by 7% year on year in the third quarter of 2007, up from 6.4% in the second...Growth in January-September 2007 was broad-based, reflecting an expansion in all three key sectors of the economy.” [75a] (p11) The actual real GDP growth for the year 2006 was 7.4 per cent, while the EIU estimate for the real GDP growth for 2007 was 6.5 per cent and their forecast for 2008 was 4.6 per cent. The EIU also gave the actual unemployment rate at 6.4 per cent in 2006; their estimate was 6.3 per cent for 2007 while their forecast was 6.2 per cent for 2008. [75a] (p8)

- 2.04 The Sri Lanka Department of Census and Statistics recorded in their Statistical Data Sheet 2007 (undated, website accessed on 10 September 2007) that in 2006, out of a total labour force of 7,598,762 (excluding Northern and Eastern provinces) there were 493,440 unemployed with an unemployment rate of 6.5 per cent (female 9.7 per cent; male 4.7 per cent). The mean household per month was in 2006 20,048,000 Sri Lankan rupees. [58c]

- 2.05 The approximate rate of exchange from xe.com Universal Currency Converter on 30 January 2008 was £1 = 215 Sri Lankan rupees. [33]

[Return to Contents](#)
[Go to list of sources](#)

3. HISTORY

- 3.01 As recorded in the Foreign & Commonwealth Office (FCO) country profile of Sri Lanka (last reviewed on 30 March 2007):

“Sri Lanka’s history has reflected its close links with the subcontinent and with South East Asia. The colonial European powers arrived in 1505. The Portuguese, the Dutch and then the British ruled Sri Lanka. Sri Lanka (or Ceylon, as it was then known) gained independence from Britain in February 1948... Following independence from Britain in February 1948, the political scene has been dominated by two parties: the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP), which is now part of the People’s Alliance (PA). The SLFP was founded by S W R D Banadaranaike, who was Prime Minister until he was assassinated in 1959 by a Buddhist extremist. His widow, Sirimavo Banadaranaike, became leader of the SLFP and served as both Prime Minister and leader of the opposition. A republican constitution was adopted in 1972 and the ruling coalition, led by Sirimavo Banadaranaike, gave itself an extra two years in power. The UNP returned to power in 1978 and adopted a new constitution based on an executive presidency. It introduced for the first time elections based on proportional representation. The UNP’s Ranasinghe Premadasa, who won the presidential election in 1988, was President until his assassination in 1993.” [15j] (**History and Recent Political History**)

- 3.02 “The SLFP became part of the People’s Alliance (PA) coalition which, headed by Mrs Chandrika Kumaratunga (the daughter of S W R D and Sirimavo Bandaranaike), won general elections in August 1994. Mrs Kumaratunga then went on to win a landslide victory in elections in November 1994 and 1999 and served as President until November 2005. The PA also won the next Parliamentary elections in October 2000. Although there were reports of violence, intimidation and voting irregularities, the EU Election Observation Mission acknowledged that the result overall reasonably reflected the opinion of the people. In 2001, less than a year after being re-elected, the PA lost their majority and new elections were held in December 2001. The United National Front coalition, lead [sic] by UNP Ranil Wickremasinghe, won with 109 seats and the President’s PA came second with 77 seats, which led to an arrangement of political cohabitation between two rival parties, with the PA’s leader as President and the UNP’s leader as Prime Minister.” (FCO Sri Lanka country profile) [15j] (**Recent Political History**)

- 3.03 “In November 2003, President Kumaratunga suspended parliament, sacked three key ministers taking over their portfolios (including defence) and declared a state of emergency (which was lifted a few days later). This was done on the grounds of national security, and the actions were within her Constitutional powers. No agreement on working arrangements was reached between the President and Prime Minister, and in January 2004, the SLFP signed an alliance with the JVP [Janatha Vimukthi Peramuna] forming the United People’s Freedom Alliance (UPFA). In February, the President dissolved Parliament and called general elections in April. The elections in April 2004 produced a new political order with the victory of the UPFA (SLFP and JVP alliance). Support for the traditional parties dropped, and smaller parties - JVP, TNA [Tamil National Alliance] and JHU [Jathika Hela Urumaya] gained significant numbers of seats. The UPFA formed a minority government.” (FCO Sri Lanka country profile) [15j] (**Recent Political History**)

- 3.04 “At the general election, which took place on 2 April 2004, the UPFA won 105 of the 225 seats, having taken 45.6% of the votes cast; Wickremasinghe’s UNP retained 82 seats (with 37.8% of the votes), while the TNA won 22 seats (with 7%). In an unexpected development, the Buddhist Jathika Hela Urumaya (JHU—National Heritage Party) won nine seats. The LTTE had openly supported the TNA during the election campaign and described the large number of seats won by the alliance as an endorsement and recognition of the LTTE as ‘the sole representative’ of the Tamil population. Participation at the election was reported to have reached 75% of eligible voters. The poll concluded peacefully. However, there were claims of voter intimidation and electoral malpractice, particularly in the north and east of the country. The UPFA, which had not secured an outright majority of seats in Parliament, undertook negotiations with a view to forming a coalition administration. Meanwhile, Mahinda Rajapakse, a senior member of the UPFA and former fisheries minister, was sworn in as Prime Minister on 6 April.” (Europa World Online) [1a] **(Recent History)**
- 3.05 The final official results were published in the official website of the Department of Elections. [39a]
- | | |
|--|-----|
| United People Freedom Alliance (UPFA) | 105 |
| United National Party (UNP) | 82 |
| Tamil National Alliance TNA | 22 |
| Jathika Hela Urumaya (JHU) | 9 |
| Sri Lanka Muslim Congress (SLMC) | 5 |
| Eelam People’s Democratic Party (EPDP) | 1 |
| Up-Country People’s Front (UCPF) | 1 |
- 3.06 “In September 2004, the Ceylon Workers’ Congress (CWC – representing Indian-origin Tamils) with 8 seats joined the government giving it a small majority. In June 2005 the JVP left the Government after the President’s decision to sign a post-tsunami funding arrangement with the LTTE.” (FCO Sri Lanka country profile) [15j] **(Recent Political History)**
- 3.07 “Sri Lanka was one of the countries most seriously affected by the devastating tsunami caused by a massive earthquake in the Indian Ocean on 26 December 2004. More than 31,000 Sri Lankans were killed in the disaster, which also left thousands homeless and without livelihoods. The tourism industry was badly affected by the catastrophe, with many hotels and resorts being damaged or destroyed. It was initially hoped that the scale of the disaster would serve to ease tensions between the Government and the LTTE, particularly as the Tamil areas of the island were amongst those worst hit. However, conflicts soon surfaced over the distribution of aid; the LTTE claimed that the Government was restricting the flow of international aid into Tamil-controlled areas and demanded that it be delivered directly to them.” (Europa World Online) [1a] **(Recent History)**
- 3.08 “In August 2005 the peace process between the Government and the LTTE was seriously threatened when the Minister of Foreign Affairs, Lakshman Kadirgamar, was assassinated by unidentified gunmen at his home in Colombo. Although they denied responsibility, the LTTE were held responsible for the attack. In the aftermath of the murder, President Kumaratunga declared a state of emergency, granting the security forces broad powers of detention.

Amidst widespread fears that the cease-fire would collapse, both sides announced their commitment to its maintenance, and the LTTE agreed to meet with the Government to review the truce agreement.” (Europa World Online) [1a] (Recent History)

- 3.09 “Meanwhile, there was controversy over when the country’s next presidential election was scheduled to take place...In August the Supreme Court brought an end to the controversy, ruling that the election should be held by 22 November 2005. In September it was announced that the election would take place on 17 November. Former Prime Minister Ranil Wickremasinghe subsequently declared that he would stand as the candidate of the UNP. The JVP offered its support to Rajapakse, on the condition that were he to secure victory he would commit his government to the retention of a unitary state, renegotiate the ongoing cease-fire with the LTTE and end the privatization of state assets. Rajapakse concluded a similar agreement with the JHU.” (Europa World Online) [1a] (Recent History)
- 3.10 “On 17 November 2005 14 candidates contested the presidential election. Mahinda Rajapakse secured a narrow victory over his closest rival, Ranil Wickremasinghe, winning 50.29% of the vote, compared with 48.43% for Wickremasinghe. The election was notable for the low turn-out amongst the country’s Tamil population, particularly in the LTTE-controlled northern and eastern areas; this was thought to have played a significant part in Wickremasinghe’s defeat, as he had stressed his commitment to the ongoing cease-fire agreement during the electoral campaign. While the LTTE had stated that they would not prevent people from voting, there was widespread evidence that they had done so. Rajapakse subsequently nominated Minister of Agriculture, Public Security, Law and Order and of Buddha Sasana, Ratnasiri Wickremanayake, as Prime Minister. In the new Cabinet, announced shortly afterwards, Minister of Ports and Aviation Mangala Samaraweera was additionally allocated the foreign affairs portfolio, while Anura Bandaranaike continued as Minister of Tourism. Neither the JVP nor the JHU were awarded any cabinet portfolios.” (Europa World Online) [1a] (Recent History)
- 3.11 “In January 2007 more than 20 dissident politicians from the opposition parties joined the Government, thus giving it a parliamentary majority. This, in turn, precipitated a cabinet reshuffle in which UNP defectors and SLMC members were allocated several portfolios. Shortly after the defections from the UNP the party reportedly indicated that the memorandum of understanding signed between the UNP and the SLFP in October of the previous year to ensure co-operation on several issues of national importance, including the LTTE conflict, had been invalidated. Appointments to the new Cabinet, which numbered more than 50 ministers, included the former Deputy Leader of the UNP, Karu Jayasuriya, as Minister of Public Administration and Home Affairs, and Rohitha Bogollagama as Minister of Foreign Affairs. Further ministerial changes were reported in the following month, when Minister of Ports and Aviation Mangala Samaraweera, Minister of National Heritage Anura Bandaranaike and Minister of Port Development Sripathi Sooriyaarachchi were dismissed (Bandaranaike was, however, later reinstated).” (Europa World Online) [1a] (Recent History) A further cabinet reshuffle took place in August 2007. (Keesing’s Record of World Events, Sri Lanka, August 2007) [23c] The current list of Government ministers can be accessed from the official website of the Government of Sri Lanka. (<http://www.priu.gov.lk>, last updated on 8 January 2008) [44a]

- 3.12 The International Crisis Group (ICG) document 'Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus', Asia Report N°141, 7 November 2007 noted that:

"The government is not a coherent decision-making body but a coalition of widely divergent parties constructed to ensure that Rajapaksa has a majority in parliament. To that end, almost every member of the coalition has been given a job or title: 107 MPs have a portfolio of one sort or other but most government members have no control or influence over policy except for the very narrow sector they directly oversee. Rajapaksa himself holds the most important ministries: finance, defence, and nation building. A brother, Gotabhaya Rajapaksa, is defence secretary and, with the army commander, Sarath Fonseka, the chief architect of military strategy. Another brother, Chamal Rajapaksa, is minister for fisheries, water resources and ports and aviation. Basil Rajapaksa, the fourth brother, is widely seen as the chief political strategist and deal-maker; after two years as a highly influential special presidential adviser, he was appointed in September 2007 to a vacant SLFP parliamentary seat and is expected to be named a minister soon. According to one estimate, some 75 per cent of government revenues are under the control of the president and his brothers." [76c] (p21)

THE INTERNAL CONFLICT AND THE PEACE PROCESS

- 3.13 "The ethnic conflict in Sri Lanka has been going on for over 20 years as the Liberation Tigers of Tamil Eelam (LTTE) fight for an independent homeland. Some 70 000 people are estimated to have been killed and some one million displaced. The roots of the conflict lie in the deterioration of relations between the Tamil and Sinhalese communities from the 1950s. By the late 1970s a number of armed groups were operating in the north and east of the island. In 1983 there were serious anti-Tamil riots in Colombo resulting in the lynching and killing of some 2000 Tamils. Some Ministers in the Government of Sri Lanka were implicated in the event. Many Tamils returned to traditional Tamil areas in the North and many others began to seek asylum abroad. One of the highest profile violent acts was the assassination of the Mayor of Jaffna in 1975 by Vellupillai Prabhakaran who later became established as the leader of the LTTE. In mid 1987 when a Government of Sri Lanka embargo of Jaffna began to result in severe hardship, the Government of India, pushed by public opinion in Tamil Nadu, forced the Sri Lankan Government to sign the Indo-Sri Lankan Accord. This provided for an Indian peacekeeping Force (IPKF) in the North and East. However relations between the IPKF and the LTTE broke down and there was heavy fighting and reports of human rights violations on both sides. President Premadasa negotiated the IPKF's withdrawal, which was completed in March 1990. During 1988, in part against the India intervention, among [sic] the Sinhalese community grew into a violent insurgency by the Janatha Vimukthi Peramuna (JVP) and a counter-terrorist campaign. The rebellion ended in 1989 after JVP leaders were murdered. The Sri Lankan army undertook a ruthless counter-insurgency campaign and tens of thousands were killed. There followed a period of relative peace before the situation in the North and East deteriorated in June 1990. After 18 months, negotiations fell apart and the LTTE again resorted to violence. They extended their control until they held the Tamil heartland: the Jaffna Peninsula and large areas of the North and East. The security forces succeeded in winning back

most of the East, but the North remained outside their control.” (FCO Sri Lanka country profile) [15j] (The Internal Conflict)

- 3.14 “In July 1995, the Sri Lankan army launched a military operation, culminating in the fall of Jaffna in December 1995 to Government forces. At the end of January 1996 the LTTE began a bombing campaign in Colombo...During 1996, the Sri Lankan army secured enough of the Jaffna Peninsula to allow the civilian population to return to Jaffna town. The LTTE reasserted themselves in the Eastern province and infiltrated back into the Jaffna Peninsula. LTTE inspired terrorist attacks continued in the south, including on the Temple of the Tooth in Kandy, the most sacred Buddhist site in Sri Lanka. In March 1999 the Sri Lankan Army launched two major offensives in the Vanni and captured over 800 sq kms of territory from the LTTE. Fighting in the North intensified in late 1999 and the Vanni (jungle areas in the North) fell to the LTTE after some of the fiercest fighting since the conflict began. In April 2000 the LTTE carried out a major assault which led to the withdrawal of Sri Lankan troops from Elephant Pass (which links the Jaffna peninsula to the rest of Sri Lanka). With control of Elephant Pass, the LTTE continued further attacks into the Jaffna Peninsula. Fighting continued until December 2001 when the announcement of a new ceasefire by the LTTE was reciprocated by the newly elected UNF government. A Ceasefire Agreement was signed in February 2002 by the government and LTTE.” (FCO Sri Lanka country profile) [15j] (The Internal Conflict)

- 3.15 As recorded on the website of the Sri Lanka Monitoring Mission (SLMM):

“The Ceasefire Agreement entered into force between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE). The Ceasefire document is signed by Sri Lankan Prime Minister Ranil Wickremesinghe and the LTTE leader Velupillai Prabhakaran. The overall objective of the Parties is to find a negotiated solution to the ongoing ethnic conflict in Sri Lanka. They recognize the importance of bringing an end to the hostilities, improving the living conditions and restoring normalcy for all inhabitants of Sri Lanka, whether they are Sinhalese, Tamils, Muslims or others. The Ceasefire Agreement also commits the Government of Sri Lanka and the LTTE to accept on-site monitoring of the implementation of the Agreement by the Sri Lanka Monitoring Mission (SLMM). The Head of SLMM is the final authority on the interpretation of the Ceasefire Agreement.” [22i]

See also Section 4 on Recent developments

- 3.16 “In early April the Government lifted a six-year ban on domestic flights and allowed commercial airlines to resume flights to Jaffna. A week later an important road linking the Jaffna peninsula with the rest of the country was opened for the first time in 12 years. On 10 April Prabhakaran addressed an international press conference for the first time in more than 10 years. He demanded the lifting of the ban on the LTTE as a prerequisite to negotiations and declared his commitment to peace and full support of the cease-fire.” (Europa World Online) [1a] (Recent History)
- 3.17 The BBC News Timeline: Sri Lanka (last accessed on 19 February 2008) recorded that during 2002 the Government lifted its ban on the Tamil Tigers, while the rebels dropped their demands for a separate Tamil state. It also noted that the de-commissioning of weapons began [9fo] The peace

agreement “meant that members of the LTTE were no longer subject to arrest simply because of their status.” (US State Department Report 2003) [2b] (p8)

- 3.18 As summarised on the official website of the Sri Lankan Government's Secretariat for Co-ordinating the Peace Process (SCOPP), Session One of the peace talks was held in Thailand on 16 – 18 September 2002; Session Two also in Thailand on 31 October – 3 November 2002; Session Three in Norway on 2-5 December 2002; Session Four in Thailand on 6 – 9 January 2003; Session Five in Germany on 7 – 8 February 2003 and Session 6 in Japan on 18 – 21 March 2003. Further details on all the peace talk sessions are available from the website of SCOPP. [41j]
- 3.19 “In early March 2004 a rift within the LTTE appeared after a senior Tamil eastern regional commander declared his independence from the rest of the group. V. Muralitharan (commonly known as Col Karuna) withdrew his 6,000 fighters from the 15,000-strong LTTE in a dispute with the northern-based LTTE leader, Prabhakaran... Karuna, who accused northern Tamil groups of ignoring and discriminating against eastern groups, made it clear that he would not resume violence. However, he would not recognize the cease-fire agreement between the Government and Prabhakaran, and instead demanded a separate truce agreement with the Sri Lankan administration. Analysts feared that the schism might escalate into factional war; the split also raised questions about Prabhakaran's control over the LTTE and undermined the Tamil militants' claims that the main obstacle in the peace process was political divisions among Sinhalese political parties. The rift also adversely affected Norway's fresh attempt to revive the peace initiative. In late March [2004] the LTTE vowed to remove Karuna from Sri Lanka. The Tamil political candidate and supporter of Karuna, Rajan Sathyamoorthy, was shot dead by suspected Tamil militants in the eastern town of Batticaloa, raising fears of factional fighting. Although the LTTE denied any involvement in the killing, government troops were deployed to Batticaloa to maintain law and order. ...On 9 April fighting between the two factions broke out. The conflict ended on 13 April with Karuna reported to have fled from his base and gone into hiding, his forces having dispersed and the LTTE assuming full control of the eastern areas.” (Europa World Online) [1a] (Recent History)
- 3.20 “From June 2004 onwards the cease-fire between the LTTE and the Government came under increasing pressure. During discussions with Hårgurp Haukland, leader of the Norwegian team monitoring the ongoing peace process, the LTTE accused the Sri Lankan armed forces of sheltering Col Karuna and of assisting him in waging a campaign against them. The armed forces initially denied that they had helped Karuna to escape following the April [2004] conflict; however, later in that month the Minister of Ports and Aviation and of Information and Media, Mangala Saramaraweera, admitted that the army had helped Karuna to escape, while insisting that the plan had been carried out without government knowledge.” (Europa World Online) [1a] (Recent History)
- 3.21 “Fears that the cease-fire was close to collapse were heightened when a suicide bomber blew herself up during questioning at a police station in Colombo in early July [2004], having first attempted to meet the Tamil Secretary-General of the EPDP, Douglas Devananda, who was a long-standing opponent of the LTTE...Meanwhile, clashes continued to occur

between the LTTE and members of the faction that had broken away under the leadership of Karuna.” (Europa World Online) [1a] (Recent History)

- 3.22 “In August 2005 the peace process between the Government and the LTTE was seriously threatened when the Minister of Foreign Affairs, Lakshman Kadirgamar, was assassinated by unidentified gunmen at his home in Colombo. Although they denied responsibility, the LTTE were held responsible for the attack...In December 2005 violence in the country escalated. At least 60 people died over the course of the month as a result of various attacks believed to have been co-ordinated by the LTTE. At the end of that month President Rajapakse stated that he was ready to hold talks with the LTTE...In February [2006] negotiators representing the LTTE and the Government convened in Geneva, Switzerland, to hold talks on how to control the recent increase in violence. A joint statement issued following the conclusion of the talks committed both sides to uphold the cease-fire. The LTTE agreed to try and prevent further attacks on the security forces, while the Government pledged to try and disarm the Karuna faction of the LTTE, which was thought to have been acting on behalf of the armed forces against its erstwhile colleagues. However, prior to the second round of talks, scheduled to take place in Geneva in mid-April, the violence intensified once again...Later that month the LTTE stated that they would not attend talks, alleging that government forces had perpetrated attacks on Tamil civilians. In late April a suicide bombing believed to have been perpetrated by the LTTE at the army headquarters in Colombo killed at least 11 people and seriously injured the Chief of Staff of the Army, Lt-Gen. Sarath Fonseka.”(Europa World Online) [1a] (Recent History)
- 3.23 “The Government subsequently ordered a number of air strikes on alleged LTTE bases near Trincomalee, which, according to the LTTE, caused the displacement of approximately 15,000 people. The violence continued, further jeopardizing the ongoing cease-fire: in May [2006] Maj.-Gen. (retd) Ulf Henricsson of the SLMM acknowledged that a ‘low intensity war’ was taking place. At the end of the month the EU classified the LTTE as a terrorist organization, which entailed a suspension of LTTE fund-raising in EU member states, a ‘freeze’ on the organization’s assets and a ban on travel to the EU...Amid escalating violence the LTTE withdrew from peace talks planned for June. In mid-June fears about the intensification of the conflict were realized when landmine explosions killed some 64 civilians, including several children, on a crowded bus in Kebithigollewa. Despite the LTTE’s condemnation of the attack, the Government retaliated by launching air attacks on Kilinochchi. A new front in the fighting opened up over access to the Maavil-Aru waterway, which became the scene of a number of air and ground offensives in July. The violence spread to the town of Muttur, north of the waterway, forcing thousands of inhabitants, many of them Muslims, to flee in August.” (Europa World Online) [1a] (Recent History)
- 3.24 “Clashes between LTTE fighters and army troops continued in the north and east of the country, with rising death tolls of civilians, rebels and government forces...Little progress was made at peace talks held in Geneva at the end of October [2006], although both sides agreed to uphold the terms of the cease-fire agreement. In November [2006] it was reported that an army attack on a Tamil refugee camp in LTTE-held territory had resulted in at least 65 civilian fatalities...At his annual speech, given at the end of November, Prabhakaran

declared the cease-fire to be 'defunct' and blamed the Government for failing to find a solution." (Europa World Online) [1a] (Recent History)

- 3.25 On 1 December 2006 BBC News reported that President Mahinda Rajapakse's brother [the Defence Secretary Gotabhaya Rajapakse] had escaped a suspected suicide bomb attack in Colombo and that the Government had blamed Tamil Tiger rebels for the explosion, which killed at least one person and hurt 14 others. [9k]
- 3.26 As reported by BBC News on 6 December 2006:

"Sri Lanka's cabinet has announced sweeping anti-terror measures after months of worsening violence between security forces and Tamil Tiger rebels. Ministers stopped short of banning the rebels but tightened existing emergency laws which have been dormant since a 2002 ceasefire that is now in shreds. Security forces will have wide-ranging powers to search, arrest and question...The government said the far-reaching measures, which do not mention the Tamil Tigers by name, would take effect immediately...Sri Lanka's government lifted its ban on the Tamil Tigers ahead of the [2002] ceasefire deal and peace talks brokered by Norway. The old Prevention of Terrorism Act was effectively suspended following the truce." [9o]
- 3.27 "The violence continued into 2007, with government forces reportedly securing the eastern town of Vakarai in January after a series of battles and the displacement of an estimated 30,000 people. According to SLMM estimates published in February, the conflict had resulted in almost 4,000 fatalities over the preceding 15 months...In March there was a renewal of hostilities in eastern areas, reportedly as part of a larger government drive to secure the east of the country, as concerns mounted for the estimated 155,000 civilians left homeless by the fighting. In late March the strengthened capability of LTTE forces was demonstrated by an air attack on the government airbase at Katunayake, which was followed in late April by air bombings of fuel depots in the Colombo area." (Europa World Online) [1a] (Recent History)
- 3.28 As reported by Keesing's Record of World Events, February 2007, Sri Lanka:

"The Sri Lankan Army (SLA) continued to apply pressure on districts held by the separatist Liberation Tigers of Tamil Eelam (LTTE) in the north of the country, including the Jaffna peninsula, and the east, in the areas around the coastal cities of Trincomalee and Batticaloa." [23k]
- 3.29 During March 2007 there were also numerous reports of violence, fighting and confrontations between Government security forces and LTTE cadres, in the Jaffna, Ampara and Mannar districts (SATP Sri Lanka Timeline – Year 2007) [37d] with Government troops claiming continuing success in clearing eastern coastal areas of LTTE rebels and thousands of civilians fleeing the fighting. (BBC News Timeline: Sri Lanka, last accessed on 19 February 2008) [9fo]
- 3.30 "On 26 March 2007] The LTTE carried out their first ever air attack on the main Sri Lankan Air Force base in Katunayake, killing three air force personnel and injuring another seventeen at 12:45 am on, the military said. A light wing aircraft manned by the outfit dropped two bombs near the engineering section of the base. There were no damages to the fighter jets. [On 27 March 2007] The LTTE carried out a suicide attack targeting the Army

main base at Chenkalady in the Batticaloa district against [sic]. Three members of the Eelam People's Democratic Party (EPDP), identified as Carthic, Chandru and Vicky, a 12-year-old boy Navarathnam two security force (SF) personnel were killed in the explosion. Five civilians, two Army soldiers and two Policemen were injured." (SATP Sri Lanka Timeline – Year 2007) [37d]

- 3.31 As recorded in Keesing's Record of World Events, March 2007, Sri Lanka:

"The LTTE had claimed as far back as 1995 to have an 'Air Tiger' wing, but this was the first time that the rebels had used aircraft in an attack. According to government sources it was thought probable that the LTTE had imported aircraft in kit form and other arms disguised among aid shipments following the Dec. 26, 2004, tsunami, which devastated much of the country's eastern and northern coast, including Tamil-majority areas. Raids by SLAF jets--Israeli Kfir and Russian Sukhoi-27 aircraft--had featured increasingly in the military escalation in both the eastern and northern districts of the island, followed by claims that the bombs had caused many civilian casualties." [23i]

- 3.32 Keesing's Record of World Events, April 2007, Sri Lanka, recorded:

"The separatist Liberation Tigers of Tamil Eelam (LTTE) mounted at least two further air raids during April, showing that the bombing of the main air base of the Sri Lanka Air Force (SLAF) in March was not a one-off exploit but the introduction of a new dimension into the conflict. In the first attack on April 24, two light aircraft of the 'Tamil-eelam Air Force' (TAF) dropped bombs by night on the government's military complex at Palaly, its main military base on the northern Jaffna peninsula, apparently unscathed by anti-aircraft fire. In what seemed the most ambitious night attack yet, in the early hours of April 29 the TAF's aircraft bombed petrol and gas depots around Colombo (the commercial capital). The government responded by imposing a blackout in the city, claiming that the raid was a failure that caused no casualties. However, local residents told the media that they had heard powerful explosions...The SLAF retaliated on April 29 by mounting its own air raids in Kilinochchi district of the Jaffna peninsula, apparently trying to hit the TAF airstrip." [23m]

- 3.33 Armed clashes between the Sri Lankan Army and the LTTE were reported during the month of April 2007 in the northern districts of Mannar and Vavuniya; in the north-eastern district of Mullaitivu and in the eastern district of Batticaloa. Civilians were reported to have been targeted. "A bomb exploding on April 2 on a crowded bus near the eastern town of Ampara killed at least 16 civilians and injured 25. Another bus was hit by a claymore mine on April 7 near the town of Vavuniya, killing seven people and injuring 26 (including seven soldiers). The government blamed both bombs on the LTTE." (Keesing's Record of World Events, April 2007, Sri Lanka) [23m]

- 3.34 As recorded in Keesing's Record of World Events, May 2007, Sri Lanka:

"Government defence spokesman Keheliya Rambukwella said on May 7 [2007] that Norway should review the ceasefire signed in 2002 between government forces and the separatist Liberation Tigers of Tamil Eelam (LTTE) because it was being constantly violated by the rebels, and the government would not hesitate to breach it if national security were at stake. Although the ceasefire still existed on paper, according to reporters both sides were

routinely ignoring it and conducting offensive operations...Military spokesman Brig. Prasad Samarasinghe said on May 21 that 541 Tamil Tigers had been killed since January [2007], but an LTTE spokesman dismissed this figure as an exaggeration, conceding that the number of rebels who had died was around 60...It was thought that some 5,000 people had been killed in an undeclared war since December 2005." [23n]

- 3.35 On 28 May 2007, BBC News reported that:

"A blast near the Sri Lankan capital, Colombo, has killed six civilians and wounded 14 more and four police. The blast targeted a truck carrying police commandos near the suburb of Ratmalana, military spokesman Lt Col Upali Rajapakse said. He blamed the separatist Tamil Tigers for the attack. The Tigers have denied any involvement...This is the second bomb attack in and around Colombo in recent days. On Thursday [24 May] a blast hit an army bus near the capital's harbour killing one soldier and wounding three more. Three civilians were also hurt." [9ac]

- 3.36 The SATP Sri Lanka Timeline for the year 2007 recorded clashes and confrontation between Sri Lankan troops and the LTTE in the districts of Jaffna and Batticaloa at the beginning of June 2007:

"[On 8 and 9 June] Troops engaged in the battle at Thoppigala in Batticaloa district captured more than 42 square kilometers of area between Akkaraththavai and Kattuvelikulam, killing more than 30 LTTE cadres. Five SF personnel were injured due to anti-personnel mines and mortar attacks by the LTTE...Sri Lanka Army reported that as of June 20-afternoon, troops killed 188 LTTE cadres and wounded 133 others during their operations to wrest control of Thoppigala. Nine soldiers were killed and 78 others sustained injuries during these operations...[On 22 June] SFs engaged in clearing operations in the Thoppigala area of Batticaloa district confronted a group of LTTE cadres and subsequently recovered 15 dead bodies of the LTTE cadres...[On 23 June] 13 LTTE cadres were killed during a clash with the Army troops in the Murunthankulam area of Vavuniya district. The confrontation began as the LTTE cadres attempted to breach the forward defences in the west of Omantahi." [37d]

- 3.37 The Keesing's Record of World Events, June 2007, Sri Lanka recorded that:

"A military spokesman also said that the SLA had destroyed seven LTTE camps in the Thoppigala area near the eastern city of Batticaloa, and that 47 rebel fighters had been killed in these and other encounters. It was reported by TamilNet on June 3 that an LTTE commando raid on army forward positions in the northern district of Vavuniya had destroyed an artillery position, killed 30 SLA soldiers, and captured heavy military equipment, including an armoured vehicle." [23b]

See also Section 28

- 3.38 As recorded in Keesing's Record of World Events, July 2007, Sri Lanka:

"With the capture on July 11 [2007] of a Liberation Tigers of Tamil Eelam (LTTE) stronghold in the Thoppigala area of the eastern district of Batticaloa, the Sri Lankan Army (SLA) claimed that the last Tamil Tiger base in the

Eastern province had fallen. An LTTE spokesman admitted that the Tigers had suffered a defeat in face-to-face fighting, but claimed that guerrilla operations in the province would continue. President Mahinda Rajapakse on July 19 attended a military parade in Colombo (the commercial capital) to celebrate victory in the east. It was the first time the government had been in overall control of the province since the early 1990s. There were indications after the capture of Thoppigala that military pressure was growing in the LTTE's northern strongholds in the Wanni (also rendered Vanni) district and the Jaffna peninsula." [23a]

- 3.39 As noted in the IISS Armed Conflict Database, Sri Lanka, Military developments 2007 (undated, website accessed on 19 February 2008):

"With the collapse of the 2002 Ceasefire Agreement, fighting intensified throughout 2007 on the ground, at sea and in the air, with an estimated 4,500 fatalities. While the Sri Lankan military made significant gains and demonstrated its force superiority, vulnerabilities were also exposed and exploited by the Liberation Tigers of Tamil Eelam (LTTE). The government's ground war against the LTTE made significant gains in the eastern regions around Batticaloa and Thoppigala, which was taken on 11 July, signifying the end of LTTE influence in the area. Soldiers on both sides used heavy weaponry including shells and mortars, while government troops were deployed in door-to-door sweeps designed to flush out Tamil Tiger forces seeking to merge into the civilian population. This was not the first time government forces had retaken the eastern regions. The Tigers were earlier routed in 1992, only to reinfiltate over the following months. However, in the previous case, the Tamil Tigers were able to exploit a power vacuum left by the Army as it reduced deployments in the area following the end of combat operations. This time the vacuum had already been filled by the Tamil Eela Makkal Viduthalai Pulikal [TMVP/Karuna faction] and other paramilitaries tolerated by the government. Military successes in the east shifted political and military attention to the LTTE's last bastions in the north. Although weakened, the LTTE was not, however, a spent force, and analysts expected a resumption of suicide bombings and other attacks designed for political rather than military effect." [80c]

- 3.40 As noted in the International Crisis Group (ICG) document 'Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus', Asia Report N°141, 7 November 2007:

"Sinhala nationalism, long an obstacle to the resolution of Sri Lanka's ethnic conflict, is again driving political developments on the island. Nationalist parties, opposed to any significant devolution of power to Tamil areas of the north and east and to negotiations with the Tamil Tigers, help set President Mahinda Rajapaksa's agenda... The search for a political solution to nearly 25 years of war has repeatedly foundered as a result of competition between mostly Sinhala parties in the south as well as excessive Tamil demands." [76c] (Executive Summary)

- 3.41 "Peace is a long way off. The LTTE has demonstrated a clear lack of interest in a negotiated settlement. The government is beholden to and sympathetic with forces that conceive of Sri Lanka as an essentially Sinhala and Buddhist nation. Denying the existence of legitimate grievances specific to Tamils and the need to accommodate their concerns in a settlement, the politically

dominant forms of contemporary Sinhala nationalism assert that the central problem is a terrorist threat that needs to be crushed. Despite claims to be committed to a political solution, the decision to rely on hardline Sinhala nationalist parties with an ideological commitment to the unitary state has left the government with little option other than to pursue the LTTE's military defeat." (ICG, 'Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus', Asia Report N°141, 7 November 2007) [76c] (p27)

- 3.42 The Human Rights Watch (HRW), World Report 2008 [2007 events], Sri Lanka, January 2008 noted that:

In the continuing conflict between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE), both sides show little regard for the safety and wellbeing of civilians—and violate international humanitarian law—by indiscriminately firing on civilian areas and unnecessarily preventing the delivery of humanitarian aid. Since the breakdown of the ceasefire and the resumption of major military operations in mid-2006, hundreds of civilians have been killed and over 208,000 persons remain displaced as of October 31." [21b] (p1)

See also Section 4 Annex A, B, E and F

[Return to Contents](#)
[Go to list of sources](#)

4. RECENT DEVELOPMENTS

4.01 As recorded in Keesing's Record of World Events, October 2007, Sri Lanka:

"The separatist Liberation Tigers of Tamil Eelam (LTTE) on Oct. 2 [2007] mounted a combined air and land attack on a Sri Lankan Air Force (SLAF) base, the first time the Tamil Tigers had attempted such an operation. A combination of two Air Tiger Czech-made light aircraft dropping bombs and 21 Black Tiger suicide bombers attacked Anuradhapura air base, some 200 km north of Colombo (the commercial capital). After first playing down the damage caused in the attack, the government on Oct. 24 admitted that three helicopters, four training aircraft, and one surveillance aircraft had been destroyed and that 27 airforce and army personnel had been killed. Another SLAF helicopter crashed whilst pursuing the LTTE aircraft. The bodies of 20 Black Tiger commandos were found....In fighting throughout the month between the Sri Lankan Army (SLA) and the LTTE, in the northern areas of Wanni district and the Jaffna peninsula, the SLA claimed to have killed at least 100 LTTE fighters. The army had turned its attention to the north after claiming in July to have captured the last rebel base in Eastern province....A ceasefire of 2002 [see p. 44614] between the government and the LTTE now existed only on paper." [23f]

4.02 "A bombing raid by the Sri Lankan Air Force (SLAF) on Nov. 2 [2007] on the separatist Liberation Tigers of Tamil Eelam (LTTE) northern stronghold of Kilinochchi, targeting a meeting of LTTE leaders, killed S.P. Thamilselvan, 40, leader of the LTTE political wing, and five other commanders. Formerly a front-line commander for the Tigers, Thamilselvan moved to a political role after being seriously injured in fighting in October 1993 and subsequently took part in every round of negotiations with the Sri Lankan government and foreign mediators...Analysts said that Thamilselvan's death, following that in December 2006 of political strategist and chief negotiator Anton Balasingham, made the prospect of a resumption of peace talks between the two sides more remote." (Keesing's Record of World Events, November 2007, Sri Lanka) [23g]

4.03 Thamilselvan, who held an important position in the LTTE's hierarchy, was known as the militant group's public face, senior negotiator and key contact point between the Tigers and the external world. He was the the most senior Tamil Tiger leader to have been killed in recent years. (BBC News, 2 November 2007) [9b] [9p]; (Reuters, 2 November 2007) [4d] On the same day it was reported that the LTTE leader V. Prabakaran had appointed B. Nadesan as the new political head. (Pro-LTTE website TamilNet, 2 November 2007) [38y]

4.04 "Bomb attacks on Nov. 28 [2007] blamed on the LTTE killed at least 18 people in Colombo. A parcel bomb at a suburban shopping centre [at Nugegoda junction] killed at least 17 people and injured 37, whilst an elderly, disabled female suicide bomber blew herself up outside the office of Social Services Minister Douglas Devananda, killing his secretary and wounding two others. Devananda, himself a Tamil and a frequent target of assassination attempts by the LTTE, was unharmed. Heavy fighting between the Sri Lankan Army (SLA) and the LTTE continued in northern districts of Sri Lanka, with a death toll in the month of at least 100, including at least 12 civilians." (Keesing's Record of World Events, November 2007, Sri Lanka) [23g]

- 4.05 During the month of December 2007 frequent armed clashes in the north were reported, mainly in the districts of Jaffna; Mannar and Vavuniya. (International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Latest Timelines, 2007, undated, website accessed on 19 February 2008). [80b] (South Asia Terrorism Portal, Sri Lanka Timeline - Year 2007) [37d]

- 4.06 “[On 5 December 2007] 15 civilians were killed and 23 others injured in a LTTE-triggered remote controlled claymore mine explosion targeting a Ceylon Transport Board passenger bus at Abimanpura in the Padaviya area of Anuradhapura district.” (South Asia Terrorism Portal, Sri Lanka Timeline - Year 2007) [37d]

Additional information on events in 2007 is available from the following weblinks: IISS Armed Conflict Database [80b]; and SATP Timeline 2007 [37d]

- 4.07 As noted in the Economist Intelligence Unit (EIU), Country Report Sri Lanka, Main report, January 2008:

“On January 1st [2008] a UNP parliamentarian, T Maheswaran, was assassinated en route to a Hindu temple. Mr Maheswaran was killed just a few days after he had threatened to reveal information about alleged government involvement in recent abductions during a television interview; the government subsequently reduced his security. The day after his assassination, a claymore mine planted in the bar of a local hotel exploded in the Slave Island area of the capital, Colombo, killing four people and injuring 28, two of whom were army personnel; the area in which the device exploded housed a number of military installations. A government spokesman blamed the bombing on the Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers). Hours after the second explosion, the government annulled the ceasefire agreement with the LTTE that had been in place since February 2002. Signed by the then prime minister, Ranil Wickremasinghe of the UNP, the ceasefire had in any case been rendered effectively null and void by the increase in violence that occurred in 2006-07. The government insisted that there was little to be gained in adhering to an agreement that had been violated persistently by the LTTE. (The government has also been accused of numerous violations of the ceasefire by international observers).” [75a] (p9)

- 4.08 As announced on 3 January 2008 on the Official Website of the Government of Sri Lanka “The Cabinet yesterday (January 02) unanimously decided to withdraw from the Norwegian arranged Ceasefire Agreement entered with the LTTE in 2002... According to the Agreement, either party should give two weeks notification prior to the withdrawal from the Ceasefire to the Norwegian facilitators. With the government’s decision the Norwegian-led Nordic monitoring mission would end its assignment here.” [44c]

- 4.09 The EIU Report of January 2008 noted:

“The... JVP had repeatedly called on Mr Rajapakse to abrogate the agreement and defeat the Tamil rebels using military force. Tamil parties denounced the government’s move, warning that it heralded the death of the peace process. Sure enough, violence increased almost immediately: a mine blast [in the Ja-Ela town, 12 miles (19km) north of Colombo] on January 8th [2008] killed the minister for nation-building, D M Dassanayake, and according to the military nearly 100 LTTE rebels and two soldiers were killed in intense

fighting in mid-January, in the days preceding the visit to Sri Lanka of a Japanese delegation. (Both the Sri Lankan military and the LTTE habitually overstate the other side's losses and understate their own)." [75a] (p9-10)

- 4.10 "[On 5 January 2008] The Tamil Tiger's head of military intelligence 'Colonel Charles' is killed by a mine blast in the country's north whilst travelling with at least three other commanders who were also killed. Reports suggested the mine was planted by special units of the army." On 16 January 2008, the 2002 Ceasefire Agreement (CFA) between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), which had been abrogated by the Government on 2 January 2008, formally ended. Armed clashes continued throughout January 2008, mainly concentrated in the Jaffna peninsula; Vavuniya and Mannar. (International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, undated, website accessed on 18 February 2008) [80a]

Additional information is available on events in 2008 from the following weblinks: IISS Armed Conflict Database [80b]; SATP Time line 2008 [37d]

- 4.11 On 6 January 2008 BBC Sinhala reported that the man who had been arrested on suspicion of shooting dead Tamil parliamentarian T. Maheswaran had worked for the state security forces. The Defence Affairs spokesman Minister Keheliya Rambukwella was reported to have told BBC that the suspect had worked in the security contingent of EPDP leader, Minister Douglas Devananada, as well as for the murdered MP Maheswaran. While admitting that the suspected killer had worked for the state, Minister Rambukwella was also reported to have said that the LTTE's infiltration into the security forces needed to be investigated without, however, accusing the LTTE of the killing. [9t] On 11 January 2008 opposition leader, Ranil Wickramasinghe, was reported to have expressed strong reservations over investigations on the killing of Maheswaran, in particular about the way witnesses were called to identify the suspect, noting that many of them had been threatened. Wickramasinghe was also reported to have accused the Government of being responsible for the killing. (BBC Sinhala, 11 January 2008) [9u]
- 4.12 A press statement issued by the Sri Lanka Monitoring Mission (SLMM) on 16 January 2008 noted:

"Today, January 16 2008, marks the final day of the Ceasefire Agreement (CFA) period in Sri Lanka, that has lasted for almost six years. The Agreement signed by the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam in February 2002 outlined the mandate for the Sri Lanka Monitoring Mission, as a tool to watch the CFA implementation. Thus, the abrogation of the CFA also implies the termination of the SLMM...During the first years of the CFA period, there was seemingly a general spirit of cooperation between the Parties. Violations were relatively few. But lack of progress on critical issues nurtured distrust between Parties, giving set backs in the peace process. Gradually the conflict level increased, involving more military activities, more violence affecting civilians, more signs of insecurity, and more displacement of people. Today, the ground situation displays a reality very far from what is outlined in the CFA...The purpose of SLMM presence in Sri Lanka has all the way been to support the peace process... The Sri Lanka Monitoring Mission has been appreciated and slammed, loved and hated, over

these six years... The SLMM has been present in the North and the East of Sri Lanka, as well as in the capital, every single day for nearly six years. Through on the ground monitoring, we have learned to recognize and respect the complexity of the conflict. Based on this knowledge, the final report from the operation is this: The SLMM is absolutely convinced that this complex conflict can not be solved by military means.” [22d]

- 4.13 “[On 29 January 2008 it was reported that] Two days of heavy fighting costs the lives of 79. The clashes were mainly limited to the Jaffna peninsula and the northern districts of Vavuniya Polonnaruwara and Mannar. While the government claimed to have lost only four soldiers, pro-LTTE media reported 15 fatalities.” (International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, undated, website accessed on 18 February 2008) [80a]
- 4.14 Some violent incidents also occurred during January 2008 both in the North and in the south. “[On 16 January] A claymore mine explosion followed by gunfire hits a civilian bus, killing 26 [in Buttala, approximately 240km (150 miles) south-east of Colombo]. A witness said militants hid waiting and killed anybody who fled from the bus’s doors. Three soldiers were also injured in a similar blast in the same region [BBC News reported on that day that the second blast targeting an armed vehicle had taken place ‘a short distance away from the first’ leaving several soldiers wounded [9s]]...[On 18 January] Eight civilians and two policemen are shot dead in southern Sri Lanka by militants during an ambush. The incident took place in the village of Thanamakwila, 160 miles southeast of the capital Colombo...[On 29 January] A claymore mine attack on a school bus near Mannar kills 17 people, mostly children, as they returned from a sports event. Both sides accused each other of carrying out the attack. The Tamil Tigers claimed the mine had been planted by a government deep penetration unit. The government denies its troops were operating in the area...” (International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, undated, website accessed on 18 February 2008) [80a]
- 4.15 “[On 23 January 2008] The Elections Commissioners Department recognised five more political parties in addition to the 53 Political Parties recognised as on December 31, 2007. The TMVP, the political wing of the LTTE breakaway faction led by ‘Colonel’ Karuna, is among the two new recognized Tamil political parties. Full and faithful implementation of the 13th Amendment to the Constitution, holding of provincial council elections in the east and establishment of an interim provincial council in the north are the key recommendations made by the APRC in its interim report submitted to President Mahinda Rajapakse.” (South Asia Terrorism Portal (SATP), Timeline, Year 2008) [37c]
- 4.16 As reported by Reuters on 28 January 2008:
- “Sri Lanka's air force bombed Tamil Tiger positions in the far north while ground battles killed 14 rebels and a government soldier on Monday [28 January], taking the death toll in three days of fighting to 94, the military said. The death toll in the first two days of clashes had stood at 79, including 36 rebels killed by government troops in the north on Sunday. Those clashes were on the Jaffna peninsula, the northern districts of Vavuniya and Polonnaruwa and the northwestern district of Mannar, and killed 75 rebels and four soldiers, the military said...There were no independent accounts of how

many people had been killed or what had happened. Analysts say both sides tend to overstate enemy losses and play down their own. The government has vowed to wipe out the Tigers militarily, setting the stage for what many fear would be a bloody battle for the north. While the government has had the upper hand in recent months, killing senior rebel figures including the Tigers' political wing leader and military intelligence chief, military analysts say the rebels have retained their strike capability and see no clear winner on the horizon." [4f]

- 4.17 For additional information on developments in Sri Lanka between November 2007 and January 2008 and for additional details on previous months, please refer to Annex B and to the Useful sources for updates mentioned below.

See also Annex A, E and F

USEFUL SOURCES FOR UPDATES

- 4.18 A list of some selected key sources of information on Sri Lanka is provided below, together with weblinks. These sources may be useful if additional up to date information is urgently required to supplement the material in this COI Report. For the full list of sources contained in this COI Report, please refer to Annex H – References to source material.

Alert Net	http://www.alertnet.org/db/cp/srilanka.htm
Amnesty International	http://www.amnesty.org/en/region/asia-and-pacific/south-asia/sri-lanka
BBC News	http://newssearch.bbc.co.uk/cgi-bin/search/results.pl?scope=newsukfs&tab=news&q=sri+lanka&qo.x=32&qo.y=8
BBC Sinhala	http://www.bbc.co.uk/sinhala/
Daily Mirror	http://www.dailymirror.lk/
European Country of Origin Information Network	http://www.ecoi.net/index.php?countrychooser_country=190162%3A%3ASri%20Lanka&step=1&command=showcountryhome
Free Media Sri Lanka	http://www.freemediasrilanka.org/
Human Rights Watch	http://www.hrw.org/doc?t=asia&c=slanka
International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Latest Timelines	http://acd.iiss.org/armedconflict/MainPages/dsp_ConflictTimeline.asp?ConflictID=174&YearID=1010
IRIN News Sri Lanka	http://www.irinnews.org/Asia-Country.aspx?Country=LK
Peace in Sri Lanka	

(The Official website of the Government Secretariat for Co-ordinating the Peace Process – SCOPP) <http://www.peaceinsrilanka.org/>

The Official Government News Portal of Sri Lanka
<http://www.news.lk/>

The Official Website of the Democratic Socialist Republic of Sri Lanka
<http://www.priu.gov.lk/>

Relief Web
<http://www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lka>

South Asia Terrorism Portal
<http://www.satp.org/satporgtp/countries/shrilanka/databas e/index.html>

Asian Human Rights Commission
<http://www.srilankahr.net/index.php>

The Lanka Academic <http://www.theacademic.org/>

UNHCR Sri Lanka <http://www.unhcr.lk/>

UNICEF Sri Lanka <http://www.unicef.org/srilanka/>

COI Service is not responsible for the content of external websites.

Return to Contents
Go to list of sources

5. CONSTITUTION

- 5.01 “The Constitution of the Democratic Socialist Republic of Sri Lanka was approved by the National State Assembly (renamed Parliament) on 17 August 1978, and promulgated on 7 September 1978...The Constitution guarantees the fundamental rights and freedoms of all citizens, including freedom of thought, conscience and worship and equal entitlement before the law.” (Europa World Online, Sri Lanka: Government and politics, The Constitution) [1a]
- 5.02 “Amendments to the Constitution require endorsement by a two-thirds’ majority in Parliament. In February 1979 the Constitution was amended by allowing members of Parliament who resigned or were expelled from their party to retain their seats, in certain circumstances. In January 1981 Parliament amended the Constitution to increase its membership from 168 to 169. An amendment enabling the President to seek re-election after four years was approved in August 1982. In February 1983 an amendment providing for by-elections to fill vacant seats in Parliament was approved. An amendment banning parties that advocate separatism was approved by Parliament in August 1983. In November 1987 Parliament adopted an amendment providing for the creation of eight provincial councils (the northern and eastern provinces were to be merged as one administrative unit). In December 1988 Parliament adopted an amendment affording Tamil the same status as Sinhala, as one of the country’s two official languages.” (Europa World Online, Sri Lanka: Government and politics, The Constitution) [1a]
- 5.03 The Seventeenth Amendment to the Constitution was published as a Supplement to Part II of the Gazette of the Democratic Socialist Republic of Sri Lanka of October 5, 2000. It introduced the Constitutional Council; the Public Service Commission; the Election Commission; the Judicial Service Commission and the National Police Commission. (The official website of the Government of Sri Lanka, The Constitution) [44i]

For the full text of the Constitution and of the Seventeenth Amendment:
<http://www.priu.gov.lk/Cons/1978Constitution/Introduction.htm> [44i]

See also Section 8 on Avenues of complaint

Return to Contents
Go to list of sources

6. POLITICAL SYSTEM

- 6.01 “A presidential form of government was adopted in October 1977 and confirmed in the Constitution of September 1978. The Constitution provides for a unicameral Parliament as the supreme legislative body, its members being elected by a system of modified proportional representation. Executive powers are vested in the President, who is Head of State. The President is directly elected for a term of six years and is not accountable to Parliament. The President has the power to appoint or dismiss the Prime Minister and members of the Cabinet; may assume any portfolio; and is empowered to dismiss Parliament. Sri Lanka comprises nine provinces and 25 administrative districts, each with an appointed Governor and elected Development Council. In November 1987 a constitutional amendment was adopted, providing for the creation of eight provincial councils (the northern and eastern provinces were to be merged as one administrative unit). A network of 68 Pradeshiya Sabhas (district councils) was inaugurated throughout the country in January 1988.” (Europa World Online, Sri Lanka: Government) [1a] Head of State is President Mahinda Rajapakse, Prime Minister is Ratnasiri Wickremanayake. (Europa World Online, Sri Lanka) [1a]

[Return to Contents](#)
[Go to list of sources](#)

Human Rights

7. INTRODUCTION

- 7.01 The Asian Human Rights Commission (AHRC) 'The state of human rights in eleven Asian nations in 2007, Sri Lanka', (released on 10 December 2007) reported that:

"The situation of human rights, the rule of law and the independence of the judiciary deteriorated further during the year 2007... There were no improvements in any of the areas relating to human rights and the rule of law, in fact, even the discourse on human rights suffered a serious setback as the Sri Lankan government refused to engage in any meaningful discourse about the improvement of the situation with the local human rights groups, international human rights groups, the Human Rights Council and with Louise Arbour, the High Commissioner for Human Rights who visited Sri Lanka in October this year." [47g] (p1)

- 7.02 In October 2007 the High Commissioner for Human Rights Louise Arbour visited Sri Lanka. In a press statement issued on 13 October summing up her visit she noted inter alia:

"I regret that time did not permit me to visit the Eastern Province. I also regret that I did not have the opportunity to visit Killinochchi, where I would have liked to convey directly to the LTTE my deep concern about their violations of human rights and humanitarian law, including the recruitment of children, forced recruitment and abduction of adults, and political killings. I am very concerned by the many reports I have also received of serious violations by the TMVP and other armed groups. I was struck in my discussions by the fact that broader human rights issues affecting all communities on the island have largely been eclipsed by the immediate focus on issues related to the conflict. These include issues of discrimination and exclusion, gender inequalities, the low participation of women in public and political life, the rights of migrant workers and press freedom. These challenges will remain before and after any peace settlement, and they are deserving of greater and more focussed attention." (A Press Statement from Ms. Louise Arbour, UN High Commissioner for Human Rights forwarded by the Asian Human Rights Commission) [47e]

- 7.03 "Sri Lanka has many of the elements needed for a strong national protection system... However, in the context of the armed conflict and of the emergency measures taken against terrorism, the weakness of the rule of law and prevalence of impunity is alarming. There is a large number of reported killings, abductions and disappearances which remain unresolved... While the Government pointed to several initiatives it has taken to address these issues, there has yet to be an adequate and credible public accounting for the vast majority of these incidents. In the absence of more vigorous investigations, prosecutions and convictions, it is hard to see how this will come to an end. While Sri Lanka has much of the necessary human rights institutional infrastructure, critical elements of protection have been undermined or compromised. The application of treaties in domestic law has been questioned by the Supreme Court in the Singarasa case. The Government's proposed legislation to address this problem, tabled this week in Parliament only

partially addresses the issues and risks confusing further the status of different rights in national law...In my view the current human rights protection gap in Sri Lanka is not solely a question of capacity. While training and international expertise are needed in specific areas, and I understand would be welcomed by the Government, I am convinced that one of the major human rights shortcomings in Sri Lanka is rooted in the absence of reliable and authoritative information on the credible allegations of human rights abuses." (A Press Statement from Ms. Louise Arbour, UN High Commissioner for Human Rights forwarded by the Asian Human Rights Commission) [47e]

7.04 In a press statement issued on 4 September 2007:

"Amnesty International urges the United Nations Human Rights Council to call on the government of Sri Lanka to address ongoing failures to respect human rights in the context of the armed conflict between government forces, the Liberation Tigers of Tamil Eelam (LTTE) and other armed groups. Grave violations of human rights and international humanitarian law by all parties to the conflict characterize the hostilities which have escalated since April 2006. Unlawful killings, abductions and enforced disappearances of civilians are daily occurrences in Sri Lanka. Several hundred cases of enforced disappearances and several hundred unlawful killings have been registered in the first six months of 2007. Amnesty International is also concerned about a rising incidence of killings of journalists by unidentified armed men, and tightened restrictions on freedom of expression." [31]

7.05 The AI press statement of 4 September 2007 continued:

"There is an urgent and ongoing need for sustained and effective protection for civilians...Amnesty International is gravely concerned that civilians have not just been 'caught in crossfire', but have also been deliberately targeted by the security forces, the LTTE and other armed groups. Amnesty International remains particularly concerned over the failure to protect civilians in the north and east of the country. The number of reported unlawful killings and enforced disappearances has increased amid a continued failure to identify and bring to justice those responsible for human rights violations...Many internally displaced persons (IDPs) continue to live in fear, sustained in part by the LTTE's continued involvement in widespread human rights abuses including unlawful killings and abductions. In addition to the threat of LTTE reprisals, many IDPs report that they are reluctant to return to their places of origin because of the threat of forced LTTE recruitment of both adults and children. Amnesty International has repeatedly raised its concerns on this issue with the LTTE and urged the organization to fulfil its pledge to release all child soldiers. The Karuna faction, a breakaway group from the LTTE, continues to recruit children in government-controlled areas particularly in Batticaloa District." [31]

7.06 "The number of attacks on journalists, particularly those considered part of the Tamil media, has escalated...There are grounds to fear a return to a pattern of the security forces involvement in extrajudicial killing of journalists and others...Amnesty International remains concerned at the restrictions placed on civil and political rights under the Emergency Regulations which were made more restrictive in 2006 after their reintroduction in August 2005." (AI public statement, 4 September 2007) [31]

- 7.07 “As human rights abuses in the context of the conflict have increased, Amnesty International is gravely concerned about a persistent climate of impunity reported by human rights activists and other civil society actors in Sri Lanka. A need for systematic monitoring and prompt, impartial and effective investigations remains acute, made all the more necessary by an extremely small proportion of these human rights violations ever having proceeded to trial or conviction of perpetrators in the past.” (AI public statement, 4 September 2007) [3l]
- 7.08 As noted in The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007:
- “The resumption of war between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) has been accompanied by widespread human rights abuses by both sides. While the LTTE has continued its deliberately provocative attacks on the military and Sinhalese civilians as well as its violent repression of Tamil dissenters and forced recruitment of both adults and children, the government is using extra-judicial killings and enforced disappearances as part of a brutal counter-insurgency campaign.” [76a] (Executive Summary)
- 7.09 The Amnesty International Report 2007 (covering events for the year 2006), released in May 2007, recorded that:
- “The human rights situation in Sri Lanka deteriorated dramatically. Unlawful killings, recruitment of child soldiers, abductions, enforced disappearances and other human rights violations and war crimes increased. Civilians were attacked by both sides as fighting escalated between the government and the Liberation Tigers of Tamil Eelam (LTTE). Hundreds of civilians were killed and injured and more than 215,000 people displaced by the end of 2006. Homes, schools and places of worship were destroyed. Although both sides maintained they were adhering to the ceasefire agreement, by mid-2006 it had in effect been abandoned. Emergency regulations, introduced in August 2005, remained in force. A pattern of enforced disappearances in the north and east re-emerged. There were reports of torture in police custody; perpetrators continued to benefit from impunity.” [3u] (Introduction)
- 7.10 As noted in the US State Department (USSD) Report 2006, Sri Lanka, released on 6 March 2007:
- “The government's respect for the human rights of its citizens declined due in part to the breakdown of the CFA [ceasefire agreement]. Credible sources reported human rights problems, including unlawful killings by government agents, high profile killings by unknown perpetrators, politically motivated killings by paramilitary forces associated with the government and the LTTE, and disappearances. Human rights monitors also reported arbitrary arrests and detention, poor prison conditions, denial of fair public trial, government corruption and lack of transparency, infringement of religious freedom, infringement of freedom of movement, and discrimination against minorities. There were numerous reports that armed paramilitary groups linked to government security forces participated in armed attacks, some against civilians. Following the December 1 [2006] LTTE attempt to assassinate Defense Secretary Gothabaya Rajapaksa, the government strengthened emergency regulations that broadened security forces' powers in the arrest

without warrant and non-accountable detention of civilians for up to 12 months. The LTTE continued to control large sections of the north and east and engaged in politically motivated killings; suicide attacks; disappearances; torture; arbitrary arrest and detention; denial of fair public trial; arbitrary interference with privacy; denial of freedom of speech, press, and of assembly and association; and the recruitment of child soldiers." [2c] (Introduction)

[Return to Contents](#)
[Go to list of sources](#)

8. SECURITY FORCES

8.01 The security forces comprise the 66,000-member police force (which included the 6,000-strong paramilitary Special Task Force) (USSD 2006) [2c] (Section 1d); the 150,900-strong armed forces (including recalled reservists and comprising: army 117,900, navy 15,000, air force 18,000), and paramilitary forces of around 88,600 (including 13,000 Home Guard, an estimated 15,000 National Guard and a 3,000-strong anti-guerrilla unit). (Europa World Online, Defence) [1a]

8.02 The Human Rights Watch (HRW), World Report 2008, Sri Lanka, January 2008, covering events in 2007, noted that:

“Government security forces are implicated in extrajudicial killings, enforced disappearances, forcibly returning internally displaced persons (IDPs) to unsafe areas, restricting media freedoms, apparent complicity with the abusive Karuna group, and widespread impunity for serious human rights violations. Hundreds of people have been detained under newly strengthened Emergency Regulations that give the government broad powers of arrest and detention without charge. The regulations have been used to conduct mass arbitrary arrests of ethnic Tamils in the capital Colombo, as well as to detain political opponents, journalists, and civil society activists.” [21b] (p1)

POLICE

8.03 As noted in the USSD report 2006:

“Following the November 2005 presidential election, the government eliminated the Ministry of Internal Security and placed control of the 66,000-member police force, which included the 6,000-strong paramilitary Special Task Force, under the Ministry of Defense. Senior officials in the police force handled complaints against the police, as did the civilian-staffed National Police Commission (NPC). Few police officers serving in Tamil majority areas were Tamil and generally did not speak Tamil or English. Impunity, particularly for cases of police torture and disappearances of civilians within high security zones, was a severe problem. Several NGOs claimed that corruption was also a problem in the police force.” [2c] (Section 1d)

8.04 “The NPC, composed entirely of civilians, was authorized to appoint, promote, transfer, discipline, and dismiss all police officers, except for the inspector general of police. The NPC also has the power to establish procedures to investigate public complaints against the police. In practice, however, the NPC devolved responsibility for discipline of less senior police officers to the inspector. In November 2005 the three-year term of the NPC lapsed, and by year's end, the government had not appointed new commissioners to the NPC.” (USSD 2006) [2c] (Section 1d)

8.05 “In the majority of cases in which security force personnel may have committed human rights abuses, the government had not identified those responsible or brought them to justice. Human rights organizations noted that some judges were hesitant to convict on cases of torture because of a seven-year mandatory sentence for committing torture.” (USSD 2006) [2c] (Section 1d)

- 8.06 As noted in the report of the UN Special Rapporteur on his Mission to Sri Lanka (28 November to 6 December 2005), published on 27 March 2006:

“Significant levels of police brutality and impunity were reported to me by a wide range of sources. The underlying causes are not difficult to discern. In the course of more than three decades of civil strife and violence, the police force has been transformed into a counter insurgency force. More than two thirds of today’s police officers belong to the ‘reserve’ rather than the regular force and most of these have never received significant training in criminal detection and investigation...To make matters worse, police operations during the armed conflict were subject to ‘emergency’ legislation that permitted prolonged detention without habeas corpus, the admission into evidence of confessions which would be inadmissible under the ordinary law of evidence, and the disposal of the bodies of persons killed by the armed forces or the police without a formal inquest. It is regrettable that many of these provisions are now back in force in emergency regulations promulgated since the assassination of Foreign Minister Kadirgamar. Today, too many police officers are accustomed to ‘investigating’ by forcibly extracting confessions and to operating without meaningful disciplinary procedures or judicial review.” [6x] (Paragraph 50)

- 8.07 BBC Sinhala reported on 9 October 2006:

“The judiciary in Sri Lanka has ordered the police authorities to invalidate appointments offered to those accused of human rights violations. The Appeals Court ruled that a circular issued by Inspector General of Police (IGP) promoting suspended officers was null and void. The officers suspended as they were accused of human rights violations during the ‘era of terror’ in late 80s. The circular was issued in January 2001 by then Deputy Inspector General (DIG) Victor Perera on behalf of the IGP. Victor Perera was appointed as the new IGP by President Mahinda Rajapaksa last week. Appeals Court judge S Sriskandharajah issued the ruling after considering a petition by the relatives of those disappeared during late 80s. The court ruled that the circular was contradictory to the promotions code.” [9n]

- 8.08 As recorded on the website of the Sri Lanka Police Service:

“The Special Task Force [STF] is the Para military arm of the Sri Lanka Police, deployed essentially for counter Terrorist and Counter Insurgency operations within the country. They are also deployed in the close protection Units providing security for VVIP’s [sic] and at Key Installations... The nucleus of the Special Task Force (STF) was formed in 1983, drawing on Policemen already in service and having them trained by the Army in the handling of Infantry weapons and given basic training in ‘jungle operations’. The first few Platoons formed were deployed mainly to provide support for Police Station [sic] in the North of Sri Lanka... As the STF grew in numbers, they took on the added responsibilities of providing protection to Key Installations in the Colombo District and providing personnel for the protection of the President, Prime Minister and several Ministers of the Cabinet.” [7]

- 8.09 On 15 June 2007, SCOPP (the Sri Lankan Government’s Secretariat for Coordinating the Peace Process) reported that the Special Task Force in the

Eastern Province had moved to enhance its programme to teach Tamil to its officers:

“The STF which was set up in 1983/84 and began by taking over operations in the East from the Sri Lanka Army, found from the outset that the work was severely handicapped due to a grave communication problem,’ [the STF commandant] Lewke said, explaining the rationale for the introduction of a comprehensive language training programme for officers who are not conversant in Tamil...In 2003, Tamil was included in the curriculum as a compulsory subject at the STF Training School and today, out of 3600 officers deployed in Batticaloa, 45% have been taught Tamil. This is in addition to 18-20% of the total cadre who belong to the Muslim and Malay communities whose first language is Tamil and a further 12% of Sinhalese who are from villages adjacent to Tamil villages and who are therefore conversant in this language. Every year approximately 250 STF officers take 3-month Tamil language courses. Forty officers are due to receive Tamil language training beginning in August this year.” [41a]

- 8.10 In addition to the Special Task Force, police divisions include: Mounted Police; Traffic Police; Human Rights Division; Women & Child Bureau; Police Narcotics Bureau and Tourist Police. The Inspector General of Police (IGP) controls both the Functional Command and the Territorial Command. (Website of the Sri Lanka Police Service Special Information, accessed on 13 September 2006) [7]

- 8.11 As recorded in Jane’s Sentinel Country Risk Assessments, Country Report Sri Lanka (last updated 21 November 2007):

“Policemen are poorly paid and susceptible to corruption at lower levels. Senior police officials are recruited more on a basis of class than ability. (Sri Lanka is a highly class-conscious society.) Human rights organisations have been highly critical of the Sri Lankan police, whose rapid expansion and poor training have contributed to lack of professionalism...Policing is conducted through over 300 police stations located throughout the country. Police stations are graded into six categories and are under the charge of officers in the rank of chief inspectors, inspectors and sub-inspectors, depending on the grade of the station. Police stations are further grouped into 132 territorial districts, each under the charge of a superintendent/assistant superintendent of police. These districts are in turn grouped into 35 police divisions. Each division is under the charge of a senior superintendent of police/superintendent of police.” [5a] (Security and foreign forces, 22 January 2007)

- 8.12 “The Sri Lankan police recruits personnel directly at three levels - probationary assistant superintendent of police, probationary sub-inspector of police, and police constable. There is little if any chance of promotion from constable to senior rank. A six-month training programme is intended to impart traditional police skills as well as providing instruction in the role of the police in the community and the criminal justice system. Induction training includes: origin and nature of police work; general police responsibilities; elements of organisation and administration; ethics; operations and patrol systems (techniques, tactics and patrol), and the handling of public disorder. The US is increasingly involved in the police training process and in September 2004 provided further funding and assistance for programmes.” [5a] (Security and foreign forces, 22 January 2007)

- 8.13 In the second half of August 2007 the Government announced a mass recruitment drive of Tamils and Muslims to join the police in the Batticaloa district with more than 500 applications being received and the plan to open more than 50 police stations in the recently captured areas in the east. (South Asia Terrorism Portal, Sri Lanka Timeline - Year 2007, 19 August) [37d]
- 8.14 “The ‘Tamil Eelam Police’, with its headquarters at Kilinochchi was formed in [the] year 1993, and reportedly has several wings, including traffic, crime prevention, crime detection, information bureau, administration and a special force. LTTE cadres collect taxes, its courts administer their version of justice and the entire law and order machinery is LTTE-controlled.” (South Asia Terrorism Portal, Terrorist Groups, Liberation Tigers of Tamil Eelam (LTTE) [37a])

Arbitrary arrest and detention

- 8.15 As noted in the USSD report 2006:
- “The law prohibits arbitrary arrest and detention; however, such incidents occurred. [In 2006] There were 528 arrests while the emergency regulations were active. The government stated that most of those arrested were released within a few days [Section 1c of the report observed that 288 of those arrested were released within 12 hours]. In December [2006] in a reaction to the December 1 LTTE attempt to assassinate the defense secretary, the government reinstated certain provisions of the pre-CFA Prevention of Terrorism Act (PTA) as an additional emergency regulation. This gives security forces broader arrest and detention prerogatives than previously allowed.” [2c] (Section 1d)
- 8.16 On 19 August 2007 BBC News reported that the police had detained three ethnic Tamils incommunicado in Colombo (having arrested them upon arrival from Thailand after their asylum applications had been refused by the UNHCR). The police had refused to disclose where the detainees were kept. [9c] An Amnesty International (AI) statement of 17 August 2007 noted that detentions in Sri Lanka were becoming ‘increasingly arbitrary’ and went on to comment that ‘[i]n many cases, no receipts or records of detention had been provided to family members of those who had been arrested, despite a Presidential warrant of July 2006 requiring this’. AI also stated that the uncertainty on where significant numbers of detainees were held put them ‘at increased risk of torture and enforced disappearance’. [3h]
- 8.17 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 recorded that:
- “Over the past 18 months, the Rajapaksa government has detained an undetermined number of people reaching into the hundreds under the regulations. The primary targets are young Tamil men suspected of being LTTE members or supporters, but the government has recently cast a wider net, arresting non-Tamils for allegedly supporting the LTTE. The overbroad and vaguely worded regulations allow for the detention of any person ‘acting in any manner prejudicial to the national security or to the maintenance of public order, or to the maintenance of essential services.’ The authorities may

search, detain for the purpose of a search, and arrest without a warrant any person suspected of an offense under the regulations.” [21f] (Summary)

8.18 The HRW report of August 2007 further noted:

“The number of people arrested under the Emergency Regulations remains unclear. In March 2007 the government announced it was holding 452 persons under the Emergency Regulations (372 Tamils, 61 Sinhalese, and 19 Muslims), among them 15 soldiers, five policemen, one former policeman, and three military deserters. Human Rights Watch requested updated figures in June [2007], as well as the status of cases and the locations of detention, but the government failed to provide the information requested.” [21f] (Summary)

8.19 “According to Sri Lankan lawyers and human rights activists, the typical profile of a detainee under the Emergency Regulations is an ethnic Tamil man between the ages of 18 and 40. But since late 2005, arrests under the regulations have expanded beyond the Tamil community. By February 2007, at least 11 Sinhalese civilians had been arrested and detained under the Emergency Regulations charged with being LTTE supporters from areas such as Matale, Ratnapura, and Galle.” (HRW, ‘Return to War, Human Rights under Siege’, 6 August 2007) [21f] (Section VII, The Emergency (Miscellaneous Provisions and Powers) Regulations (EMPPR), August 2005)

8.20 The HRW report of August 2007 added that:

“According to Sri Lankan lawyers and human rights activists, detainees under the Emergency Regulations are kept in regular prisons as well as police stations and other detention facilities, including those run by the Terrorism Investigation Division...The government has failed to provide complete lists of those detained, the charges they face, and the locations where they are being held....The use of unauthorized places of detention has become a source of enormous anxiety for the families of detainees. Often families don’t know where a relative is being held and the authorities are reluctant to give information. Under the Emergency Regulations, there is no requirement to publish the places where people are held...Human Rights Watch asked the Sri Lankan government where it was holding those arrested under the Emergency Regulations. The government did not provide this requested information, saying it was being tabulated by the police.” [21f] (Section VII, The Emergency (Miscellaneous Provisions and Powers) Regulations (EMPPR), August 2005) The same question – but related to the additional set of emergency regulations promulgated in December 2006 – produced exactly the same reply by the government. [21f] (Section VII, Emergency Regulation (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) No. 7 of 2006)

8.21 As reported in a letter from the BHC, Colombo dated 25 January 2008, “We spoke to Mr. Benedict Silva, secretary of Human Rights Commission who confirmed it was difficult to get the data of people arrested, their current location and the other information. He confirmed that there were a few reported cases of torture under detention, but not large numbers of cases.” [15f]

8.22 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007, noted that “...arrests under the Emergency Regulations are sometimes hard to distinguish from enforced disappearances,

as when non-uniformed government agents arrest people without announcing under what authority they are acting, the reason for the arrest or where the arrested person is being taken.” [76a] (p13)

- 8.23 A letter from the British High Commission (BHC), Colombo, dated 26 September 2005 noted that:

“One of our political officers and I have spoken to several NGOs to discuss the Emergency Regulations. The Western Province Peoples Front (WPPF, a political party representing Tamils in Colombo which has 1 MP in alliance with the United National Party) said that there was serious harassment of Tamils. They had documented over 500 detentions under the regulations and the reintroduction of House Registration (used to track the identity of individual members of houses) which had been suspended since 2002. They also linked the Emergency regulations to the abduction and murders of five Tamil civilians in Colombo...The Government (Marasinghe, Legal Director Secretariat for Coordinating the Peace Process) said that in the ‘chaos’ after the assassination of Kadirgamar some members of the Police had gone too far and had detained ‘everybody they could find’. However the situation was settling down and the ERs were aimed at finding the killers and not at suppressing legitimate political activity.” [15d]

See also Sections 12, 28 and 31

Cordon and search operations

- 8.24 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 noted that “Large-scale arrests of Tamil youth under the Emergency Regulations are particularly common after attacks attributed to the LTTE...” The report continued that “The police take advantage of the powers granted them under the regulations to arrest all those suspected in any way of supporting the LTTE...” And further stated “Also problematic is that the 2005 Emergency Regulations allow joint operations between the army and the police, with no clarity on responsibility. Lawyers working on cases of arrests under the regulations say that the police often round up alleged suspects in cordon and search operations in conjunction with the military and then tell lawyers and family members that they must speak to the military because the police have no information about the arrest.” [21f] (Section VII, The Emergency (Miscellaneous Provisions and Powers) Regulations (EMPPR), August 2005)

- 8.25 The International Crisis Group (ICG) report, ‘Sri Lanka’s Human Rights Crisis’, of 14 June 2007 noted that:

“The Emergency Regulations are the legal framework for the government’s counter-terrorism and counterinsurgency strategy. Since their re-enactment following the assassination of Foreign Minister Kadirgamar in August 2005, they have been used to detain hundreds, mostly Tamils. Suspects are often arrested in mass ‘cordon and search’ operations in Tamil neighbourhoods and often purely on suspicion. No warrants or evidence of terrorist involvement is required. Many are quickly released once their identity is proven but hundreds have remained in prison for long periods. The Emergency Regulations allow detention without charge for 90 days, following which a suspect can be charged and held without bail indefinitely. Suspects can also be held for up to

a year under 'preventive detention' orders issued by the defence secretary."
[76a] (p13)

- 8.26 The Minority Rights Group International briefing 'One year on: counter-terrorism sparks human rights crisis for Sri Lanka's minorities', dated December 2007 noted:

"Using these [counter-terrorism] laws, the military routinely conducts search operations in predominantly Tamil neighbourhoods across the country. These searches involve a number of armed officers cordoning off a particular area, screening ID cards, and intensely searching through personal properties including bedrooms. Women are particularly at risk when such search operations occur. In some cases, the men in a village are first rounded up and then the houses are checked leaving women extremely vulnerable. Search operations also occur at specific checkpoints or intermittently at ad-hoc check points across the country. The counter-terrorism measures are not just limited to the war-torn areas. In the capital, Colombo, Tamil neighbourhoods are often cordoned off for search operations and people are taken in for questioning."
[62b] (p4)

- 8.27 "Following two suicide bomb attacks in late November 2007 the government arrested some 1,000 Tamils in Colombo and other southern towns. According to a statement by Tamil MP Mano Ganeshan, who is also the Convenor of the Civil Monitoring Commission, the military bundled Tamils into busloads regardless of age and sex, and took them for questioning. Some were detained in special counter-terrorism detention centres. Figures and details of those arrested are difficult to obtain, and international human rights groups have warned that due process is rarely met when these arrests and detentions occur... Many of the government detention centres are out of bounds and there is very limited information on the numbers of those arrested and detained under counterterrorism laws. Information on the status of the detainees is hardly ever made available. The country's forces are also known to use methods of torture against detainees. Recent media reports have quoted a government minister as saying he was trying to get a number of people who were detained without proper charges in a special counterterrorism detention centre in Boosa, in the southern town of Galle, released as soon as possible. The report estimated that this camp alone, in southern Sri Lanka, had 118 people detained, almost all of whom were Tamils." (Minority Rights Group International, 'One year on: counter-terrorism sparks human rights crisis for Sri Lanka's minorities', December 2007) [62b] (p4-5)

- 8.28 As reported by the pro-LTTE website TamilNet on 2 December 2007:

"Sri Lankan armed forces have arrested around 1,500 Tamil men and women in wide scale cordon and search operations within the last 48 hours in Colombo and other districts in South, Tamil parliamentarians told media in Colombo on Sunday. 351 of the arrested persons in Colombo, currently detained at Boosa detention camp, complained that many of them were arrested despite documenting their identity and that they have not been provided proper food and drink for the last 48 hours. 51 of the detainees, at Boosa, were females... Tamil civilians were arrested in Modara, Grandpass, Gampaha, Ratmalana, Chilaapam (Chilaw). Arrests were also reported in Kotagala and Pusallawa areas in the Up-Country." [38ab]

8.29 On 6 December 2007, the government-controlled *Daily News* reported that:

“Only around 100 people out of the 2,554 arrested by Security Forces on Sunday still remain in custody, Prime Minister Ratnasiri Wickremanayake told Parliament yesterday. Prime Minister Wickremanayake said links have been bared between these detainees and the LTTE. Among the 100, 87 were from Jaffna and the rest from the upcountry... ‘Powers have been vested to safeguard law and order and public properties in the Constitution. We have taken 2,554 into custody and 1,959 people have been released. Three hundred and ninety two people were released within two to three hours of being taken in for questioning by the Police. One hundred who could not prove their identity and whereabouts were produced before Courts.’..Chief Government Whip Minister Jeyaraj Fernandopulle said 2,554 were taken into custody after more than 100,000 people were checked. ‘If those in custody are found not to have LTTE connections, they will be released without delay,’ Fernandopulle said. Fifty four per cent of the Tamil population live in the South and more than 100,000 live in Colombo and the suburbs of the Western Province, Fernandopulle said.” [16g]

8.30 The South Asia Terrorism Portal (SATP), Sri Lanka Timeline - Year 2007 recorded that on 11 December 2007 “12 of the over 2000 Tamils arrested in Colombo and its suburbs on December 1 and 2 in one of the largest security crackdown are confirmed hardcore LTTE militants.” [37d]

8.31 As reported by BBC Sinhala on 12 December 2007:

“The Supreme Court in Sri Lanka has ordered authorities to report on measures taken to release Tamil suspects on bail. A bench headed by the Chief Justice (CJ) ordered the Attorney General (AG) to take steps to release the suspects on bail as soon as possible if they are no longer required for questioning. The AG, in a report submitted to the court, said 361 Tamil suspects are being detained under Detention Orders in detention centres... Another 102 suspects, the report said, are remanded in custody by the judiciary.” [9an]

8.32 The ICRC Sri Lanka Bulletin No. 18 of 20 December 2007 (covering the ICRC activities between 20 November and 20 December 2007) reported that:

“Following the two bomb blasts in Colombo on 28 November [2007] and the subsequent mass arrests of more than 2,000 people in the capital and other parts of the country, many of whom have been released in the meantime, the ICRC visited 469 of the recently arrested detainees at Boosa prison, south of Colombo, registering 372 of them for individual follow-up. The ICRC provided the detainees with hygiene kits and clothing. It also assessed the conditions of detention and the treatment of detainees held by the Terrorist Investigation Department, the Criminal Investigation Department and police stations in Colombo and across the country.” [34a]

8.33 As reported by the *Daily Mirror* (Sri Lanka) on 7 January 2008:

“The police yesterday launched a massive search operation in Colombo City and arrested 198 persons on suspicion along with eight vehicles. The search was conducted in several selected places of the Western Province including

the Colombo City where police searched around 75, 000 persons and 28, 000 vehicles. Senior DIG in charge of Western Province N K Illangakoon told the Daily Mirror yesterday that the search was conducted as a routine part of the city's security which started around 8.00am and lasted till 11.30am. They were arrested on suspicion for various offences including terrorists and underworld activities as well as failing to prove their identity... This was the first search operation in the New Year and the latest one after the Supreme Court decision to withdraw permanent roadblocks and checkpoints in the city, where such a mass arrest was made." [11u] Reporting on the arrests, the pro-LTTE website noted on 6 January 2008 that:

"The arrested included several young women. Although civil society sources speculated that more than 300 Tamil civilians were arrested during this operation, the police claimed that only 198 were arrested. Deputy Minister R.Rathakrishnan has contacted the Senior Deputy Inspector General of Police M.K.Ilangakone and requested him to release those arrested without any valid reasons. Mr.Rathakrishnan also visited some police stations where the arrested Tamils are being detained. Meanwhile, the parents of the arrested Tamil youths met the Deputy Minister and requested his assistance to get their children released." [38aa]

See also Section 28 on Check-points

- 8.34 On 29 January 2008, the pro-LTTE website TamilNet reported that "Forty Tamils arrested following the [8] January claymore explosion in Ja-ela that killed Mr.D.M.Dassanayake, Nation Building Minister in the cabinet of President Mahinda Rajapakse, are still being detained by the police and are being interrogated by the Terrorist Intelligence Division, according to Peliyagoda police." [38z]

- 8.35 As noted in a letter from the BHC, Colombo dated 25 January 2008:

"On 7th January 2008, the Supreme Court of Sri Lanka ordered the Defence secretary not to carry out search operations between 2100 and 0600 at residences, unless if [sic] there are specific reasons. Security forces (excluding police) are prohibited from searching houses between 2100 and 0600. If any searches are to be made during this time, security forces should be accompanied by a police officer from the appropriate police division. According to an official who did not wish to be identified from the Centre for Human Rights and Development, approximately 1500 persons have been arrested at street checkpoints in Colombo recently and most of them were released after 2-3 days. Of the rest about 103 were sent to Boossa detention centre near Galle and a few were kept in [the] Terrorists Investigation Department (TID) office at Chaiyttaya Road, Colombo 1. Most have been released after investigation as ordered by the Supreme Court in response to a Fundamental Rights Case filed by Ceylon Workers' Congress. We understand the general population of prisoners detained at Boossa detention camp and TID office in Colombo is about 550 at present." [15f]

- 8.36 In a letter from the BHC, Colombo dated 13 February 2006, it was observed that:

"The Sri Lankan authorities had launched a number of 'cordon and search' operations in recent weeks. Of these the largest, in Colombo on 31 December

[2005], had been called Strangers Night III. About 1000 people had been arrested, most had been detained briefly, but released after fingerprinting or photographs had been taken. The HRC had summoned the Inspector General [of] Police, Defence Secretary, Attorney-General, the Police Deputy Inspector General in charge of the operation and the Deputy Inspector General in charge of the Criminal Investigation branch to explain the purpose of these operations. They had initially argued that the operations were aimed at ordinary criminals, but also caught some security suspects. The HRC disagreed, the ethnic balance of the suspects show it was a security operation i.e. most arrested were Tamil. The HRC reminded the police that they could not simply round up hundreds of suspects. If they were operating under normal law they must first demonstrate reasonable suspicion, they could not detain and then begin to investigate. If the arrests were part of a security operation (i.e. Prevention of Terrorism Act or the Emergency Regulations) then the police had to inform the HRC within 48 hours even if the suspect had been released in the interim.” [15c]

8.37 The letter from the BHC dated 13 February 2006 continued:

“The Attorney General told the HRC he concurred with this analysis and accepted there had been some lapses. He said that during the ceasefire the security forces had got out of practice of complying with Human Rights regulations as they had not been conducting security operations. More broadly the HRC said they did not oppose these type [sic] of operations, they were a necessary part of security. The Security Forces had an obligation to protect the state and its citizens, during the ceasefire the LTTE had abused the lower security presence to transport arms, ammunition and operatives to Colombo. The HRC described conditions of detention to me as ‘broadly OK’. Most terrorist suspects would be kept in Police stations or at the Terrorist Investigation Branch HQ away from other prisoners. There was no evidence of torture in any of the cases they had investigated since the current outbreak of violence.” [15c]

8.38 The HRW report of August 2007 recorded that “It remains unclear how many of these people remain in detention at this writing. Human Rights Watch asked the Sri Lankan government how many of those arrested in ‘Strangers Night III’ are still under detention, how many have been charged, and how many have been brought to trial, but the government did not reply.” [21f] (**Section VII, The Emergency (Miscellaneous Provisions and Powers) Regulations (EMPPR), August 2005**)

8.39 A letter from the BHC, Colombo, dated 24 August 2006, reported that:

“The Sri Lankan authorities often require households in predominantly Tamil areas to register all residents. These lists are then used in cordon and search operations to identify people who the police consider need to give a fuller explanation of why they are residing or travelling in a location. Lists of failed asylum seekers could form part of this, although the areas covered by cordon and search operations (normally a few blocks) would not yield very many. Normally the police detain those who have not registered, for further questioning...In July [2006] the government published large advertisements in the press reminding security officials of their responsibilities when they detain anyone. This is a partial response to complaints that those detained in cordon and search operations were not being treated according to the law.” [15h]

- 8.40 On 12 January 2007 the pro-LTTE website TamilNet reported that “Tamil civilians arrested by the Sri Lanka's forces under the newly introduced Prevention of Terrorism (PTA) Act are now sent to Boosa detention camp located in Galle in the south of the island due to lack of space in Colombo jails.” [38f]
- 8.41 On 13 January 2007, the pro-LTTE website TamilNet reported that:
- “Sri Lanka Security forces assisted by Police arrested 209 youths in Gampaha, 36 in Nittambuwa, 22 in Minuwangoda, and 7 in Borelesgamuwa Friday and Saturday during separate cordon and search operations, sources in Colombo said. Many were released after proving their identity, and others were detained for further questioning, sources said. Majority of the arrested youths are Tamils. Most of the youths are natives of Trincomalee, Killinochchi, Jaffna, Batticaloa, and Upcountry, and have been working in factories and other worksites in Sinhalese dominated areas, according to sources.” [38e] On 20 January 2007, the same source reported that 145 persons (majority of them Tamils) had been arrested during a combined cordon and search operation by the Sri Lanka army and police in the district of Puttalam in the north-west province.” [38g]
- 8.42 BBC Sinhala reported on 24 January 2007:
- “The President of Sri Lanka, Mahinda Rajapaksa, has ordered the police to take immediate steps to release detained Tamil youths of Indian origin. In a meeting held with union leaders of plantation workers, Mr. Rajapaksa has ordered the police to produce those accused of any wrongdoings before the courts...Nearly 400 Tamils of Indian origin were arrested by the security forces during the last few weeks, Deputy Minister for Vocational Training Radhakrishnan told BBC Sandeshaya. 116 of those arrested - 108 boys and eight girls - have been sent to the ‘infamous’ military detention camp in Boossa, the minister said...Police authorities, meanwhile, accused the minister of ‘exaggerating’ the figures.” [9e] As noted on the following day by the pro-LTTE website TamilNet “Of the 116 held in Boosa camp, inquiry against 74 suspects have been completed and 33 of them are expected to be released soon as no evidence has been found against them involving in any illegal activity, sources said.” [38h]
- 8.43 On 4 February 2007, the pro-LTTE website TamilNet reported that:
- “More than 300 persons, majority of them Tamils, were arrested during a combined cordon and search operation conducted by Sri Lanka security forces in Fort and Pettah areas in Colombo, [ahead of Independence Day celebrations] Sunday [4 February] morning. Police said the suspects were been [sic] arrested when they failed to prove their identities and the reasons for their presence in their location. These persons are being held in police stations and being interrogated. Also on Saturday [3 February 2007], 266 Tamils were arrested in Fort area in Colombo city. Of them about 70 are being detained in police station and the rest were released after inquiry, police said. They are being interrogated following the recovery of a claymore mine in a three-wheeler during the search operation at Maligawatte on Saturday, according to the police said [sic].” [38c]
- 8.44 On the following day the same source noted that:

“Government security forces in two-day cordon and search operations arrested more than six hundred Tamil civilians including about one hundred women, majority of them natives of North East. They were taken into custody allegedly for failing to prove their identity and reasons for their stay in Colombo. Majority of them were staying in lodges at that time of arrest, police said. Most of the arrested have been detained in about nine police stations in Colombo police division. They were produced in court Monday [5 February 2007] and police moved that they be sent to Boosa detention camp until the inquiry is completed. Police told court that some of the suspects had been involved in terrorist activities according to preliminary investigation conducted so far, sources said. Police said these suspects would be released only after intensive investigation.” [38i]

8.45 A letter from the BHC, Colombo, dated 10 April 2007, noted that:

“There seems to be a link between large scale Cordon and Search Operations and the environment created by the ERs. We are not aware of the total number of arrests – many of whom are only detained briefly, but ICRC reports that about 900 people have been registered as detained for longer periods since September 2006 and have been visited by them. Our assessment of the profile of the detainees is similar to that reported in the media. They are overwhelmingly Male, Tamil (either Sri Lankan or Hill Tamil) and generally young. Most are detained because they [are] unable to produce ID, or unable to explain the reason for being in a particular area. Migrant and casual workers are therefore particularly vulnerable. Some of the largest Cordon and Search operations have taken place in the Hill Country near Nuwraya Eliya.” [15a]

8.46 The letter dated 10 April 2007 from the BHC continued:

“We spoke to a senior officer in Boosa detention centre who said that at 0930 on 10 April there were 110 people in security detention in Boosa. These are almost all Tamils (there are also 150, mainly Sinhalese, drug suspects in another part of Boosa) and the bulk are detained following Cordon and Search operations. The numbers have varied over the last few months between 100 and 150. There is quite heavy churn of detainees as investigations come up blank or the courts order releases and new detainees arrive. We have no independent confirmation on conditions. The ICRC have access, which provides a safeguard, but it would compromise their neutrality to ask them to share information on their findings. I am not aware of former Boosa detainees complaining about conditions.” [15a]

8.47 The pro-LTTE website TamilNet reported a number of large-scale arrests of civilians in Colombo between May and July 2007. “Sri Lankan armed forces Thursday and Friday [3 and 4 May] arrested thirty-five civilians, majority of them Tamils, in cordon and search operations conducted in Wellawatte, and Vaalaitthoddam in Colombo city. Five have been remanded on the orders of the Colombo Magistrate and the others are detained in police station and are being interrogated, police sources said.” (TamilNet, 4 May 2007) [38i] “More than sixty Tamils were arrested during a cordon and search operation carried out by Sri Lanka Police between midnight Friday and early morning Saturday [2 June 2007] in Mt Lavinia, Ratmalana, Wellawatte, Bambalapitiya, Mattakuliya, Kirilapone and Kohuwela... Those who proved their identity and

provided satisfactory reasons for their stay in the location were released after preliminary inquiry, police sources said. Forty-three of them are now being detained in police stations and are being interrogated, sources said.” (TamilNet, 2 June 2007) [38m] “About three hundred civilians were taken into custody in a cordon and search operation conducted by the Sri Lanka Army (SLA) and Sri Lanka Police from midnight Tuesday till the dawn of Wednesday in Welikada division in Colombo district...Majority of them are Tamil civilians, and residents of north and east and upcountry...Police sources said they were taken into custody as they failed to prove their identity with valid documents and give valid reason for their stay in the location.” (TamilNet, 27 June 2007) [38p] “Sri Lanka Army (SLA) and Police, in a joint pre-dawn cordon and search operation, arrested 39 civilians, many of them Sinhalese, in Mount Lavinia, a suburb of Colombo on Sunday [8 July 2007]...Many of the arrested did not have identity cards, the Police claimed.” (TamilNet, 9 July 2007) [38q]

- 8.48 In a letter dated 13 August 2007, the BHC in Colombo noted that “The cordon and search operations seem to target Tamils with casual employment and temporary accommodation. While most detained are released quickly, a proportion end up in more long term detention.” [15e]
- 8.49 As reported by the pro-LTTE website TamilNet on 28 August 2007 “About 220 Tamils, men and women are being still detained in the Boosa detention camp in the Galle town in the southern province under the Prevention of Terrorism Act (PTA). A Tamil woman of Dematagoda in Colombo city was released Sunday after 86 days in Boosa detention centre without any charge.” [38b] In September 2007 the number of Tamil PTA detainees in Boosa was reported to be 118. “The Tamil detainees, including five women, were arrested in the districts of Colombo, Monaragala, Trincomalee, Jaffna, and Batticaloa, and have been held for several months without investigation.” (TamilNet, 8 September 2007) [38d]

See also Sections 12, 28 and 31

Disappearances/Abductions

- 8.50 As noted in a statement issued by the Asian Human Rights Commission on 2 January 2008:

“The year 2008 began, for Sri Lanka with the assassination of the Tamil opposition UNP Member of Parliament, T. Maheshwaran...Mr. Manoganesan [sic], also a member of parliament and the convener of the Civil Monitoring Mission (CMM) had to flee the country for his security after the government reduced the security detail made available to him. He was also a spokesman on abductions, disappearances and other violations of rights taking place in the country...Political assassinations, disappearances, kidnappings, killings after arrest under the pretext of arrestees trying to attack the law enforcement officers, harassment of every kind, vast scale cheating, rampant corruption and hooliganism openly practiced by politicians and their family members are now a normal way of life in Sri Lanka...The Member of Parliament, T. Maheshwaran was assassinated after he made a public statement in a television interview that he would reveal the names of those who are engaged in kidnappings, abductions and murders in the north and east of the country. He was a member of parliament and as such it was his duty to reveal the information that he had to the country’s [sic] legislature. However, making

such revelations is considered to be an offence in Sri Lanka now, justifying summary capital punishment. Threats are made to anyone who makes or plans to make any revelation about the criminal acts done by political leaders through the police and military as well as paramilitary groups. The paramilitary groups are the executioners who carry out the crimes but those who want the crimes to be committed and sanction such actions remain behind the scenes. After every such crime the president of the country makes a declaration that there will be an impartial inquiry. Sometimes the declaration even goes further to the effect that if the local inquiry fails foreign experts will be called in to conduct further inquiries. Such promises are forgotten within a few days. The same political authorities that directly or indirectly sanction such murders and other crimes also ensure that no inquiries are conducted into these matters.” [47h]

- 8.51 In August 2007 Amnesty International reported that there were 5,749 outstanding cases of enforced disappearance in Sri Lanka being reviewed by the UN Working Group on Enforced or Involuntary Disappearances and that since 2006, hundreds of people had reportedly been abducted and forcibly ‘disappeared’ by the security forces or armed groups (including the Liberation Tigers of Tamil Eelam and the Karuna group) in the north and east of the country, as well as in Colombo. AI also mentioned the case of the vice-chancellor of Eastern University, Sivasubramaniam Raveendranath, (reportedly abducted while at a conference in Colombo, on 15 December 2006 and had not been heard from since) noting that when he disappeared he was in an area of the capital tightly controlled by the army and it was therefore likely that his captors were military agents. (Amnesty International, Whereabouts unknown - thousands still missing worldwide, *The Wire*, August 2007) [3k]
- 8.52 On 23 August 2007 the Government-controlled *Daily News* reported that:
- “The People’s Action for Free and Fair Election (PAFFEREL) yesterday said there is a drastic drop in abductions, disappearances and other acts of Human Rights violations over that reported a few months earlier in the country. The PAFFEREL in an interim report on abductions, disappearances, indiscriminate arrests and assassinations [not available in English] said there appears to be a significant decrease in arrests, disappearances and abductions during July-August [2007] compared to the figures during May -June...PAFFEREL Chairman Kingsley Rodrigo said the setting up of a one man Commission to receive complaints of abductions and a special desk at the Presidential Secretariat directing investigations of such complaints have contributed in some way to this situation. Police have arrested certain groups of persons allegedly involved in abduction and extortions. Such effective measures have an impact, the report stated.” [16e]
- 8.53 A joint press release by the Law & Society Trust, the Civil Monitoring Commission and the Free Media Movement, issued on 23 August 2007, reported that 396 persons disappeared during the period January to June 2007. “As with killings, Tamils suffered disproportionately from abductions – 64.6%, compared with 3% Sinhalese and 3% Muslims. Men represented nearly 98% of all missing persons. By district, Jaffna was again worst affected by disappearances (49.5%). However Colombo was next worst affected, at 17.7%, underlining the concern expressed by many local NGOs at the situation with respect to this particular violation.” [13a] A further press release

issued by the Law & Society Trust, the Civil Monitoring Commission and the Free Media Movement on 31 October 2007 reported that the total number of persons disappeared between January and August 2007 was 540 (civilians only). Tamils were now reported to represent 84 per cent of the victims of disappearances. The press release also noted that more than half of reported disappearances took place in Jaffna ("Approximately 22% of all reported disappearances from January to August – one in five – affected young, male Tamils in Jaffna."), followed by Colombo (14.4 per cent) and Mannar and Batticaloa (7 per cent each). [13b]

- 8.54 The Human Rights Watch (HRW) report 'Return to War, Human Rights under Siege', published on 6 August 2007 recorded that:

"The number of abductions and enforced disappearances is spiraling. The national Human Rights Commission (HRC) said it recorded roughly 1,000 cases in 2006, plus nearly 100 more in the first two months of 2007. A government commission established in September 2006 to investigate 'disappearances' said in June 2007 that 2,020 people were abducted or 'disappeared' between September 14, 2006, and February 25, 2007. Approximately 1,134 of these people were found alive but the others remain missing. On the Jaffna peninsula alone, an area under strict military control, more than 800 persons were reported missing between December 2005 and April 2007. According to a credible non-governmental organization that tracks 'disappearances,' 564 of these persons were still missing as of May 1[2007]. While the LTTE has long been responsible for abductions, the majority of recent 'disappearances' in Jaffna and the rest of the country implicate government forces or armed groups acting with governmental complicity. While many of the 'disappeared' likely have been killed, some may be in detention, held under the newly imposed Emergency Regulations." [21f] (Summary)

- 8.55 "Human Rights Watch conducted interviews with the family members of 109 people who said their relative had been abducted or 'disappeared' since 2006. These included cases from Jaffna, Colombo, Vavuniya, Mannar, Trincomalee, and Batticaloa. The cases can largely be grouped into two basic types: those by the state in the name of counterinsurgency, and those by allied armed groups or the LTTE to eliminate rivals, recruit fighters, or extort funds. In the lawlessness that has grown in the past two years, criminal elements also appear to have committed some of the abductions. Over the course of late 2006 and 2007 scores of abductions were accompanied by huge ransom demands and the victims were mostly businessmen from the minority Tamil community. By May-June 2007, members of the Muslim community, particularly in the eastern district of Ampara, were targeted as well." (HRW, 'Return to War, Human Rights under Siege', 6 August 2007) [21f] (Summary)

- 8.56 "Under growing pressure from within Sri Lanka and abroad, the government has taken some steps to address abductions and enforced disappearances, including some arrests of alleged perpetrators, but none of these steps has significantly slowed the abuse. A one-man government commission on "disappearances" established in September 2006 has issued strong statements about the abuse and the government's inability to halt it, but the government has not made public any of the commission's interim reports, nor is it obliged to implement any of the recommendations. Public statements by the government have rejected the overwhelming evidence of government

involvement as “unfounded” and cast those who accuse government forces as sympathizers of the LTTE.” (HRW, ‘Return to War, Human Rights under Siege’, 6 August 2007) [21f] (Summary)

- 8.57 As noted in the International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007:

“While many people were simply killed, primarily by shooting, the practice of abduction and enforced disappearance has perhaps been more common. The number of ‘disappeards’ [sic] over the last eighteen months is hard to determine with certainty. Various reliable sources suggest there have been more than 1,500 complaints of enforced disappearance in 2006 and 2007, with at least 1,000 still unaccounted for, meaning they have not returned, been discovered in detention or that their bodies have not been found. These figures do not include children abducted by the LTTE or the TMVP.” [76a] (p10)

- 8.58 “Given the hidden and violent nature of involuntary disappearances, it is difficult to gather a full picture of the motives behind specific cases. Some turn out in fact to be extrajudicial killings done in secret, perhaps after the victim was interrogated; others are meant to allow the victim to be interrogated more freely and with deniability, without risk to the interrogator’s identity. Often the abduction and detention are intended to place the victim in limbo and produce a particular form of terror in the victim, the family and the community at large. Like those being killed, most of those targeted have been young Tamils suspected of working with the LTTE, although as usual many people with no connection to militant politics have also been ‘disappeared’. In Jaffna, the military, sometimes with assistance from former Tamil militants, is the prime suspect. In the Eastern province the TMVP is suspected in the bulk of abductions, either with the active support or passive complicity of the military. Despite vehement denials by government and military officials, there is eyewitness evidence that at least some of those who later disappeared were initially abducted or arrested by the police or military.” (International Crisis Group, ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007) [76a] (p11)

- 8.59 “There have also been more than 70 reported abductions and disappearances in the Colombo area. There was some hope that this wave was starting to subside in May 2007 but on 1 June two Tamil staff from the Sri Lankan Red Cross were abducted at Fort Railway station by men claiming to be police. Their bodies were found one day later in Ratnapura district, a few hours south of Colombo. While most of the current wave of disappearances are carried out by pro-government forces, the LTTE, which has a long history of ‘disappearing’ its political opponents – often abducting and detaining and then killing them in its secret prisons – is clearly still in the business.” (International Crisis Group, ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007) [76a] (p11)

- 8.60 “The government has been particularly quick to downplay disappearances and abductions, not only dismissing the possibility of involvement by state agents but also arguing that many are carried out by the LTTE or are simple mistakes, caused by young people eloping or going abroad for employment. In a meeting with newspaper editors and media officials on 27 March [2007], President Rajapakse is reported to have presented a list of 116 cases of reported disappearances from six police divisions, from September 2006

through February 2007. Of these, he claimed, 95 had returned home, two had been killed and one abducted. In a recent case, the president was reported to have said, a Tamil woman alleged to have been abducted was found to be on honeymoon. At a meeting with relatives in late May 2007, the president announced that 90 per cent of all abductions and disappearances had been solved. These figures are very different from those presented to the president by the Civil Monitoring Commission, which arranged the meeting.” (International Crisis Group, ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007) [76a] (p18)

8.61 The International Crisis Group report of June 2007 added that:

“Since mid-2006, there has been a wave of abductions for ransom in Colombo, generally targeting Tamil but lately also Muslim business owners. Few victims have anything to do with politics; in most cases the abductions seem to have been designed to extract money to fund Tamil militant groups, primarily the TMVP. Most remain missing; some have been found dead; others were released after paying large ransoms. Given that many of the abductions are done in the day amid very tight security, the assumption is that most are committed with the knowledge or connivance of security forces.” [76a] (p11)

8.62 As announced on the the Official Government News Portal of Sri Lanka on 27 June 2007:

“Under the direction of the President Mahinda Rajapaksa, the Government has established center to gather information about the abductions that occur in Colombo and the in the suburb...In last week [sic] the Government initiated two special operation cells to collect information and take immediate action on complaints of abductions and extortions in Colombo and suburbs. These two units will function 24 hours of the day and are operated from Presidential Secretariat and from the Police.” [10j]

8.63 On 4 July 2007, Reuters reported that a military spokesman had said the Sri Lankan police “have arrested 16 people, including four policemen and a member of the air force, in connection with a rash of abductions and extortion and that the investigations were ongoing.” [4b]

8.64 The *Daily Mirror* (Sri Lanka) reported on 22 May 2007:

“The number of disappearances in and around Colombo rose to a staggering 116, with the abduction of an owner of a popular department store in Colombo, and several others...The first lot of 11 complaints forwarded to the UN Working Group on Enforced or Involuntary Disappearances (WGEID) by the Civil Monitoring Commission [CMC] has been accepted for investigations...Mr. Ganesan [CMC convener and Western Peoples Front leader]...said these eleven complaints were the first lot. He was confident that the other complaints would also be accepted by WGEID soon. The mandate of the UN’s WGEID facilitates the Group to assist families in determining the fate and whereabouts of their missing relatives who have been arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government or by organized groups or private individuals acting on behalf of, or with the support of, direct or indirect consent or acquiescence of the Government. Many complaints of

disappearances were coming in from all parts of the country according to the CMC, of which many have been passed to the WGEID. 'We understand that all our complaints are being processed by the UN Working Group and would be accepted for investigations. The complainants to the CMC, the family members of the victims have also lodged complaints with the local police and with the Human Rights Commission,' Mr. Ganesan added." [111]

8.65 As noted in the USSD report 2006:

"[In 2006] The Sri Lanka Human Rights Commission (SLHRC) reported 345 instances countrywide of politically motivated disappearances at the hands of the security forces or by paramilitary forces allegedly tied to the government, or the LTTE...The SLHRC reported 33 known abductions in the Colombo district with ransom paid ranging from \$23,251 (rupees 2,526,221) to \$558,035 (rupees 60,630,502). Of those abducted, 12 have not been released although ransom was paid. President Rajapaksa appointed former High Court Judge Mahanama Tilakaratna to inquire into incidents of abductions, but at year's end no report had been issued...There were no developments in any of the unclassified disappearance cases cited by the 2000 UN Working Group on Enforced or Involuntary Disappearances; neither was there any apparent effort put forth by the government to gather information on these cases." [2c] (Section 1d)

8.66 "At year's [2006] end the HRC continued to investigate 16,305 past cases of disappearance by security forces, some of which had been pending for over a decade. There were no indictments, investigations, or prosecutions of security force personnel for past disappearances. During the year the LTTE continued to detain civilians, often holding them for ransom...The SLMM reported that LTTE and Karuna Faction abductions increased significantly during the year." (USSD 2006) [2c] (Section 1d)

8.67 As reported by the Asian Human Rights Commission (AHRC) on 13 September 2006:

"The Human Rights Commission of Sri Lanka (HRCSL) gives the number of the disappeared from the Jaffna peninsular since December last year [2005] as 419. Not all these disappearances are attributed to 'armed men coming in white vans without number plates', which usually means the military. The LTTE and other militant Tamil groups alleged to be working with the military have also been accused of such abductions which end up as disappearances. International human rights groups have accused the LTTE and other militant groups also on that score...In Sri Lanka causing [sic] of forced disappearances has been treated by the state as a legitimate means by which to deal with 'terrorism'. The failure to investigate and to take appropriate legal action is also evidence of the state's involvement in such matters...Within Sri Lanka at the moment there is no government authority with the capacity to efficiently investigate the disappearances like the one in the case mentioned above. The HRCSL may record some facts of such disappearances but it does not have the capacity to investigate them in any manner that could be called a credible, criminal investigation. The assurance of some state authorities to the effect that if soldiers are found to be guilty of such acts they would be punished is a mere rhetorical gesture in the face of heavy criticism from local and international sources. There is no state machinery to give credibility to such assurances." [471]

8.68 A Statement released by the AHRC on 3 October 2006 noted:

“Civil society organizations in Sri Lanka made a great advance during the last week when they were able to identify a group of persons who are allegedly involved in the abductions in Colombo. On the basis of their information the police at Kotehena have been able to arrest several persons who are said to belong to this group. Sri Lanka has a long history of abductions which often end up in disappearances and this is the first time that it has been possible to arrest alleged abductors. The People’s Monitoring Committee (PMC) yesterday claimed that they had played a major role in arresting the suspects. According to the Committee members, including Democratic Left Front Leader Vasudeva Nanayakara, Wickramabahu Karunaratne and Western People’s Front Leader Mano Ganeshan they visited the Kotahena police station when they heard of the arrest and requested the police to do their duty, despite of political interference. However, the PMC has also informed the public that the government is attempting to release the alleged suspects of these abductions. A spokesperson for the PMC alleged that the Kotahena police have already received orders from the top, to release the gang leader. He alleged that there are plans to release him and claim that he escaped.” [47f]

8.69 The AHRC statement of 3 October 2006 further noted that:

“The causing of large scale abductions can only happen with the connivance of those who control the territory, which in Colombo means the government. In fact, it would have been the duty of the government to investigate and to arrest the abductors and with the huge machinery at their disposal this would not have been a difficult task. The very fact that it has been the civil society monitoring groups that had to investigate and uncover information of such abductors is itself a severe indictment against the government. Now that these monitoring groups were able to provide the information and to get the alleged abductors arrested it is shocking that the top government officials are said to be involved in trying to get these same persons released.” [47f]

See also Section 4

8.70 On 6 November 2006 the *Daily Mirror* (Sri Lanka) reported that “The Committee for the Investigation of the Disappeared said in a media release yesterday that according to evidence they had gathered, armed groups loyal to the government were responsible for abductions including those who were taken for ransom. It said that the movement had to build pressure both locally and internationally to change the undemocratic activities and the find [sic] the disappeared.” [11d]

8.71 As noted in the UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka dated December 2006 “Tamils in Colombo are especially vulnerable to abductions, disappearances and killings. Such actions are allegedly conducted by the paramilitary ‘white vans’ suspected to be associated with the security forces, as well as by the Karuna faction and the LTTE... Young Tamil professionals including several women, businessmen, as well as Tamil political figures and activists with a pro-Tamil stance can be specifically targeted.” [6b] (Paragraph 25)

- 8.72 As recorded in a statement issued by the Asian Human Rights Commission on 2 February 2007:

“The former Minister for Foreign Affairs, Mr. Mangala Samaraweera was quoted in several news agencies stating that a disappearance takes place in Sri Lanka every five hours. ‘It has been reported by local and international human rights organisations that a person is abducted every five hours. Kidnappings, abductions and killings have become common incidents. No matter who does it, as a government we are responsible for it,’ (Sunday Leader, January 28, 2007). It is also reported that the minister refused to retract the charges despite of [sic] the pressure brought upon him to do so. These comments, which he wrote in a letter to the president, Mahinda Rajapakse do not come as much of a surprise to close observers of the human rights situation in Sri Lanka in recent months... Anyone might be a target of a disappearance including businessmen, journalists and anyone that may be suspected as having ‘terrorist links’... People in Colombo, particularly the Tamils, who had made Colombo their home for generations, as well as businessmen, are those who are most scared when darkness falls. Everyone is aware that once a disappearance takes place there is hardly anything that can be done.” [47b]

- 8.73 The AHRC statement of 2 February 2007 continued:

“A disappearance, as it happens in Sri Lanka can be done in circumstances which are completely secretive. The perpetrators of such kidnappings and those who give commands for such an exercise can all take cover behind anonymity. A disappearance in Sri Lanka is a legal construct. Its basic concept is to remove all possibilities available within the law to attribute responsibility for arrest, detention, torture, killing and illegal disposal... A senior minister’s criticism on this issue has not lead to any constructive response on the part of the government. The remarks have been dismissed as having been made for political reasons of dissent with the line of the government. However, whatever is the motive of the minister concerned criticism of this grave nature should have been taken seriously by the government if it wishes to counteract the present trend of the escalation of lawlessness. However, the government seems to be unwilling or incapable of dealing with this present situation.” [47b]

- 8.74 BBC News reported on 6 March 2007:

“A senior police officer has said that serving and former police and security force personnel have been arrested over abductions in Sri Lanka. His statement at a media briefing came on the same day as the bullet-riddled bodies of five people were found in a field in the north of the country. Their remains were burned beyond recognition, according to police in the north-central district of Anuradhapura. It follows the discovery of five other bodies near the capital on Saturday... At a media briefing attended by Sri Lanka’s police chief, Deputy Inspector General of Police Ashoka Wijethileka said former soldiers, serving soldiers and police officers were among those arrested in connection with abductions... There have been an increasing number of kidnappings in Sri Lanka as the country has slid back towards a full-scale war. Correspondents say that some of these have been kidnappings for ransom, and others have been kidnappings carried out to commit politically motivated murders. According to the Civil Monitoring Commission, which campaigns for investigations, there have been 100 cases in the past 12

months in areas of the country controlled by the government - and far more in rebel-held areas. Most of the victims have been members of the minority Tamil community.” [9y]

- 8.75 The ACHR (Asian Centre for Human Rights) Weekly Review 157/07, ‘Sri Lanka: Spectre of abductions by the security forces officially admitted’, March 2007, reported that:

“On 6 March 2006 [sic, actually 2007], Sri Lanka's Inspector General of Police (IGP), Victor Perera stated that over 400 persons including ‘ex-soldiers, serving soldiers, police officers and underworld gangs and other organised elements’ had been arrested since September 2006 on charges of abduction. Mr Perera refused to divulge further details. But Asian Centre for Human Rights (ACHR) believes that majority of those abducted have been killed. The announcement of the IGP appears to be the first official admission about the role of the police and the army in abductions and enforced disappearances. Often, the Sri Lankan government dismissed such allegations and set up inquiry commissions which whitewashed the gross human rights violations... According to HRCSL, about 100 abductions and disappearances have been reported so far in 2007. The majority of these abductions have taken place in the capital Colombo, Batticaloa in the Eastern Province and Jaffna peninsula in the Northern Province. Over 1,000 cases of abductions were reported in 2006 and ethnic Tamil minorities were the main victims... Blanket impunity and the lack of systemic protections intensified human rights violations. Rather, laws were adopted which facilitate abductions and disappearances.” [64b]

- 8.76 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 recorded that:

“The government has yet to provide any details of those arrests, let alone whether those arrested face prosecution. On June 18 Human Rights Watch asked the government how many soldiers and police had been arrested, and on what charges. The government replied that ‘this information is being tabulated by the police, which maintains detailed records of persons arrested and places of detention.’ Why the government could not provide any information on this issue remains unclear.” HRW also asked the government ‘how many people the police had arrested over the previous year on charges of kidnapping or other involvement in abductions or enforced disappearances, and the current status of those cases’ and could not obtain any information. [21f] (Section V, The government’s response)

- 8.77 An Amnesty International document of 29 March 2007 recorded that “A number of people have recently been reported as ‘disappearing’ or being abducted by the security forces or armed groups. Such people are often called or taken in ‘for questioning’ and held incommunicado. No receipts or records of their detention are made available, and the official mechanisms for reporting such events, such as through the National Human Rights Commission, are often unable to locate the missing people.” [3e]

- 8.78 A letter from the British High Commission in Colombo, dated 10 April 2007, noted that:

“According to victims families reports to the Civil Monitoring Committee since August 2006 there have been 84 disappearances in Colombo. Of these 80

are Tamil, 2 Muslim, 2 Sinhalese. 23 of the victims are business people and 61 appear to be political crimes. Victims are generally males and the political actors tend to be young – although there are exceptions. In addition about 50 other business people have been abducted for ransom and then released but have asked the Civil Monitoring Groups not to reveal their identities or consider them among the disappeared. There are three other hotspots of disappearance activity, Jaffna, Vavuniya and Batticaloa. A reliable NGO, who did not wish to be named thought that 584 people had disappeared in Jaffna in 2006, with 165 in the first three months of this year. A Senior Tamil MP thought that the countrywide figure was 900 since August 2006. However the SLMM warned that many NGOs are unable to draw a distinction between ‘Missing’ and ‘Disappeared’ so these [sic] sort of figures cannot be considered more than a general indication.” [15a]

See also Section 8 on Avenues of complaint

[Return to Contents](#)
[Go to list of sources](#)

Torture

- 8.79 The Asian Human Rights Commission (AHRC) ‘The state of human rights in eleven Asian nations in 2007, Sri Lanka’, (released on 10 December 2007) reported that:

“Torture: the AHRC has continued to observe the human rights violations at the police stations in the government controlled areas of the south. In the past the AHRC has made several reports on this issue. The year 2007 did not see any improvement of the situation regarding the elimination of torture; in fact, the situation regarding the state investigation mechanisms into allegations of torture significantly deteriorated. The Urgent Appeals desk of the AHRC received 47 cases of allegations of torture. This is a very small fraction as the source from which the AHRC obtains its information is still limited to some areas in the country.” [47g] (16)

- 8.80 The AHRC report of December 2007 continued:

“According to the narratives given in these cases the injuries to persons in most instances have been extremely serious warranting hospitalization. Beatings with hands, boots and poles are frequent in all these narratives. In some cases the suspects have been taken to hospital by the police themselves, perhaps after the intervention of superior officers. However, there are also several instances in which the police merely take a person to a Judicial Medical Officer or District Medical Officer and get some papers signed without the doctor properly examining the victim or prescribing treatment. However, a marked feature in the cases recorded this year is that in several instances the victims have told the doctors about their assaults. In the past the victims used to be more afraid in making complaints fearing that they may be assaulted even more after returning from the medical examination. This year also, there were several cases of such assaults due to making such allegation to the doctor. In one instance the person was assaulted in front of the doctor himself.” [47g] (18)

- 8.81 The Medical Foundation for the Care of Victims of Torture document 'Torture once again rampant in the Sri Lanka conflict', undated (released on 31 October 2007) highlighted that:

"The scale of the resumption of torture in Sri Lanka following the breakdown of the cease-fire between Tamil insurgents and government forces is revealed in the growing number of cases seen recently by the Medical Foundation. A survey of 130 Sri Lankans referred to the MF in the past year, of whom 41 received MF services, shows that all parties to the conflict have reverted to human rights abuses after a lull of several years in which torture was reported to be largely confined to police investigating criminal matters." [40] (p4)

- 8.82 "The overwhelming majority of Sri Lankan clients seen by the Medical Foundation in the past year were Tamil, with just three giving their ethnicity as Sinhalese... The majority of clients referred to the MF were fleeing areas where fighting between Sri Lankan authorities and the LTTE has been fiercest, including around the town of Trincomalee in the east and the Kilinochi district in the north which is under the control of the LTTE. Thirty one came from Jaffna, where the government retains control but where much of the human rights violations have been centred. The majority of clients (85) were male. However, a third (45) were female. Most were captured and detained at a relatively young age. Sixty clients were aged between 20 and 29, while 57 were aged between 30 and 39. Only one client was below 19 and 15 were over 40... Some said they were targeted by the Sri Lankan authorities as LTTE suspects, often because of the activities of spouses or relatives. Several women who were detained by security forces or paramilitary groups while seeking to find their husbands were raped by the very authorities they had sought help from. Others reported being coerced into working for the LTTE as an alternative to having family members 'conscripted'". (Medical Foundation for the Care of Victims of Torture, 'Torture once again rampant in the Sri Lanka conflict', released 31 October 2007) [40] (p4)

- 8.83 "Out of 115 where the perpetrator was named, in 79 cases the perpetrators were the Sri Lankan Army, with the Sri Lankan navy named in a further 14... Out of the 130 cases reviewed, 55 clients reported being beaten with implements ranging from truncheons to electric cable, 30 reported being burnt with cigarettes, and 20 said they were partially suffocated by a plastic bag soaked in petrol being placed over the head. Suspension by the ankles was also common, with 22 reported incidents. At least 12 clients said they were held naked in their cells and there were 14 incidents in which clients were held in solitary confinement. Falanga, the beating of the soles of the feet, occurred in 10 incidents, with a number of clients reporting that they were bound by the feet and arms and laid face down on a bench during the torture. The prevalence of rape as a method of torture was widespread among the recent group of arrivals to the UK, with at least 24 female clients and 22 male clients reporting they were raped." (Medical Foundation for the Care of Victims of Torture, 'Torture once again rampant in the Sri Lanka conflict', released 31 October 2007) [40] (p5)

- 8.84 "A significant number of clients seen by the Medical Foundation during 2006/7 also testify that they were held in the Colombo CID headquarters, in the feared 'fourth floor interrogation room'. Here, clients reported being suspended by chains from the ceiling, were beaten by groups of officers, witnessed others being beaten with implements and saw other detainees bloodied by torture.

Similar methods were used by Sri Lankan authorities in prisons in nearby Negombo, also Kandy police station and Welikade prison, all referred to on a number of occasions by other clients.” (Medical Foundation for the Care of Victims of Torture, ‘Torture once again rampant in the Sri Lanka conflict’, released 31 October 2007) [40] (p6)

- 8.85 In a statement issued on 29 October 2007 after his visit to Sri Lanka from 1 to 8 October 2007 the UN Special Rapporteur on Torture Manfred Nowak noted:

“Though the Government has disagreed, in my opinion the high number of indictments for torture filed by the Attorney General's Office, the number of successful fundamental rights cases decided by the Supreme Court of Sri Lanka, as well as the high number of complaints that the National Human Rights Commission continues to receive on an almost daily basis indicates that torture is widely practiced in Sri Lanka. Moreover, I observe that this practice is prone to become routine in the context of counter-terrorism operations, in particular by the TID [Terrorist Investigation Department]. Over the course of my visits to police stations and prisons, I received numerous consistent and credible allegations from detainees who reported that they were ill-treated by the police during inquiries in order to extract confessions, or to obtain information in relation to other criminal offences. Similar allegations were received with respect to the army. Methods reported included beating with various weapons, beating on the soles of the feet (falaqa), blows to the ears (‘telephono’), positional abuse when handcuffed or bound, suspension in various positions, including strappado, ‘butchery’, ‘reversed butchery, and ‘parrot’s perch’ (or dharma chakara), burning with metal objects and cigarettes, asphyxiation with plastic bags with chilli pepper or gasoline, and various forms of genital torture. This array of torture finds its fullest manifestation at the TID detention facility in Boossa.” (ReliefWeb, quoting the United Nations Human Rights Council) [31d]

- 8.86 The AI Report 2007 on Sri Lanka (covering events from January – December 2006) recorded that “There were numerous reports of torture in police custody. According to the non-governmental Asian Commission for Human Rights, two people died in custody in 2006.” [3u] (Torture)

- 8.87 As noted in the USSD report 2006:

“The law makes torture a punishable offense but does not implement several provisions of the UN Convention Against Torture. Human rights groups maintained that while torture is prohibited under specific circumstances, it was allowed under others. According to the HRC and other credible sources, the use of police torture to extract admissions and confessions was endemic and conducted with impunity. In addition, the Emergency regulations make confessions obtained under any circumstance, including by torture, sufficient to hold a person until the individual is brought to court; 528 arrests were made under the Emergency regulations during the year, although 288 of those arrested were released within 12 hours. The majority of those arrested were Tamil, although detainees included Sinhalese and Muslims as well. In addition to suspicion of terrorism, people were detained for lack of identification, narcotics, and outstanding warrants...Observers estimate that 200 persons remained in custody under detention orders at years [2006] end. The SLHRC reported that 433 individuals were tortured in police custody during the year... Methods of torture included beatings-often with sticks, iron bars or hose;

electric shock; suspending individuals by the wrists or feet in contorted positions; burning; genital abuse; and near-drowning. Detainees reported broken bones and other serious injuries as a result of their mistreatment.” [2c] (Section 1c)

- 8.88 As noted in the Report on civil and political rights (including the question of disappearances and summary executions) of the UN Special Rapporteur, Philip Alston on his Mission to Sri Lanka (28 November to 6 December 2005), published on 27 March 2006:

“The other [in addition to the shooting of criminal suspects taken into custody] main cause of deaths in police custody is torture. (Deaths are an inevitable side-effect of the widespread use of torture.) Government officials were generally candid in recognizing that torture is widespread. While some officials said that the problem’s magnitude had been exaggerated, they did not dispute that in Sri Lanka’s police stations physical mistreatment is frequently used to extract confessions from suspects, sometimes resulting in death. However, this recognition of torture’s prevalence was often accompanied by a complacent and fundamentally tolerant attitude. One high-ranking official acknowledged to me that torture was widespread and problematic but then proceeded to note that while he could understand why police tortured ‘in the line of duty’, he felt it was completely inexcusable for police to torture in pursuit of private ends. This casual acceptance of torture is highly problematic. It also downplays the systemic nature of the problem. There is a nationwide pattern of custodial torture in Sri Lanka, and the Government has a legal responsibility to take measures to bring that pattern to an end. The vast majority of custodial deaths in Sri Lanka are caused not by rogue police but by ordinary officers taking part in an established routine. It is essential that government officials accept that disrupting this pattern of custodial torture is a necessary step not only in ensuring the human rights of those arrested but of retaining public trust and confidence.” [6x] (Paragraph 54)

Extra-judicial killings

- 8.89 The AHRC ‘The state of human rights in eleven Asian nations in 2007, Sri Lanka’, (released on 10 December 2007) reported that:

“Quite regularly reports appear in the press of persons in police custody, having tried to attack the police with grenades or other weapons, being shot dead...In all these cases the magistrates accepted the versions given by the police and entered verdicts of justifiable homicide. The magistrates decided the correctness of the versions given by the police before the cases had been brought to trial at a High Court and before all the evidence was examined. Such deaths which have become quite a common occurrence indicate that the police higher authorities approve of such practices. The fact that the government or the parliament has not taken any visible or effective action to question this practice also suggests that there is direct or indirect political approval of such killings. The former Inspector General of Police (IGP) quite publicly approved this practice and the present IGP has spoken of stopping crime by ‘hook or by crook’. Neither was taken to task by the government or parliament.

“It appears that now if a person is killed by way of torture at a police station this is also portrayed as a case where the person had tried to attack the officers and therefore the police took the necessary measures to protect themselves. In this way even the possibility that there was in the for [sic] investigations into custodial deaths have become even more difficult as these are presented as deaths that occurred outside police stations and particularly in scenes of investigations into crime. The present practice of accepted self defense by the police as the reason for a killing by the magistrates in several courts makes it even more difficult to identify the place of death as well as the circumstances surrounding it.” [47g] (p19-20)

- 8.90 A joint press release by the Law & Society Trust, the Civil Monitoring Commission and the Free Media Movement, issued on 23 August 2007, reported that 547 persons were killed during the period January to June 2007.

“The largest proportion of people killed in the first six months of 2007 were Tamil – 70.7% across the island, as compared with 9.1% Sinhalese and 5.9% Muslims. The gravity of this situation becomes even more pronounced when considered against the fact that the Tamil people make up only 16% of the total population. Men were killed in much larger numbers than women – 89.9% vs. 9.7%. By district, Jaffna was worst affected by killings (23.2%), followed by Batticaloa and Vavuniya (21.5% and 21.3 respectively).” [13a]

- 8.91 A further press release issued by the Law & Society Trust, the Civil Monitoring Commission and the Free Media Movement on 31 October 2007 reported that the total number of persons killed between January and August 2007 was 662 (civilians only). Tamils were now reported to represent 78 per cent of the victims of killings. The press release also noted that 28 per cent of reported killings took place in Jaffna, followed by Batticaloa (20 per cent) and Vavuniya (18 per cent) [13b]

- 8.92 As noted in the International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007:

“The response of the military to LTTE terror has been to resort to its own dirty war. As there has been no adequate investigation into any cases in which government forces and their proxies are implicated, it is hard to be definitive about the identity of the culprits. But it is clear that the problem goes beyond a few undisciplined soldiers or out-of-control paramilitaries and is part of a policy devised and conducted by senior military officials. As noted, on 25 December 2005 Tamil National Alliance (TNA) parliamentarian Joseph Pararajasingham was murdered in Batticaloa. On 10 November 2006 another TNA member, Nadarajah Raviraj, was murdered in broad daylight in Colombo. Most suspicions point to progovernment paramilitary groups in both cases. Beyond these high-profile murders, hundreds of alleged LTTE sympathisers or supporters have been killed, particularly in Jaffna, Vavuniya, and Batticaloa districts.” [76a] (p9-10)

- 8.93 “In the Eastern province, the military has primarily used the TMVP paramilitaries to carry out its dirty work. Killings have also targeted LTTE sympathisers, particularly those termed ‘messengers’, who take food and supplies to the rebels, and those who may report on military movements or other strategic information. But in many cases, this campaign has become repression against anybody who goes against the TMVP, which is carrying on

the LTTE tradition of eliminating those who protest its excesses. In Jaffna, where the TMVP is not active, the killings seem to be the work of what one analyst calls 'hybrid groups', which comprise military intelligence cadres with Tamil militants, some of whom may be from the EPDP. Other sources suggest these are former, but no longer active, members of the EPDP now working closely with the military. Either way, there is little doubt the security services are actively involved in these extra-judicial killings. Shadowy gunmen from these groups seem able to travel around the city after the night curfew, unfazed by the ubiquitous roadblocks and patrols... There seemed to be a lull in the killings in May 2007, raising hopes that international pressure had brought some change in tactics. But in early June there were further reports of unexplained murders in Jaffna." (International Crisis Group, 'Sri Lanka's Human Rights Crisis, Asia Report N°135', 14 June 2007) [76a] (p10)

8.94 The USSD report 2006 reported that "There were no confirmed reports of politically motivated killings by the government; human rights organizations and other credible sources reported an increase in encounter killings by police. Sources further alleged that paramilitary groups, sometimes with the aid of government security forces, engaged in targeted killings of political opponents and civilians. The government and the army denied the allegations." [2c] (Section 1a)

8.95 As recorded in Keesing's Records of World Events, November 2006 – Sri Lanka:

"Prominent Tamil legislator Nadarajah Raviraj, a former mayor of Jaffna city, was shot dead on Nov. 10 in Colombo by gunmen on a motorcycle. Raviraj was an MP for the Tamil National Alliance (TNA), a group of small parties acting as the unofficial political representatives of the LTTE in the legislature. He was an outspoken campaigner against extra-judicial killings and other human rights abuses for which the security forces were held responsible, but he had also recently criticised the LTTE leadership." (Keesing's Records of World Events, November 2006 – Sri Lanka) [23j] As reported by the *Daily Mirror* (Sri Lanka) on 11 November 2006, during the previous few months, Raviraj had participated in the Civil Monitoring Committee (CMC), working with Mano Ganesan and others to monitor extra judicial killings, abductions and disappearances mainly in Colombo. On the day before the attack he had taken part in a TNA protest campaign condemning the killing of civilians in Vakarai and in a live TV interview where he had spoken on the rights of Tamils." [11c]

8.96 As noted in the Report of the UN Special Rapporteur, on his Mission to Sri Lanka, published on 27 March 2006, "Extrajudicial executions are a singularly important element in the exacerbation of the conflict... Almost none of these extrajudicial executions has been effectively investigated. Police and military investigations into the killing of Tamils or the broader range of deaths in custody have too often been poorly handled and remarkably few convictions have resulted." [6x] (Summary)

8.97 The UN Special Rapporteur further commented:

"The issue of killings, in many respects, provides an important window into many facets of the overall situation in Sri Lanka. They are symptomatic of the widespread use of police torture, of the failure to rein in abuses committed or

tolerated by the military, and of the systematic efforts by various armed groups, and particularly the LTTE, to kill Tamils who refuse to support the LTTE and to provoke military retaliation.” [6x] (Paragraph 3)

- 8.98 “The police are now engaged in summary executions, which is an immensely troubling development. Reports, unchallenged by the Government, show that from November 2004 to October 2005 the police shot at least 22 criminal suspects after taking them into custody. It is alleged that the use of force became necessary when, after having been arrested, presumably searched, and (in most cases) handcuffed by the police, the suspects attempted either to escape or to attack the officers. In all cases the shooting was fatal, and in none was a police officer injured. The Government confirmed that in none of these cases had an internal police inquiry been opened. The reason proffered was that no complaints had been received. The pattern of summary executions that emerges demands a systematic official response that brings those responsible to justice and discourages future violations.” (UN Special Rapporteur, report dated 27 March 2006) [6x] (Paragraph 53)

See also Section 8 on Avenues of complaint

[Return to Contents](#)
[Go to list of sources](#)

ARMED FORCES

- 8.99 “As assessed at November 2006, the armed forces totalled 150,900 (including recalled reservists): army 117,900, navy 15,000, air force 18,000. There were also paramilitary forces of around 88,600 (including 13,000 Home Guard, an estimated 15,000 National Guard and a 3,000-strong anti-guerrilla unit). Defence expenditure for 2006 was budgeted at Rs 70,000m. Military service is voluntary.” (Europa World Online, Defence) [1a]
- 8.100 As recorded in Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka (last updated 21 November 2007):

“Certain factors have tended to act upon the army as constraints on maintaining motivation, commitment and efficiency among its cadres. Foremost among these is the stark reality that the overwhelming majority of personnel in the army’s lower ranks are from the lowest income strata of civilian society whose presence in the force is due largely to their inability to find other employment. There has never been an indoctrination of an ideological fervour comparable in intensity and effect to the ethno-nationalist indoctrination of its cadres by the Tamil Tiger leadership. There is certainly no impulse for the soldiers to die as martyrs, emulating the suicide bombers among the Tigers. There has hardly ever been a risk of punishment for deserters. Instead, some of them reap enormous benefits by engaging in crime, often under the patronage and protection of politicians. There is a sense of frustration and cynicism generated by the waywardness of military policy, and the corruption that is believed to prevail both at the higher levels of the army hierarchy as well as among the civilians who control policy matters.” [5a] (Army, 17 October 2007)

- 8.101 “Unlike in the early post-independence decades, the army, navy and the air force are now almost exclusively Sinhalese institutions. In consequence the

army is regarded by most northern and eastern Tamils as a foreign force. Their excesses, especially in operations that have involved confrontations with guerrilla fighters who found shelter among civilians, have had the effect of reinforcing this perception. There have been attempts to improve civilian-military relations in the northeast, although these are yet to have a perceptible impact. In the past few years, however the government has cracked down hard on military personnel accused of crimes committed against the civilians.” (Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka (last updated 21 November 2007) [5a] (Armed Forces, 24 August 2007)

Arbitrary arrest and detention

8.102 See Section on Police since many reports refer to ‘security forces’ in general

Torture

8.103 See Section on Police since many reports refer to ‘security forces’ in general

Extra-judicial killings

8.104 See Section on Police since many reports refer to ‘security forces’ in general

AVENUES OF COMPLAINT

8.105 The Human Rights Watch (HRW), World Report 2008 [2007 events], Sri Lanka, January 2008 noted that:

“The Sri Lankan government fails to hold members of the security forces and nonstate armed groups accountable for abuses. Key parts of the criminal justice system, such as the police and the Attorney General’s Office, have not effectively investigated human rights violations or brought perpetrators to justice. Victims of abuses by security forces and non-state armed groups are apprehensive about complaining to the authorities for fear of retaliation, especially in the absence of functioning victim and witness protection mechanisms. A draft witness protection bill is still pending....Independence of the Human Rights Commission and other constitutional bodies has been undermined since 2006, when Sri Lankan President Mahinda Rajapaksa directly appointed commission members, contrary to the constitution.” [21b] (p3-4)

8.106 As noted in the International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007:

“There are supposed to be a number of independent institutions to act against abuses. However, they have lost much of their independence because of the president’s handling of a complex problem relating to the seventeenth amendment to the constitution. According to this amendment, passed unanimously by parliament in 2001, the Constitutional Council is to nominate members of several bodies, notably the Human Rights Commission, the National Police Commission, the Public Service Commission and the Bribery Commission.” [76a] (p19)

- 8.107 The Human Rights Watch (HRW) report 'Return to War, Human Rights under Siege', published on 6 August 2007 recorded that:

"Impunity for human rights violations by government security forces, long a problem in Sri Lanka, remains a disturbing norm. As the conflict intensifies and government forces are implicated in a longer list of abuses, from arbitrary arrests and 'disappearances' to war crimes, the government has displayed a clear unwillingness to hold accountable those responsible for serious violations of international human rights and humanitarian law. Government institutions have proved inadequate to deal with the scale and intensity of abuse. One barrier to accountability lies in the failure to implement the 17th amendment to the constitution, which provides for the establishment of a Constitutional Council to nominate independent members to various government commissions, including the Human Rights Commission. Ignoring the amendment, the president has directly appointed commissioners to the bodies that deal with the police, public service, and human rights, thereby placing their independence in doubt. The 17th amendment has been similarly bypassed in the unilateral appointment of the attorney general, which undermines the independence of that office." [21f] (Summary)

[Return to Contents](#)
[Go to list of sources](#)

Human Rights Commission of Sri Lanka (HRCSL)

- 8.108 In a press release issued on 31 March 2006, Amnesty International stated:

"The [Human Rights] Commission carries out investigations into cases of torture, 'disappearances', political killings and other human rights violations. It also acts to promote and protect human rights...The Human Rights Commission (HRC) of Sri Lanka was established under the Human Rights Commission Act of 1996. It started its work in 1997 as an independent statutory body to investigate reports of human rights violations. It has ten regional offices and five commissioners. The HRC set up a Torture Prevention and Monitoring Unit in 2004 and a Database on Disappearances Unit in January 2005." [3n]

- 8.109 The USSD 2006 noted that:

"By statute the SLHRC has wide powers and resources and may not be called as a witness in any court of law or be sued for matters relating to its official duties. However, according to many human rights organizations, the SLHRC often was not as effective as it should have been. The SLHRC did not have enough staff or resources to process its caseload of pending complaints, and it did not enjoy the full cooperation of the government. The SLHRC had a tribunal-like approach to investigations and declined to undertake preliminary inquiries in the manner of a criminal investigator...Like in previous years, HRC was not able to function without interruptions." [2c] (Section 4)

- 8.110 The USSD report 2006 recorded that "The HRC provided extra training for officers assigned to this unit and established a policy of quick investigation for torture complaints. The HRC also assigned special teams to investigate deaths in police custody. By year's [2006] end the HRC had opened cases on 433 torture complaints." [2c] (Section 1c) Information available from the website

of the Institute of Human Rights – Sri Lanka, (accessed on 8 November 2007) confirmed that specialised training programmes including intensive training in human rights for the Sri Lanka Army and paralegal training for Gramasevaka Nildaris (village-level government officers) and selected NGO personnel were also available. [24]

- 8.111 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007 noted that:

“When the terms of office of the members of the Human Rights Commission expired in April 2006, the president appointed new members directly, arguing that this was required due to the non-functioning of the Constitutional Council...Since its appointment in May 2006, the present Human Rights Commission has issued no reports on high-profile human rights violations, disappearances, the Emergency Regulations or any other matter. It has occasionally published some figures on complaints but these are incomplete or contradictory. The commissioners downplay the many reports of disappearances and abductions received, arguing that in the majority of cases the person has returned and that media reports are ‘highly exaggerated, unfounded, and malicious’ and are ‘being made to tarnish the image of the country’. Commissioner Jayawickrama claims that since May 2006, there have been ‘no cases of torture’ by the police. This contradicts the Commission’s own statistics, which show 528 complaints of torture in 2006 and another 159 through April 2007.” [76a] (p20)

- 8.112 As noted in a letter from the British High Commission, Colombo to the Home Office dated 11 September 2007:

“You asked about the SLHRC which has been the subject of controversy and concerns over its performance following the end of the previous Commissioners’ terms in mid 2006 and their replacement by Commissioners directly appointed by the President, not by the Constitutional Council, in contravention of Sri [Lanka] Law. As I mentioned before the formal position of the SLHRC remains strong, appointed by an all party selection committee (the Constitutional Council) and with extensive legal powers to summon witnesses and demand information – but the practice rarely reflects the theory. There have been extensive discussions between the SLHRC and the UN who have been the main capacity builders and between the UN and the diplomatic community who have previously provided much of the funding. There are widely differing views with some members of the International Community believing that the SLHRC remains relevant and others believing that civil society groups provide a better answer to SL’s human rights issues.” [15p]

- 8.113 “There are some clear themes that emerge. Among the successes was the implementation of a ‘Zero Tolerance’ policy on torture, along with police station visits and awareness-raising, the Help Desk to receive complaints from the public and on-going police liaison; fact-finding missions to the East and North; the Committee on Disappearances in Jaffna, and the National Database on Disappearances; tsunami disaster relief monitoring, especially the consultation process; monitoring generally, including ‘surprise’ visits to institutions; liaison in the North and East on IDP and Child Rights issues, supported by UNHCR and UNICEF; staff training programmes, especially in 2003 and the role of United Nations Volunteers in some regional offices. However, despite these successes, many core activities have not been

achieved. This especially applies to those relating to improving the efficiency and effectiveness of the Commission as an organisation – for example, the complaints system is chaotic. Additionally the remit of SLHRC extends to include areas that might be handled by public administration ombudsman in other countries, such as resolving disputes over pensions or benefits payments or employment in the public sector.” (Letter from the British High Commission, Colombo, to the Home Office, 11 September 2007) [15p]

8.114 The letter from the BHC of September 2007 further noted that:

“The monitoring of legislation for human rights implications has lapsed. The Commission’s institutional links with NGOs have faded, so when SLHRC encountered problems it had already lost the confidence of a significant part of the NGO community. No annual ‘state of human rights’ report (a mechanism for both accountability and awareness-raising) has been published since 2003. There was a general failure to harness state media in any awareness-raising role and, in recent months, the Commission’s high profile has been lost. The Commission’s credibility has been impaired by 17th amendment controversy and the low profile of the new Commission, although this is less so in the regions. In both Jaffna and the east the Commission enjoys more respect. In Jaffna the local office has worked well under pressure from all sides and its interventions, if unorthodox, have provided a degree of protection to those seeking help.” [15p]

8.115 “The deterioration in the climate for speaking out against human rights violations both reinforces the need for the Commission to defend human rights publicly and increases the risks involved in doing so. Following the tragic aerial bombing of a facility in LTTE controlled territory in 2006 in which over 50 people lost their lives, the SLHRC carried out a[n] investigation which was so weak as to virtually replicate government propaganda. This was a real lost opportunity as many observers were genuinely uncertain about the merits of this case and whether the government or LTTE version of events was more correct. International support to the Commission has waned pending resolution of the appointment issue. The GoSL is providing insufficient support to the Commission and its work. Official championing of the well run and funded, but government controlled, Ministry of Disaster Management and Human Rights has undermined the Commission. The GoSL has failed to strengthen the Commission as it undertook to do during its candidacy for the UN Human Rights Council and has failed to address the Commission’s budgetary problems. In summary the SLHRC is a vehicle with real powers that has the potential to provide genuine human rights interventions and be the basis of a domestic human rights architecture that provides real protection. But, despite the odd glimmer of hope, the reality is very different. We cannot expect the Commission to address serious human rights concerns with vigour, particularly when the government is the agency alleged to have carried out the abuse. “(Letter from the British High Commission, Colombo to the Home Office, 11 September 2007) [15p]

8.116 As recorded in a letter from the BHC in Colombo dated 29 October 2007:

“Since the beginning of the 2007, the Sri Lanka Human Rights Commission (HRC) have recorded 294 abductions and 118 political murders in Jaffna. We understand that the local office have also given protective custody to about 130 people, although instructions from the centre now prevent regional HRC

offices reporting directly to diplomatic missions. Disappearance victims' families expressed helplessness and frustration as the security forces failed to investigate effectively complaints. Key human rights actors in the peninsula told us that the victims do not have any redress. NGO's were deeply concerned about protecting witnesses and victims. Although the army cannot obtain the names of people making complaints to the Human Rights Commission, they could find them out through other ways including through the magistrate's court. NGO's also find the Army reluctant to engage with them - often the military simply assert that human rights violations do not exist in Jaffna...The Army will not normally allow entire families to leave Jaffna. The majority do not want to report any abuses for fear of reprisals. As a result of the loss of income, alcoholism and gender based violence is high. Child abuse also goes unreported" [15q]

- 8.117 As reported by Human Rights Watch (HRW), Sri Lanka: Human Rights Commission Downgraded, on 18 December 2007:

"Recently the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights – the international body that regulates national human rights institutions – reduced Sri Lanka's NHRC [National Human Rights Commission] to the status of an 'observer' because of government encroachment on its independence...The international coordinating committee downgraded the Sri Lankan NHRC on two grounds: first, because of concerns that the appointment of its commissioners was not in compliance with Sri Lankan law, which meets international standards; and second, because of doubts that the commission's practice was not 'balanced, objective and non-political, particularly with regard to the discontinuation of follow-up to 2,000 cases of disappearances in July 2006.'..The NHRC has failed to adequately address the hundreds of reported cases of new 'disappearances' in Sri Lanka over the past two years. In a note dated June 29, 2006, the secretary of the commission said that it had decided to stop inquiring into these complaints 'for the time being, unless special directions are received from the government.' An internal NHRC circular dated June 20, 2007 imposed a maximum time period of three months in which complaints must be filed with the commission, even though no there is no such limitation in existing laws or regulations. More than three months after an incident, the commission will only investigate complaints at its discretion." [21g]

- 8.118 The HRW, World Report 2008 [2007 events], Sri Lanka, January 2008 noted that "Sri Lanka's Human Rights Commission is of limited capacity and political weight, and unable to investigate specific incidents and make recommendations for redress, primarily for lack of cooperation from the government." [21b] (p3-4)

Protective custody

- 8.119 On 30 September 2007 *The Sunday Times* (of Sri Lanka) reported that:

"The Government is to set up a rehabilitation centre in Jaffna to accommodate people who seek protection at the Human Rights Commission (HRC). In the wake of increasing number of surrendeers at the Jaffna HRC, Justice and Social Services ministries sought approval for such a centre. At present, the surrendeers are sent to the Jaffna prisons where some 100 such people are housed. Social Services Minister Douglas Devananda said the new centre will

give the inmates job training and find them employment locally and abroad.” [11n]

- 8.120 As recorded in the SLMM [Sri Lanka Monitoring Mission] Weekly monitoring report 1 – 7 October 2007 “Security concerns in Jaffna continued, and 12 people asked for protective custody during the week. It was revealed that the new courthouse to be opened on 25 October would serve as shelter for those asking [the Human Rights Commission] for protective custody.” [22a] Four men asked for protective custody in Jaffna duringh the week 22 – 28 October 2007. (SLMM Weekly monitoring report 22 – 28 October 2007) [22c]
- 8.121 On 17 October 2007 it was reported that the Chief Justice (CJ) of the Supreme Court had issued a special order to the Government agent to move to the High Court’s building in Kurunagar more than one hundred civilians who had sought the HRC protection and were kept in protective custody in Jaffna prison. (TamilNet 17 October 2007) [38r] On 27 October 2007 the CJ directed the authorities to relocate the men held in protective custody in Jaffna prisons to the Rehabilitation Centre in Kaarainakar. (TamilNet 17 October 2007) [38s]
- 8.122 As reported by the pro-LTTE website TamilNet on 11 January 2008:
- “212 civilians in Jaffna peninsula who sought protection with Human Rights Commission (HRC) due to death threats by Sri Lanka Army (SLA) troops and SLA-backed paramilitaries, and placed in the protective custody of Jaffna prison, are uncertain of their future in after [sic] the Sri Lanka Monitoring Mission (SLMM) in Jaffna ceasing to funtion in Jaffna, legal society sources in Jaffna said. The relatives of the said 212 civilians in Jaffna prison have sought the assistance of Jaffna Magistrates Court and attorneys to secure the safety of the inmates. Some of them are languishing in Jaffna prison, for more than an year, which lacks basic health facilities besides being over crowded. The initial attempts by Minister Mahinda Samarasinghe to establish a rehabilitation centre in Karainakar to shelter the civilians in protective custody have been abandoned indefinitely, the sources added.” [38ac]

[Return to Contents](#)
[Go to list of sources](#)

Ad hoc commissions of inquiry

- 8.123 As noted by Amnesty International on 17 November 2006:
- “On 4 September 2006 the President of Sri Lanka announced that the government would invite an international independent commission to probe abductions, disappearances and extra-judicial killings in all areas of the country. Amnesty International welcomed the Government of Sri Lanka’s commitment to address past human rights violations. On 6 September 2006 the President, instead announced that he would invite an International Independent Group of Eminent Persons (IIGEP) to act as observers of the activities of the Commission which will investigate alleged abductions, disappearances and extra judicial killings. The eight Sri Lankan commissioners were formally announced on 6 November with a mandate to inquire into fifteen specific incidents [a further case was added at a later stage] that have occurred since August 2005 and the possibility of broadening their

investigations to include cases arising during their inquiries and complaints received by the commission on other serious violations.” [3b]

- 8.124 As announced on the the Official Government News Portal of Sri Lanka on 11 January 2007:

“The Commission of Inquiry to probe into the recent allegations of human rights violations [officially called Presidential Commission of Inquiry to investigate and inquire into serious violations of human rights] has begun its hearing of evidence...The eight-member Commission is headed by former Supreme Court Judge Nissanka Udulagama. According to him the International Independent Group of Eminent Persons’ (IIGEP), will be monitoring the investigations of the commission as pre scheduled. Initially the commission has focused attention on fifteen major incidents...Apart from these specific cases the committee has a provision to broaden their investigations on cases arising during the inquiries and on complaints received to the commission from public on other serious violations of human rights, based on the opinion of the commission. The IIGEP headed by the former Chief Justice of India P.N. Bhagwathie will observe the investigations and inquiries conducted by this Commission of inquiry. The IIGEP is authorised to over see the mode of operation of the commission’s inquiries is in par with the international norms and standards.” [10e]

- 8.125 On 3 June 2007 the Official Government News Portal of Sri Lanka reported that “...the President has appointed a committee to look into extra judicial killings and abductions. The Committee headed by the Minister of Human Rights and Disaster Management Mahinda Samarasinghe will look into issues of disappearances and abductions.” [10i]

- 8.126 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007 noted that:

“In the face of this explosion of political crimes and rights violations, law enforcement agencies and the judicial system have failed almost completely. There have been almost no credible police investigations and very few arrests or indictments in any of the hundreds of killings, abductions, and disappearances over the past year and a half of sustained violence. Of the sixteen high-profile cases to be investigated by the Presidential Commission of Inquiry into Serious Human Rights Violations, for instance, the police have filed indictments in only one – the assassination of Lakshman Kadirgamar. The public position of the police and the attorney general’s department is that there are no suspects or insufficient evidence in the other cases. The government claims to have arrested some soldiers and police under the Emergency Regulations in connection with recent abductions and disappearances but it has given no information about the arrests, and no charges have been filed.” [76a] (p16)

- 8.127 The ICG report of June 2007 further noted that:

“After an agonisingly slow start, the Col [Commission of Inquiry] began work in May 2007, having spent six months dealing with innumerable bureaucratic and procedural issues, such as hiring staff, translating documents and devising policies and procedures. Given the urgency of the cases, the delay seems inexcusable, but more worrying are issues relating to its freedom of action,

ability to protect witnesses and impact on the broader human rights situation.” [76a] (p24)

- 8.128 “In order to forestall calls for a fully international enquiry, the government agreed to the present hybrid, with an observer group of independent ‘eminent persons’ attached to the Col...Its limited mandate, however, poses major challenges. It is not permitted to conduct its own investigations, only to observe the Col’s and report to the president on them. The IIGEP does in principle have access to all documents that come to the Col and has a limited right to interview witnesses... On 11 June [2007], the IIGEP released its first public statement, summarising its first quarterly report submitted to the President ten days earlier.” (International Crisis Group, ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007) [76a] (p25)

- 8.129 The International Independent Group of Eminent Persons (IIGEP) noted in their first statement issued on 11 June 2007: “We remain concerned that current measures taken by the Government of Sri Lanka and the Commission to address issues such as the independence of the Commission, timeliness and witness protection are not adequate and do not satisfy international norms and standards.” The statement concluded by saying:

“We regret that public statements from State officials are creating the misleading impression that the Commission and IIGEP have wide mandates and powers and the resources to address ongoing alleged human rights violations in Sri Lanka. This is not the case. In the current context, in particular, the apparent renewed systematic practice of enforced disappearance and the killings of Red Cross workers, it is critical that the Commission and IIGEP not be portrayed as a substitute for robust, effective measures including national and international human rights monitoring.” [59b]

- 8.130 As noted in the IIGEP’s second public statement released on 15 June 2007:

“Further to our previous public statement of 11 June 2007, we, the International Independent Group of Eminent Persons (IIGEP) are concerned that the conduct of the President’s Commission of Inquiry to Investigate and Inquire into Alleged Serious Violations of Human Rights (the Commission) is inconsistent with international norms and standards. Failure to take corrective action will result in the Commission not fulfilling its fact-finding mandate in conformity with those norms and standards. Central to our concerns is the role of the Attorney General’s Department in the Commission...The Commission does not seem to have taken sufficient corrective measures to ensure that its proceedings are transparent and conform with international norms and standards of independence, impartiality and competence.” [59c]

- 8.131 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 recorded that:

“The Commission of Inquiry has serious deficiencies, and it remains to be seen whether it can effectively promote accountability where state institutions have failed. First, the commission does not appear to have made much headway in the 16 serious cases it has the mandate to investigate, while additional atrocities by all sides continue to occur. Second, the commission can only recommend to the government the steps to take, so its findings will not necessarily result in prosecutions. Third, investigations are stymied by an

inadequate witness protection program that would encourage rightly fearful victims and witnesses to testify about abuses by government security forces. Fourth, the attorney general's office has a direct role in commission investigations — a potential conflict of interest that may undermine the commission's independence. Finally, the head of the commission is limiting the work of the international experts to a narrow observer-only role, which would prohibit them from conducting investigations and speaking with witnesses." [21f] (Summary)

8.132 As noted in their third public statement issued on 19 September 2007:

"The IIGEP remains concerned about the speed of the Commission's investigation process... While recognizing the practical steps taken by the Commission to accelerate the investigation phase, the IIGEP considers that the Commission is unlikely to have completed any case before the expiry of the Commission's mandate in early November 2007... The IIGEP reiterates its opposition to the leading role of the officers of the Attorney General's Department in the Panel of Counsel to the Commission, which involves serious conflicts of interest. This situation lacks transparency and compromises both national and international standards of independence and impartiality that are central to the credibility of and public confidence in the Commission... The IIGEP is also concerned that the Commission does not have sufficient financial independence enabling it to exercise direct control of its resources and avoid delays to its operations... The IIGEP is concerned that the Commission still has no functioning Victim and Witness Assistance and Protection Unit... Taking into account the areas of concern identified in this public statement, the IIGEP concludes that the investigation and inquiry process to date fails to comply effectively with international norms and standards." [59d]

8.133 As reported by Reuters on 19 December 2007:

"Sri Lankan President Mahinda Rajapaksa's office has interfered with a commission probing civil war rights abuses and murders that include some blamed on state security forces, international observers said on Wednesday [19 December 2007]. The International Independent Group of Eminent Persons (IIGEP) says the presidential probe into abuses, including a massacre of 17 aid workers last year that Nordic truce monitors have blamed on security forces, lacks transparency and fails to meet international standards... The panel said the president's office wrote to the commission last month clarifying that it was not necessary to probe the conduct of the Attorney General or his department regarding investigations relevant to the probe. 'The IIGEP ... questions the need for this specific clarification and is of the opinion that this statement at the very least constitutes an interference in the independence of the commission,' the panel said in a statement. It noted that the commission had shown no intention to question the officers of the Attorney General's department on the investigations into rights abuses following the instructions from the president's office. 'In the circumstances, this communication from the President's office erodes the independence and neutrality of the commission, and could impede the search for the truth,' the panel said... The eminent persons group is also concerned at the lack of witness protection legislation, and says the presidential commission has not properly shared information. The presidential commission countered the criticism with a statement of its own, accusing the panel of experts of failing to

properly observe its work and of lacking transparency itself. The two bodies have been at loggerheads for months.” [4g]

- 8.134 The Human Rights Watch (HRW), World Report 2008 [2007 events], Sri Lanka, January 2008 noted that:

“Given their limited resources and mandate, and lack of support from government agencies and the security forces, the Presidential Commission of Inquiry and the International Independent Group of Eminent Persons (IIGEP) have been ineffectual in investigating the 15 incidents of grave human rights abuses selected for inquiry. In its first statement in August 2007 [actually June 2007], the IIGEP noted that the Commission of Inquiry and the IIGEP are not a substitute for robust, effective national and international human rights monitoring to address the country’s broader human rights problems. In early November [2007] the president extended the term of the Commission of Inquiry by an additional year, but determined that the body cannot examine practices of the Attorney General’s Office.” [21b] (p4)

- 8.135 As reported by the pro-LTTE website TamilNet on 29 June 2007:

“Justice Mahanama Tilakeratne, head of the Special Commission on Disappearances, speaking to the media at BMICH Colombo Thursday [28 June], said that between September 2006 and February 2007, more than 430 Sri Lankans, mostly Tamils were killed, and 886 cases of abduction or disappearance remain unresolved, sources in Colombo said. During the same five month period, a total of 2,020 people were either abducted or disappeared. 1,134 were later found alive and reunited with their families, Mr. Tilakeratne said...Tillakaratne was named in 2006 by Sri Lankan President Mahinda Rajapakse as the head of the Commission to investigate the wave of killings and disappearances. Bodies of many abductees were found executed with their hands tied behind their backs and shot through the head. Many of the cases of disappearances are very complicated and pose challenge to local law enforcement authorities to identify those responsible, Tilakeratne added.” [38]

See also Section 8 on Police, Disappearances/Abductions

Police abuses: investigations and prosecutions

- 8.136 The Asian Human Rights Commission (AHRC) ‘The state of human rights in eleven Asian nations in 2007, Sri Lanka’, (released on 10 December 2007) reported that:

“In all these 47 cases [the 47 cases of allegations of torture received by the AHRC Urgent Appeals desk] complaints were made by the victims themselves as well as human rights organisations on their behalf. Human rights organisations have made complaints to the Inspector General of Police, the Attorney General’s Department and the Human Rights Commission of Sri Lanka. In some instances complaints are also made to the National Police Commission. However, the Asian Human Rights Commission is not aware of any serious investigations into any of these allegations leading to prosecutions under the CAT Act, Act No. 22 of 1994. In previous years there had been more investigations by the Special Inquiry Unit (SIU) of the Criminal Investigation Division (CID) however, the Asian Human Rights Commission is not aware of any inquiries into allegations of torture in cases reported in 2007.

As for the Human Rights Commission it has lost its credibility even further this year as a competent body capable of investigation into these allegations.” [47g] (p18)

- 8.137 In a statement issued on 29 October 2007 after his visit to Sri Lanka from 1 to 8 October 2007 the UN Special Rapporteur on Torture Manfred Nowak noted:

“Intimidation of victims by police officers to refrain from making complaints against them was commonly reported, as were allegations of threats of further violence, or threatening to fabricate criminal cases of possession of narcotics or dangerous weapons. Detainees regularly reported that habeas corpus hearings before a magistrate either involved no real opportunity to complain about police torture given that they were often escorted to courts by the very same perpetrators, or that the magistrate did not inquire into whether the suspect was mistreated in custody. Medical examinations were frequently alleged to take place in the presence of the perpetrators, or directed to junior doctors with little experience in documentation of injuries.” (ReliefWeb, quoting the United Nations Human Rights Council) [31d]

- 8.138 The UN Special Rapporteur on Torture further noted:

“I appreciate that by enacting the 1994 Torture Act, the Government has implemented its obligation to criminalize torture and bring perpetrators to justice. I am also encouraged by the significant number of indictments filed by the Attorney General under this Act. However, I regret that these indictments have led so far only to three convictions. One of the factors influencing this outcome is reportedly because of the Torture Act's high mandatory minimum sentence of seven years; it is effectively a disincentive to apply against perpetrators. Other factors are the absence of effective ex-officio investigation mechanisms in accordance with Art 12 CAT, as well as various obstacles detainees face in filing complaints and gaining access to independent medical examinations while still detained. Given the high standards of proof applied by the Supreme Court in torture related cases, it is regrettable that the facts established do not trigger more convictions by criminal courts.” (ReliefWeb, quoting the United Nations Human Rights Council) [31d]

- 8.139 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 noted that:

“Since the beginning of Sri Lanka’s civil war more than two decades ago, successive governments have consistently failed to adequately investigate or prosecute those in the security forces responsible for serious violations of human rights and international humanitarian law. In cases of enforced disappearances, torture, indiscriminate attacks, and targeted killings, successive Sri Lankan governments have consistently failed to hold accountable members of the police or military who commit serious crimes.” [21f] (Section X, Impunity for Rights Violations)

- 8.140 The HRW report of August 2007 further referred to a ‘culture of impunity’ and to “the government’s lack of political will to prosecute soldiers, police, and other government officials and agents implicated in wrongdoing. “Even when there is overwhelming evidence of government forces responsibility for abuse, successive governments have rarely conducted an investigation resulting in a successful prosecution.” [21f] (Section X, Impunity for Rights Violations)

- 8.141 “The Sri Lankan government claims that it prosecutes abusive members of these security forces to the fullest extent of the law. It said that in 2006 the attorney general issued 10 indictments against security force personnel, followed by seven indictments in 2007. In addition, the government said that the military took disciplinary action against six members of the military in 2006, and the police did the same against 26 members of that force. The government has not provided details on any of these cases.” (HRW, ‘Return to War, Human Rights under Siege’, 6 August 2007) [21f] (Section X, Impunity for Rights Violations)
- 8.142 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007 noted that:
- “The failure of the police and judiciary is not simply the result of inadequate training or lack of resources. It is the direct result of a lack of political will and a refusal by the government to acknowledge the extent of the problem. Throughout 2006–2007, the official response to allegations of abuses has been denial, obfuscation, ad hominem attacks on its critics and threats against activists and journalists. In an attempt to counter international pressure, the government has established a number of institutions to investigate human rights abuses but these have been singularly ineffective.” [76a] (p18)
- 8.143 The USSD report 2006 stated that:
- “The majority of the 44 allegations of police torture came from police stations outside the north and east. The government continued to investigate most cases of torture, according to the SLHRC, with 14 torture cases pending in courts at year’s [2006] end, with no convictions...Special sections of the attorney general’s office and the criminal investigation unit focused on torture complaints. During the year [2006] the units forwarded 218 cases for indictments against 139 police and security personnel, in which 65 resulted in an indictment, with 30 cases still pending. The interparliamentary permanent standing committee and its interministerial working group on human rights issues also continued to track criminal investigations of torture. In October the Appeals Court ruled that the Inspector General of Police (IGP) must invalidate promotions offered to officers accused of human rights violations.” [2c] (Section 1c)
- 8.144 “In the majority of cases in which security force personnel may have committed human rights abuses, the government had not identified those responsible or brought them to justice. Human rights organizations noted that some judges were hesitant to convict on cases of torture because of a seven-year mandatory sentence for committing torture...According to human rights organizations, obtaining medical evidence was difficult, as there were only 25 forensic specialists, and medical practitioners untrained in the field of torture assessment examined most torture victims. In some cases doctors were intimidated by police, making accurate medical reporting on torture victims difficult.” (USSD 2006) [2c] (Section 1c)
- 8.145 In a statement issued by the Asian Human Rights Commission (AHRC) on 24 July 2007 it was reported that an Inspector of Police (IP) and a Police Constable (PC) who had been accused of torturing a woman in December 2000, were sentenced to seven years of ‘rigorous imprisonment’ and a fine of

Rs. 10,000. However the report noted that though illegal only a few officers have been punished for using torture and its practice was believed to be widespread. [47a]

- 8.146 As noted in a press release by the Asian Human Rights Commission issued on 9 November 2006:

“The Attorney General yesterday (November 8, 2006) filed an appeal against the acquittal of Sub Inspector Kaluhandi Gervin Premalal Silva by the High Court judge of Kalutara on two counts of torture, one of assaulting Palitha Thissa Kumara with a cricket pole and hands causing serious physical injuries and the second of getting a tuberculosis patient to spit into his mouth. The High Court judge in his judgement stated that the police officer used unnecessary force and caused serious injuries, as mentioned in the medical report, but that it was not sufficient to prove a charge of torture under Sri Lankan law. He acquitted the accused on both charges on the basis that the prosecution had not proved their case beyond reasonable doubt. The Attorney General has filed the appeal on the basis that the High Court judge has erred in law and fact in coming to that conclusion. Earlier Palitha Thissa Kumara also filed papers seeking leave to appeal against the same judgement. His appeal gives twenty two counts on which the High Court judgement is being challenged. On the same incident the Supreme Court earlier held that the police officer had violated the rights of Palitha Thissa Kumara by torturing him and ordered the police officer to pay Rs. 5000= in compensation and the state to pay a further Rs. 20,000=.” [47d]

- 8.147 As noted in the Report of the UN Special Rapporteur, on his Mission to Sri Lanka (28 November to 6 December 2005), published on 27 March 2006:

“The lack of investigative capacity is due to a lack of police training and resources, ineffective forensics, and an unwillingness to ensure the security of witnesses. The Judicial Medical Officers (JMOs) who carry out most autopsies typically lack the requisite vehicles, equipment and specialized training. The range of obstacles to a prompt and effective examination means that too much evidence simply bleeds out onto the floor. Investigations are also impeded by the lack of effective witness protection. This makes witnesses especially reluctant to provide evidence on crimes committed by police officers, and led several interlocutors to joke that it would be better to be a victim than a witness. Inadequate investigations result in evidence insufficient to sustain a conviction. Various police and forensic training programmes have been supported through development assistance initiatives. In the absence of any detailed evaluations, my impression is that they have been worthwhile but regrettably limited in scope.” [6x] (Paragraph 56)

- 8.148 “The frequent failure to prosecute police accused of responsibility for deaths in custody is due partly to deficiencies in internal investigation. Complaints about police misconduct are received by the Inspector General of Police (IGP), who selects either the Special Investigations Unit (SIU) or the Criminal Investigation Department (CID) to carry out an internal investigation. Internal investigations into serious incidents typically last from two to four years, and it seems likely that by no means all such complaints are investigated at all. When grave misconduct, such as torture or murder, has been alleged, the investigation is generally conducted by CID. The primary role of CID is assisting local police, and for it to also conduct internal investigations

undermines both their actual effectiveness and outside perceptions of impartiality. Reform is needed, and it may be hoped that this can be spearheaded by a strong National Police Commission.” (UN Special Rapporteur, report dated 27 March 2006) [6x] (Paragraph 57)

- 8.149 “Cases that are referred to the Attorney-General seldom lead to convictions. This is partly due to the lack of evidence gathered, and partly to a judiciary that moves cases along slowly, sometimes tolerating years of delay preceding verdicts. One government official suggested that the judiciary was so overloaded that judges would seize on any plausible excuse to allow a postponement and cut the caseload. He pointed out that if indictments reliably resulted in interdiction, as the law requires, police officers and other government officials would be less likely to seek dilatory adjournments. I regret that I did not have the opportunity to meet with judges, but I note the widespread perception that the courts manage cases inefficiently. Prosecutors must also share the blame for the low conviction rates. The Attorney-General has become increasingly active in prosecuting police torture cases, and he informed me that there have been 64 indictments, 2 convictions, and 2 or 3 acquittals (most cases are pending). Time will tell whether this is the beginning of accountability or a further exercise in shadow boxing.” (UN Special Rapporteur, report dated 27 March 2006) [6x] (Paragraph 58)

Witness protection

- 8.150 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 noted that:

“A key problem in prosecuting cases is the lack of a witness protection law or program, which discourages cooperative individuals from giving evidence against members of the security forces. Without adequate protection, the risk of retaliation for some remains too high. According to Sri Lankan lawyers and human rights activists, witnesses in criminal cases who implicate members of the security forces have been targeted in the past with threats, harassment, and violence.” [21f] (Section X, Lack of witness protection) The HRW World Report 2008 [2007 events], Sri Lanka, January 2008, highlighted again “the absence of functioning victim and witness protection mechanisms” and noted that a draft witness protection bill was still pending. [21b] (p3)

See also Section 8 on Ad hoc commissions of inquiry

- 8.151 The Asian Legal Resource Centre’s written statement of 17 February 2005 commented:

“This murder [of Gerald Pereira] has raised serious concerns about the future of cases under the Convention against Torture Act of Sri Lanka (Act No. 22 of 1994). If a chief witness were killed before a trial takes place, then it would be virtually impossible to proceed with the criminal trial as required under this act. The result might be that more alleged perpetrators accused in criminal cases, particularly those involving torture, may resort to the killing of key witnesses in the hope that trials against them will be withdrawn. Indeed, there have been other cases where there have been attempts at murder and serious torture of victims for a second time with the expectation that legal proceedings will be terminated due to a lack of evidence.” [49a]

8.152 The Asian Legal Resource Centre's statement continued:

"Though serious representations have been made to the Inspector General of Police, Attorney General and other relevant state agencies to implement a witness protection programme, there has been no attempt to bring about such a programme through the law. Although regrets are expressed over deaths, no positive attempt has been taken to introduce a witness protection programme and to provide resources for it....Under these circumstances victims of torture who take cases to trial are faced with serious danger. On the one hand they wish to have the perpetrators of torture punished. On the other hand they are afraid of jeopardising the life and freedom of their family members and also themselves. Many torture victims have relocated to other areas in search of security." [49a]

Position on UN Human Rights Committee recommendations

8.153 On 29 September 2006, the AHRC noted in a statement that:

"The Sri Lankan government has consistently failed to respect or to take any measures to implement the view expressed by the [UN] Human Rights Committee although Sri Lanka became a signatory to the Optional Protocol in 1997. Since then there have been many communications filed by Sri Lanka's [sic] before the Committee and the Committee has expressed its views and made recommendations in six cases...The government of Sri Lanka has paid no respect for [sic] any of these views of the Committee and has not done anything to implement the recommendations...The situation of the state party's disregard of the Human Rights Committee's views reached an even more critical level due to a case which came up before the Supreme Court of Sri Lanka, Nallaratnam Singarasa vs. The Hon. Attorney General (S.C. Spl(LA) No. 182/99). An application was filed on behalf of Nallaratnam Singarasa by way of review and/or revision of the earlier judgment of the court affirming the prison sentence against him on the basis of error in law. Lawyers on behalf of the prisoner requested the court to use the Human Rights Committee's view as a persuasive authority and to revise the earlier judgment on that ground and several other grounds. A five bench judgment led by the Supreme Court without going into the issues of law raised instead decided that the accession of Sri Lanka to the ICCPR in 1980 has no internal implications for Sri Lanka and that the signing of the Optional Protocol in 1997 by the president is ultra vires and unconstitutional. This judgment of the Supreme Court virtually sealed off the possibility of implementation of any of the recommendations of the [UN] Human Rights Committee [sic] in the future in Sri Lanka...The failure of [the] state party to respect its international obligations and also the failure to implement the Human Rights Committees views and recommendations of UN human rights bodies has placed the citizens in an extremely helpless situation. It is commonly admitted even by the state authorities that the rule of law situation is at its lowest ebb at the moment." [47n]

8.154 With regard to the case of Singarasa the AHRC reported that it "was the case of the sentencing of the author for 35 years of imprisonment without fair trial solely on the basis of a confession from the author without any collaboration, taken in a language that the author did not understand and without addressing that [sic] claim that the confession was taken under torture. The [UN] Human Rights Committee held that the facts disclosed violations of article 14 (1), para

1, 2, 3, (c) and 14, para (g) read together with article 2, para 3, and 7 of the Covenant. The Committee recommended release or retrial of the prisoner and compensation and to amend the Prevention of Terrorism Act to make it compatible with the provisions of the Covenant.” [47n]

See also Section 8 on Police

[Return to Contents](#)
[Go to list of sources](#)

9. MILITARY SERVICE

- 9.01 Military service is voluntary. (Europa World Online, Defence) [1a] As recorded by War Resisters International in their document 'Refusing to Bear Arms: A worldwide survey of conscription and conscientious objection to military service, 1998-2005 (Sri Lanka Country Report dated 27 July 1998, website accessed on 28 June 2005), conscription does not exist. The legal recruitment age for the armed forces is 18. There is no known legal provision for conscientious objection. [36]
- 9.02 War Resisters International also reported that desertion is punishable under article 103 of the Army Act by up to three years' imprisonment. Although desertion has been widespread, because of the paucity of recruits, the punishment of deserters rarely occurs. Amnesties for deserters have been announced several times, usually in the context of recruitment drives. According to these amnesties, deserters are allowed to return to their units without facing further penalties. Deadlines for amnesties are often extended as not all deserters apply in time to meet the initial deadline. [36]
- 9.03 As announced on the the Official Government News Portal of Sri Lanka on 12 January 2007:
- "Government has declared another amnesty period for Army deserters from January 20 to January 31 of this year, Sri Lanka Army Headquarters stated in a media release. Accordingly the Army personnel who deserted the service after December 31, 2003 are requested to take this opportunity and re-join to the service by reporting for duty at their respective Regiment Centres... They will be reinstated in the same ranks they held and are assured that they will not be subjected to any punishment for absconding. The period of this amnesty will not be extended." [10f]
- 9.04 On 9 November 2007, the Government-controlled *Daily News* reported that the army had declared an amnesty to take place between 12 and 25 November 2007 for all deserters, those 'Absent Without Official Leave' and those who left the army during training. The amnesty applied to soldiers who had left the army on or after 1 November 2004. Those affected would not face punitive action and could re-join the army at the rank held when they deserted. [16f] On 26 November 2007 the *Daily Mirror* (Sri Lanka) reported that more than 1500 army deserters had rejoined the army during the amnesty period and the defence secretary Gotabhaya Rajapaksa had said in the previous week that more than 20,000 youths had joined the armed forces during 2007. [11v]

See also Section 8 on Armed Forces and Section 10 on Abuses by non-government armed forces, Forced conscription

[Return to Contents](#)
[Go to list of sources](#)

10. ABUSES BY NON-GOVERNMENT ARMED FORCES

- 10.01 The Human Rights Watch (HRW), World Report 2008 [2007 events], Sri Lanka, January 2008 noted that:

“In areas under its control, the LTTE continues to forcibly conscript children and adults, control the media, and suppress freedoms of expression, association and assembly. In contested areas, the LTTE continues to conduct targeted killings of perceived political opponents. On November 28 [2007], two bombings attributed to the LTTE killed 18 civilians in Colombo. The Karuna group, which has been aligned with government forces since breaking away from the LTTE in 2004, openly engaged in child recruitment, extortion, abductions for ransom, and political killings.” [21b] (p1)

- 10.02 The Minority Rights Group International briefing ‘One year on: counter-terrorism sparks human rights crisis for Sri Lanka’s minorities’, dated December 2007 reported that:

“In the past year, the LTTE has been responsible for widespread abuses including killings of opponents and child abductions. The LTTE also has a reputation for using civilians as human shields and obstructing civilians trying to flee battle zones... Since late November [2007] the LTTE has stepped up bomb attacks in Colombo and in other parts of the country killing several innocent civilians and sparking condemnation from international and local human rights groups. The Tigers are not the only militant group engaging in human rights abuses. Other groups, such as the EPDP, EPRLF and EROS and the Karuna group (a rebel splinter group of the Tigers), have also been accused of large-scale abuses including killings and enforced disappearances.” [62b] (p6)

- 10.03 The same report continued:

“Despite continuous government denials, the Karuna group clearly appears to be enjoying State backing. Its cadres are armed and they openly move around the main towns in eastern Sri Lanka. Their offices are often adjacent to police stations or military camps... Based on a series of recent reports and civilian interviews, it appears that human rights abuses by the Karuna group are linked to the military in two ways. Firstly, the military turns a blind eye to the abuses perpetrated by the group including killings, abductions and extortions. The Karuna group kills opponents, or in some cases, innocent civilians suspected of supporting the Tigers. The militants also brazenly engage in extortion, harassment and intimidation in the east. Tamils, mainly those involved in businesses, suffer systematic extortion. In most cases, businesses have to provide a monthly percentage of their income, irrespective of the profit... Secondly, the military supports or colludes with the Karuna group [in the abductions and forced recruitment of children].” (Minority Rights Group International, ‘One year on: counter-terrorism sparks human rights crisis for Sri Lanka’s minorities’, December 2007) [p6]...Despite the arrest of the leader of the Karuna group in London [in November 2007], the cadres continue their reign of terror in eastern Sri Lanka, engaging in human rights abuses.” [62b] (p10)

- 10.04 The US State Department (USSD) Report 2006, Sri Lanka, released on 6 March 2007 noted that “The LTTE routinely used excessive force in the war,

including attacks targeting civilians. Since the peace process began in 2001, the LTTE has engaged in targeted killings, kidnapping, hijackings of truck shipments, and forcible recruitment, including of children.” (USSD 2006) [2c] (Section 1g)

See also Annex B and F

[Return to Contents](#)
[Go to list of sources](#)

ARBITRARY ARREST AND DETENTION

10.05 The USSD report 2006 stated that “During the year the LTTE continued to detain civilians, often holding them for ransom...The SLMM reported that LTTE and Karuna Faction abductions increased significantly during the year.” [2c] (Section 1b) The LTTE reportedly held a number of political prisoners; however, the number was impossible to determine because of the secretive nature of the organization, and the LTTE refused to allow the ICRC access to these prisoners...” [2c] (Section 1g)

10.06 The SLMM [Sri Lanka Monitoring Mission] Weekly monitoring report 17 – 23 September 2007 recorded that:

“In addition to the reported involvement in abductions, the TMVP/Karuna group remained visible in the ER [Eastern Region]. The TMVP/Karuna group reportedly operate a parallel legal system, summoning people to their offices and taking them into custody. Persons in TMVP/Karuna group custody are often severely physically abused and threatened with death. The TMVP/Karuna group continued to extort money from local businesses, and was reportedly involved in general harassment of civilians. The SLMM received several complaints of persons being summoned to TMVP offices, threatened or harassed...All in all, the TMVP/Karuna group activities added to a situation of general insecurity for the civilian population.” [22b]

[Return to Contents](#)
[Go to list of sources](#)

DISAPPEARANCES/ABDUCTIONS

10.07 As recorded in the SLMM Weekly monitoring report 1 – 7 October 2007:

“There was a continuing trend of abductions and assassinations in the Eastern Region (ER). The SLMM received reports on 21 people being abducted, including complaints and cases occurring previous to the period of reporting. Two cases included children. The TamilEela Makkal Viduthalai Pulikal (TMVP)/Karuna group was the reported perpetrator in eight of the abductions, including both child abductions. There were concerns on ongoing reports on TMVP/Karuna group harassment and abductions and police reluctance to intervene. Information gathered by the SLMM said police did not act unless other organisations intervened. A high-ranking police officer told the SLMM the police should act on complaints. Furthermore it was reported that

TMVP/Karuna group members passed through checkpoints without hindrance when carrying guns or transporting abductees.” [22a]

- 10.08 The SLMM Weekly monitoring report 17 – 23 September 2007 noted that “The SLMM continued to receive reports on abductions, extortions, harassment, and threats by the Tamileela Makkal Viduthalai Pulikal (TMVP)/Karuna group in the ER [Eastern Region]...The SLMM furthermore received several complaints regarding abduction of minors in the ER, also involving the TMVP/Karuna group.” [22b]
- 10.09 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 noted that:

“Over the past two years the Karuna group has been implicated in numerous abductions resulting in summary killings. Most of the victims are alleged supporters of the LTTE...The Karuna group has also engaged in kidnappings for ransom of wealthy, predominantly Tamil, businessmen to raise money. Such kidnappings, which one journalist called an ‘industry,’ have happened in Colombo and other towns, most recently Vavuniya. A few businessmen have been killed, apparently because they or their families refused or were unable to pay, or perhaps as a message to others that they should comply. According to the Civil Monitoring Commission, out of 78 cases of reported abductions of Tamil businesses in Colombo in late 2006-early 2007, 12 abductees have been murdered, 15 released after the ransom had been paid, and 51 are still missing. Media reports have suggested that security forces were implicated in these abductions, either directly facilitating them or providing a cover and not taking any action against them.” [21f] (Section V, Karuna group)

TORTURE

- 10.10 The Medical Foundation for the Care of Victims of Torture document ‘Torture once again rampant in the Sri Lanka conflict’, undated (released on 31 October 2007) reported that out of 115 cases where the perpetrator was identified “The Karuna group was named in 11 cases, and the LTTE implicated in 15. In a number of cases, once targeted by one faction, victims reported that they subsequently fell under suspicion from other groups because of speculation about what they might have said while being held.” [40] (p5)
- 10.11 The USSD report 2006 noted that the LTTE engaged in torture. [2c] (Introduction) The USSD report 2004 stated that the LTTE used torture on a routine basis. [2d] (Section 1c) The USSD report 2003 recorded that “In the past, Tamil militants aligned with the former PA government engaged in torture; however, there were no such reports during the year [2003].” [2b] (p6)

[Return to Contents](#)
[Go to list of sources](#)

EXTRA-JUDICIAL KILLINGS

- 10.12 As noted in the International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007:

"The LTTE has from its inception used assassination of its Tamil opponents as a way of suppressing rival nationalist movements. It also has a long history of assassinations and attempted assassinations against political and military leaders. On 12 August 2005 Foreign Minister Lakshman Kadirgamar was killed at his home by a sniper. Exactly a year later, the deputy secretary general of the government's Peace Secretariat, Kethesh Loganathan, was shot dead. He was a former member of a rival Tamil political party and a well-known human rights activist and critic of the LTTE, which was widely suspected in both killings. In December 2006 the LTTE tried to kill Gotabhaya Rajapakse, the defence secretary, with a suicide attack. It has continued a string of murders in the north and east, primarily targeting those it accuses of collaboration with the military." [76a] (p9)

- 10.13 The USSD Country Reports on Terrorism, released on 30 April 2007, recorded that:

"The LTTE conducted a campaign of targeted assassinations against political and military opponents. This included the April [2006] assassination attempt of Sri Lanka Army Commander General Sarath Fonseka and the assassination of the Army Third-in-Command; the August 12 assassination of the Government of Sri Lanka's Secretariat for the Coordination of the Peace Process, Deputy Director Keteshwaran Loganathan; and the December 1 suicide bomber's attempt on the life of Defense Secretary Gothabaya Rajapaksa, the President's brother. The Karuna faction, a dissident faction of the LTTE, conducted its own assassination campaign against the LTTE and pro-LTTE civilians in the east." [2e] (Chapter 2, Country Reports: South and Central Asia Overview, Sri Lanka)

- 10.14 The USSD report 2006 reported that:

"There were several reports of high profile killings by unknown actors during the year. For example, on April 7 [2006], unknown gunmen killed Tamil National Alliance parliamentary nominee V. Vigneswaran within sight of a navy checkpoint. Police had made no arrests at year's end...During the year the LTTE was implicated in attacks on high-profile political opponents and civilians. An April 17 suicide attack at Army Headquarters severely wounded Army Commander General Sarath Fonseka and killed eight others...In June a LTTE suicide bomber killed Army Third-in-Command General Kulatunga in a Colombo suburb...On August 13 [2006], presumed-LTTE gunmen killed Ketheshwaran Loganathan, Deputy Secretary of the Secretariat for Coordination of the Peace Process (SCOPP)...On August 14, Pakistan's High Commissioner escaped when a bomb hit his convoy; according to HRW at least seven people died in the incident. On September 17, authorities discovered the mutilated bodies of 10 Muslim construction workers in Pottuvil, near Arugam Bay. A survivor implicated the LTTE in the killings. A Presidential Commission of Inquiry to investigate serious violations of human rights, appointed in December, has a mandate to investigate this and a number of other cases." [2c] (Section 1b)

- 10.15 "During the year [2006] there were credible reports that the LTTE killed 531 members of the police and military, more than 34 members of anti-LTTE Tamil paramilitary groups such as the Eelam People's Democratic Party (EPDP), LTTE cadres loyal to the Karuna faction, alleged Tamil informants for the

security forces, and civilians. The LTTE targeted both current and former members of anti-LTTE Tamil political parties. During the year 59 current and past anti-LTTE EPDP members were killed. Credible sources indicated that the LTTE killed 30 members of the breakaway military leader Karuna's group. There was also credible evidence that the LTTE killed 10 members of the military intelligence apparatus in a targeted campaign." (USSD 2006) [2c] (Section 1b)

- 10.16 "Gunmen from Karuna's paramilitary group allegedly killed 16 LTTE cadres, including (alias) Ramanan (Deputy Military Commander for Batticaloa) and Akbar (Artillery Division Director). Karuna's group was believed also to have killed several hundred civilians, including the 10 killings in conjunction with abductions...There were reports that the government provided protection and military aid to Karuna and his cadres to assist them in their fight against LTTE cadre. The government denied any connection to Karuna and his cadres." (USSD 2006) [2c] (Section 1g)

See also Annex F

- 10.17 As noted in the 'UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka', dated December 2006 "The LTTE has proven on numerous occasions that it can track down its opponents throughout the country, and kill them, as illustrated by the number of targeted killings and the increased number of claymore and other explosive devices discovered and detonated in Colombo and elsewhere in government-controlled areas." [6b] (Paragraph 16)

- 10.18 As noted in the report of the UN Special Rapporteur, on his Mission to Sri Lanka (28 November to 6 December 2005), published on 27 March 2006, "On the rebel side, the LTTE regularly issues unconvincing denials of responsibility for various killings but fails to denounce any of those which suit their purposes. The 'Karuna group', who split from the LTTE in the Eastern Province in March 2004, have killed and terrorized LTTE cadres and suspected supporters." [6x] (Summary) "The Government has failed to effectively investigate most political killings. This is due both to the police force's general lack of investigative ability and to other impediments. [6x] (Paragraph 34)

- 10.19 The UN Special Rapporteur further noted:

"Post-ceasefire killings of members of these groups have continued, and most circumstantial evidence points to the LTTE. While some killings may have been motivated by the quest for military advantage, many appear to have been aimed only at upholding the LTTE's proclaimed role as the 'sole representative' of the Tamil people. Members of these groups are justifiably concerned that CFA article 2.1, prohibiting hostile acts against the civilian population, has not provided greater protection to them." [6x] (Paragraph 13)

"One of the most disturbing aspects of post-ceasefire violence has been the use of killing to control the Tamil population...the LTTE and, to a lesser extent, other groups have elected to reinforce their political and financial support from the Tamil population through the use of violence. The LTTE's classification of its political opponents within the Tamil community as 'traitors' and its efforts to enforce obedience with killings constitute fundamental violations of human rights." [6x] (Paragraphs 21- 22)

- 10.20 As noted in the 'UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka', dated December 2006, "Apart from alleged state-sponsored paramilitary groups, the army, the LTTE, armed elements of the Eelam People's Democratic Party (EPDP, a Tamil opposition party with associations with the security forces), and the Karuna faction have also been implicated in abductions, disappearances, extrajudicial killings." [6b] (Paragraph 16)

See also Annex B, E and F

[Return to Contents](#)
[Go to list of sources](#)

FORCED CONSCRIPTION

- 10.21 As noted in the 'UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka', dated December 2006:

"Young Tamil men and women continue to be at risk of forced recruitment by the LTTE and/or Karuna faction in the North and East of the country... Although both the LTTE and the Karuna faction deny allegations of forced recruitment, there is considerable pressure on every family to contribute at least one fighter. Since the escalation of hostilities in the East, there has been an increase in open recruitment by the Karuna faction, including in displacement sites. Families of those forcibly recruited are often afraid to report these abductions for fear of reprisals. Many people have fled the North and East to escape competing pressures from both the LTTE and the Karuna faction and in fear of retaliation if they do not comply. Retaliation could be of a severe nature, which may include torture and other forms of human rights abuses of sufficient severity as to amount to persecution... Children, in particular, are at risk of violation of their human rights through military recruitment. Underage recruitment is reported to take place in both LTTE and government-controlled areas, the latter allegedly by the Karuna faction." [6b] (Paragraph 18)

LTTE

- 10.22 The UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, dated 21 December 2007, noted that "In 2007, concerns were raised about the massive recruitment of people, including children, into LTTE through a family quota system, according to which every family is required to contribute a family member to LTTE." [6e] (p2)
- 10.23 "From 1 November 2006 to 31 August 2007, the United Nations Children's Fund (UNICEF) received reports of 262 children recruited by LTTE, including 32 who were re-recruited. This represents a significant reduction in the rate of reported recruitment of children by LTTE, as compared to the previous reporting period... From 1 November 2006 to 31 August 2007, 41 per cent of the children reported to have been recruited or re-recruited (109 children) were from Batticaloa district, followed by Kilinochchi, with 27 per cent of

reports received of children recruited from the district (71 children). Jaffna experienced the lowest reports of child recruitment among the north and east districts, with one child recruited, one child re-recruited and one child released during the period, which reflects a substantial reduction in the rate of reported recruitment as compared to the previous 12-month reporting period. This may reflect a positive aspect of the closure of the forward defence line by the Sri Lankan security forces since 11 August 2006 and the operation of strict curfews in Jaffna during the night.

“...of the total number of children recruited, 169 were boys and 61 were girls.” (UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007) [6e] (p4)

- 10.24 “LTTE indicated a change in its policy on the minimum age of recruitment on 15 October 2006, establishing 17 years as its minimum age in contravention of applicable international and national legal standards. As a result of continued advocacy and pressure from the international community, LTTE affirmed its commitment to change its current policy and raise its minimum age of recruitment to 18 years on 15 October 2007.

“...the average age of children recruited by LTTE is 15.78 years.

“From 1 November 2006 to 31 August 2007, 203 children were verified by UNICEF to have been released by LTTE. Most of the children were released from Kilinochchi district, followed by Mullaitivu and Batticaloa districts.

“In February, March, June, July and August 2007, for the first time since the UNICEF underage recruitment database was established in 2002, the monthly figure of children released exceeded that of children reported as recruited in the month.” (UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007) [6e] (p5-7)

- 10.25 A document by the Internal Displacement Monitoring Centre (IDMC)/Norwegian Refugee Council entitled ‘Civilians in the way of conflict: Displaced people in Sri Lanka’, September 2007 recorded that:

“Although the LTTE may no longer be conscripting children in large numbers, the threat to children living in areas under LTTE control has not necessarily decreased, impacting the return plans of IDP families. The LTTE has introduced a quota policy whereby one person per family has to join the group, and children are at risk of losing a parent or the family breadwinner. Under the one-person-per-family system, Tamils from 17 to 30 are at the highest risk of being recruited. Early marriages are on the rise with many under 17 marrying to escape recruitment although the average marriage age for Tamils is over 20.” [54b] (p22)

- 10.26 The UNICEF ‘Monitoring and Reporting’, 31 January 2008, recorded that:

“At the Oslo round of Peace Talks in November 2002, UNICEF was given a mandate to monitor child rights violations of the ceasefire agreement. As part of this mandate UNICEF compiles and verifies data on child recruitment, as reported usually by family members, and makes this information available regularly to partners, working with them to advocate against child recruitment.

According to UNICEF data-bases, as of 31 January, 2008, there are 1430 outstanding cases of under age recruitment by the LTTE. Of these, 196 are under the age of 18, and 1234 were recruited while under 18 but have now passed that age...UNICEF continuously checks its database on under age recruitment to ensure its accuracy. UNICEF only withdraws recruits from its database when it is able to verify their release through an official letter of release, or by establishing that the child is reunited with his or her parents. UNICEF estimates that its database only reflects a third of the actual number of children recruited.” [53a]

- 10.27 As noted in a public statement issued by Amnesty International on 10 July 2007:

“Prior to the 2002 ceasefire agreement, the LTTE routinely used children in combat, including high profile battles in which children often suffered high rates of casualties. Over the last two and a half decades of conflict, families living in the conflict areas of the North and East of Sri Lanka have been targeted for recruitment by the LTTE. In the past the LTTE have enforced a ‘one family, one child’ policy in areas under its control instructing Tamil households that each family was obliged to provide a son or a daughter for ‘the cause.’” [3g]

- 10.28 “In June 2003, the Government of Sri Lanka and the LTTE jointly signed the Action Plan for Children Affected by War. One of the commitments made by the LTTE under the Action Plan was that they would stop recruiting children into its ranks, whether voluntarily or through coercion. Throughout 2004 UNICEF issued press statements saying that the LTTE were not living up to their commitments to stop recruiting children. The 2002 ceasefire effectively collapsed last year. As hostilities between the Government of Sri Lanka and the LTTE intensified in 2006, Amnesty International received reports of intensified recruitment in the Vanni, the area to the south of the Jaffna peninsula largely controlled by the LTTE. In April 2007 Amnesty received reports that the LTTE were active in recruiting children in Madhu in Mannar District in preparation for future military battles in the North.” (AI statement of 10 July 2007) [3g]

- 10.29 As noted in the USSD 2006:

“The LTTE used child soldiers and recruited children, sometimes forcibly, for use in battlefield support functions and in combat. LTTE recruits, some as young as eight years of age, escaped LTTE camps and surrendered to the military or the SLMM. Credible reports indicated that in February [2006] the LTTE and Karuna faction increased recruiting efforts, particularly in the east...Credible sources reported that there were more than 450 cases of forcible child recruitment by the LTTE...Several sources reported that the LTTE continued to obstruct the 2003 action plan between UNICEF and the LTTE on the demobilization and rehabilitation of child soldiers. Several sources reported that the LTTE used intimidation or bribes to facilitate recruitment. Some senior LTTE officials claimed that all child soldiers were volunteers.” [2c] (Section 5)

The USSD 2006 further noted that the LTTE used children as young as 13 in battle. [2c] (Section 6d)

- 10.30 On 15 August 2007, the *Daily Mirror* (Sri Lanka) reported that according to human rights sources in the north, youths fleeing the LTTE and surrendering to the Human Rights Commission (HRC) in Jaffna had been handed over to the police, produced before a magistrate and sent to the Jaffna prison as the government had not yet put in place a mechanism for victims to undergo a process of rehabilitation.” [11m]

See also Section 8 on Protective custody

Karuna group

- 10.31 The UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, dated 21 December 2007, noted that: “[The Karuna faction] continued to recruit and re-recruit children throughout the reporting period, in particular in Batticaloa district, where UNICEF received 78 per cent of the reports of children being recruited.” The report added that “...from 1 November 2006 to 31 August 2007, UNICEF received reports of 207 children recruited by the TMVP/Karuna faction, including 45 who were re-recruited. This represents an increase in the rate of reported recruitment by the TMVP/faction, as compared to the previous 12-month reporting period. The majority of children were abducted and recruited by the TMVP/faction in Batticaloa, followed by Ampara, Trincomalee and Polonnaruwa districts.” [6e] (p7-8)
- 10.32 “From 1 November 2006 to 31 August 2007, 71 children were verified by UNICEF to have been released by the TMVP/Karuna faction, mainly from Batticaloa district; another 65 are known to have escaped. Although 23 children were released by the TMVP/faction in the current reporting period, which represents an increase in the numbers released, as compared to the previous 12-month reporting period, 10 were re-recruited from 1 November 2006 to 31 August 2007. For example, on 4 February 2007, the TMVP/Karuna faction released eight boys in the presence of UNICEF and by 12 February 2007, three of them had been rerecruited and remain with the TMVP/faction. Of the 385 children registered on the UNICEF database as having been recruited by the TMVP/Karuna faction, 214 cases, including 160 children currently under 18 years of age, remained outstanding as of 31 August 2007...the average age of the children recruited by the TMVP/faction was approximately 16 years during the reporting period. To date, no age verification processes have been instituted by either the political or military wings of the TMVP/faction. All except one of the children recruited were boys.” (UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007) [6e] (p8)
- 10.33 “A further disconcerting trend has been the payment of monthly allowances to some of the children recruited upon completion of military training by the TMVP/Karuna faction. This may have the effect of stifling reports by impoverished families, who may actually encourage underage recruitment. Reports have been received that families or recruits are receiving a monthly allowance ranging from SL Rs 6,000 to SL Rs 12,000 (approximately \$60 to \$120). UNICEF has recorded 36 cases of recruited children who are receiving payments in Batticaloa district alone. An additional concern is the targeting of children previously associated with LTTE by the TMVP/Karuna faction in eastern Sri Lanka. Families of children who returned home from LTTE have been requested to report to the TMVP offices with their children. Reports were

received that on several occasions, TMVP refused to release these children, claiming that they were holding them for inquiries. In a number of cases, this has resulted in the re-recruitment of children by the TMVP/Karuna faction.” (UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007) [6e] (p9)

- 10.34 “Abduction and recruitment of children by the TMVP/Karuna faction continued to take place from the streets, temples, homes and internally displaced persons camps in the east, mainly in Government-controlled areas. Reports were also received that children were recruited and abducted in areas in close proximity to Sri Lankan security forces offices and checkpoints. All of the TMVP/Karuna faction abduction cases involved forced recruitment, in some cases by armed men who identified themselves as members of the faction.” (UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007) [6e] (p10)
- 10.35 “Engagement with the TMVP/Karuna faction has become less frequent following an internal split in the faction with a separate faction, reportedly led by Commander ‘Pillayan’, moving with cadres from their base in Batticaloa to Trincomalee. The split of the group, however, was not acknowledged by the political leader in Trincomalee...Despite initial engagement on an action plan, the TMVP/Karuna faction demonstrated bad faith on a number of occasions, including leading the United Nations to a falsified training camp in Batticaloa and re-recruiting children within days of releasing them in the presence of UNICEF. As of September 2007, the TMVP/Karuna faction has not demonstrated a full commitment to stop recruiting children and has not released all children within their ranks. Indeed, the faction has continued to abduct and recruit children throughout the reporting period. Of additional concern is the opening of at least 15 TMVP political offices in Batticaloa and five offices in Ampara, in which armed children are regularly sighted.” (UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007) [6e] (p16-17)
- 10.36 “There has been no evidence to date that any measures have been instituted by the police or the security forces to secure the release of the children abducted, recruited and used by the TMVP/Karuna faction despite clear knowledge of the same by the police or the security forces...Many families have visited their children in TMVP/Karuna faction military bases in Theevuchenai, Welikanda, Karupalai, Muthukkal camps and Sewanapittiya areas in Polonnaruwa, requiring passing through military checkpoints. Many families reportedly informed the Sri Lankan Army and the police that they were travelling to visit their children in the TMVP/Karuna faction military bases. In addition, a few TMVP political offices are in very close proximity to the police and Sri Lankan Army checkpoints, such as in the Batticaloa Town and Morakaddanchenai TMVP offices.” (UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007) [6e] (p18)
- 10.37 The UNICEF ‘Monitoring and Reporting’, (undated) recorded that “As of 31 January 2008 there are 234 outstanding cases of under age recruitment by the Karuna group. Of these, 164 are under the age of 18, and 70 were recruited while under 18 but have now passed that age.” [53a]

- 10.38 As noted in a HRW document entitled 'Sri Lanka: Karuna Group and LTTE Continue Abducting and Recruiting Children', dated 29 March 2007:

"There is strong evidence that government forces are now openly cooperating with the Karuna group despite its illegal activities, Human Rights Watch said. ...Independent sources have provided detailed information on abductions and recruitment of children by the Karuna group and the LTTE. In February [2007] the UN special advisor on children and armed conflict, Allan Rock, reported to the Security Council on Karuna abductions of children with state complicity and on child recruitment by the LTTE, based on his visit to Sri Lanka in November [2006]...Karuna has denied allegations that his forces are abducting or recruiting children...In January the TMVP released regulations for its military wing, stating that 18 was the minimum age for recruitment, and specifying penalties for members who conscript children." (Human Rights Watch, 'Sri Lanka: Karuna Group and LTTE Continue Abducting and Recruiting Children', 29 March 2007) [21a]

- 10.39 As noted in the HRW document entitled 'Complicit in Crime - State Collusion in Abductions and Child Recruitment by the Karuna Group, January 2007 (released on 23 January 2007):

"Children are not the only targets. The Karuna group has also abducted and forcibly recruited hundreds of young men between ages 18 and 30. The pattern and intensity of the abductions reveal a coordinated effort to increase the numbers of Karuna's force. At least since June [2006], and probably before, the Sri Lankan government has known about the abductions. The areas where they have taken place are firmly under government control, with myriad military and police checkpoints and security force camps. No armed group could engage in such large-scale abductions, and then hold and train the abductees for combat in established camps, without government knowledge and at least tacit support." [21c] (Summary)

- 10.40 "The government and the Karuna group have repeatedly denied any coordination between them...But for residents of Sri Lanka's eastern districts, government complicity in Karuna abductions is an obvious fact. Tamil and Muslim civilians in Ampara, Batticaloa, and Trincomalee districts say they have seen Karuna members working with the army and police at checkpoints to check IDs, and that armed Karuna cadre walk freely through villages and towns in areas under government control...The Sri Lankan police are also complicit due to their unwillingness to seriously investigate complaints filed by the parents of abducted boys and young men. In some cases the police reportedly refused to register a parent's complaint. In other cases the police registered the complaint but failed to undertake what the family considered a proper investigation. In no known case did the police secure the child's release. Some families did not report the abduction to the police, either out of fear or because they doubted the police would do anything to help their case." (Human Rights Watch, 'Complicit in Crime - State Collusion in Abductions and Child Recruitment by the Karuna Group, January 2007) [21c] (Summary)

- 10.41 As noted in the HRW report of August 2007:

"On June 18, 2007, Human Rights Watch asked the Sri Lankan government to explain the status of the government's investigation into state complicity in abductions by the Karuna group. The government provided no information on

the investigation, stating that it 'has no complicity with the Karuna group in any allegations of child recruitment or abduction.' However, the HRW report of August 2007 recorded that "In Batticaloa district the Karuna group now abducts and uses child soldiers with blatant complicity of the Sri Lankan military and police. In February Human Rights Watch observed armed children guarding Karuna political offices in plain view of the Sri Lankan army and police." [21f] (Section IX)

[Return to Contents](#)
[Go to list of sources](#)

11. JUDICIARY

- 11.01 “Sri Lanka's legal system is based upon a combination of English criminal law and Roman-Dutch civil law. Civil law relating to inheritance, marriage and divorce in certain parts of the country and among certain communities also bear the strong imprint of indigenous legal traditions. The Supreme Court, headed by the chief justice, constitutes the apex of the court hierarchy. In addition to being the highest appellate court in the country, the Supreme Court has exclusive jurisdiction in litigation on fundamental rights.” (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka; Internal Affairs, updated 4 December 2007, accessed 4 January 2008) [5a]

ORGANISATION

- 11.02 As recorded in Europa World Online:

“The judicial system consists of the Supreme Court, the Court of Appeal, the High Court, District Courts, Magistrates' Courts and Primary Courts. The last four are Courts of the First Instance and appeals lie from them to the Court of Appeal and from there, on questions of law or by special leave, to the Supreme Court. The High Court deals with all criminal cases and the District Courts with civil cases. There are Labour Tribunals to decide labour disputes. The Judicial Service Commission comprises the Chief Justice and two judges of the Supreme Court, nominated by the President. All judges of the Courts of First Instance (except High Court Judges) and the staff of all courts are appointed and controlled by the Judicial Service Commission. The Supreme Court consists of the Chief Justice and not fewer than six and not more than 10 other judges. The Court of Appeal consists of the President and not fewer than six and not more than 11 other judges.” [1a] (**Government and Politics, Judicial System**)

- 11.03 As noted in the USSD report 2006, “The president appoints judges to the Supreme Court, the high court, and the courts of appeal. A judicial service commission, composed of the chief justice and two Supreme Court judges, appoints and transfers lower court judges. Judges may be removed for misbehavior or incapacity but only after an investigation followed by joint action of the president and the parliament.” [2c] (**Section 1e**)

LTTE courts

- 11.04 As noted in the USSD report 2006:

“During the year the LTTE continued to operate its own court system. The LTTE demanded that all Tamil civilians stop using the government's judicial system and rely only on the LTTE's alternative legal system. Credible reports indicated that the LTTE used the threat of force to back its demands. The LTTE's legal system is composed of judges with little or no legal training. LTTE courts operated without codified or defined legal authority and essentially as agents of the LTTE rather than as an independent judiciary.” [2c] (**Section 1e**)

[Return to Contents](#)
[Go to list of sources](#)

INDEPENDENCE

11.05 The USSD report 2006 stated that “The law provides for an independent judiciary, and the government generally respected this provision in practice.” [2c] (Section 1e)

11.06 As noted by Freedom House in ‘Countries at the Crossroads 2006’, Sri Lanka, November 2006:

“Judges in the lower courts (primary courts, magistrate’s courts, the district courts, and the high courts) are appointed by the Judicial Service Commission (JSC), which also dismisses and disciplines them. The JSC is composed of the chief justice and two associate justices of the Supreme Court. Because the Supreme Court and Court of Appeal justices are appointed by the president, they are often close to the president and respond to pressure. Thus, the president may have an undue amount of influence over the judges. Since 1985, all new judges have been trained by the Sri Lanka Judges’ Institute. The institute has also provided in-service training for sitting judges. Although the institute receives relatively limited funding, judges are reasonably well prepared for the bench...Prosecutors, on paper, are independent of political pressure, although in reality the process is highly politicized. It is common for politicians to face criminal prosecution only when their party is out of power. This phenomenon has led to a profusion of political cases, some justified, some not, whenever there is a change of government.”

Freedom House’s rating for Rule of Law in Sri Lanka was 4.15 (on a scale of zero to seven, with zero representing weakest and seven representing strongest performance). [46f] (Rule of Law)

[Return to Contents](#)
[Go to list of sources](#)

FAIR TRIAL

11.07 The USSD report 2006 noted that:

“In criminal cases, juries try defendants in public. Defendants are informed of the charges and evidence against them, and they have the right to counsel and the right to appeal. The government provides counsel for indigent persons tried on criminal charges in the high court and the courts of appeal, but it does not provide counsel in other cases. Private legal aid organizations assisted some defendants. The legal aid commission offered legal aid to assist those who could not afford representation; however, some sources reported that its representatives extorted money from beneficiaries. There are no jury trials in cases brought under the PTA. Defendants are presumed innocent, and confessions obtained by various coercive means, including torture, are inadmissible in all criminal proceedings except PTA cases. Defendants bear the burden of proof to show that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Subject to judicial review in certain cases, defendants may spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases came to trial, decisions were made relatively quickly.” [2c] (Section 1e)

11.08 “Despite the law calling for court proceedings and other legislation to be available in English, Sinhala, and Tamil, most court proceedings outside of Jaffna and the northern parts of the country were conducted in English or Sinhala, which, due to a shortage of court-appointed interpreters, restricted the ability of Tamil-speaking defendants to get a fair hearing. Trials and hearings in the north were in Tamil and English. While Tamil-speaking judges existed at the magistrate level, only four high court judges, one appeals court judge, and one Supreme Court justice spoke fluent Tamil. Few legal textbooks existed in Tamil, and the government had not complied with legislation requiring that all laws be published in English, Sinhala, and Tamil.” (USSD 2006) [2c] (Section 1e)

11.09 As noted by Freedom House in ‘Countries at the Crossroads 2006’, Sri Lanka, November 2006:

“The Sri Lankan legal system is based on a combination of English common law, Roman-Dutch law, and local Sinhalese and Muslim law. It provides adequate protection to suspects who are deemed innocent until proven guilty...The judicial system has struggled to deliver justice in a reasonable length of time. It is not unusual for cases, especially civil cases, to extend well beyond 10 years. The cost of maintaining legal counsel over the years of periodic hearings places litigation beyond the means of all but the richest of Sri Lankans. Thus, although the judicial system is open to all, the rich and the politically connected have undue influence over the process. One factor helping counteract this imbalance in Sri Lankan society is the Legal Aid Commission. The commission is a statutory body created in 1978 that provides free legal assistance to suspects facing criminal charges. Suspects who earn less than 2,500 rupees per month (roughly US\$25) are eligible. However, the commission is sorely under-funded, with a yearly budget of only 1.2 million rupees (US\$12,000) to cover the approximately 25,000 cases it handles a year.” [46f] (Rule of Law)

[Return to Contents](#)
[Go to list of sources](#)

12. ARREST AND DETENTION – LEGAL RIGHTS

- 12.01 As noted in the International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007:

“Under regular law, a suspect must be produced before a magistrate within 24 hours but a suspect detained under the Emergency Regulations can be kept incommunicado for up to 30 days. Places of detention are at the discretion of relatively low-level police officers and do not have to be made public. The normal laws relating to inquests and disposal of dead bodies are also inapplicable. Not only police officers and soldiers, but also other ‘public officers’ and those specifically authorised by the president are allowed to make arrests under the Emergency Regulations. The military have also been given police powers, a move that Tamil political leaders warn could lead to even more widespread abuses.” [76a] (p13)

- 12.02 “In principle, some safeguards exist against abuse. For some forms of detention under the Emergency Regulations, police officers and members of the security forces are required to issue receipts to family members. The Human Rights Commission must be informed of all detentions and has legal authority to visit detainees wherever they are held. Recently republished ‘directives’ from the president to the police and security forces require that detentions under the Emergency Regulations follow certain safeguards and reaffirm the powers of the Human Rights Commission. These directives, however, have no independent legal force and carry no penalties for noncompliance, and there continue to be numerous reports of arrests and detentions that have not followed the stated procedures.” (International Crisis Group, ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007) [76a] (p13-14)

- 12.03 In a letter dated 25 January 2008, the BHC, Colombo reported the outcome of a conversation with the secretary of the Human Rights Commission “If a person is arrested under Prevention of Terrorism Act or Emergency Regulations, they should be produced before magistrate before 48 hours. Police should inform the HRC within 24 hours, although generally this took up to 48 hours. According to him, the HRC acts on information about an individual being arrested by immediately visiting the police station and as soon as they become involved in a case the procedure are followed correctly.” The BHC also referred to information provided by an official from the Centre for Human Rights and Development, adding “There is no specific time limit to detain a person under Emergency Regulations (ER) and Prevention of Terrorism Act (PTA). When a person is arrested under ER or PTA the Defence Secretary issue Detention Order for 03 months at the 1st instance and then extends the period of detention at the expiration of the 03 months. Practically, after 03 months, most of the detainees are produced before a Magistrate and if the Magistrate orders the accused are transferred from police or security force custody into judicial (prison system) custody. Following transfer into prison custody, some are remanded for between 1 and 2 years. Every 2 weeks they are produced before a magistrate and the order to remand is extended for a further period, usually another 02 weeks. The Attorney General’s department is responsible to indict or charge a person in remand prison. The case files of all detainees are with the Attorney General department for further action, but no action has been taken on most of the cases even if the relevant persons are in remand prison for a longer period. On some occasions the Magistrate

visits the Remand Prison and extends the order of remand of suspects instead of being them produced at the Magistrate Court.” [15f]

- 12.04 On 18 July 2007, BBC Sinhala reported that the Supreme Court had ordered the police to produce Tamil Tiger suspects before local courts rather than transferring them to the capital. The Chief Justice was reported to have made the order after considering a Fundamental Rights (FR) petition filed by six LTTE suspects arrested in Muttur, Trincomalee, under Prevention of Terrorism Act (PTA) who had argued that they would have faced hardships as a result of being transferred to Colombo.” [9i]

- 12.05 The US State Department (USSD) Report 2006, Sri Lanka, released on 6 March 2007 noted that:

“Under the [ordinary] law authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours, but in practice, detained persons generally appeared within a few days before a magistrate. A magistrate may authorize bail for bailable and many non-bailable offences or may order continued pretrial detention for up to three months or longer. Police do not need an arrest warrant for certain offenses, such as murder, theft, robbery, and rape. In the case of murder, the magistrate must remand the suspect, and only the high court may grant bail. In all cases, suspects have the right to legal representation. Counsel is provided for indigent defendants in criminal cases before the high court and the courts of appeal, but not in other cases. In August 2005 following the assassination of the foreign minister, parliament approved emergency regulations, giving power of arrest to members of the armed forces, who were required to turn suspects over to the police within 24 hours. Individuals arrested under the emergency regulations may be detained for up to a year without trial.” [2c] (Section 1d)

- 12.06 On 5 July 2006 SCOPP (the Sri Lankan Government’s Secretariat for Coordinating the Peace Process) reported on the human rights guidelines issued by the president:

“I, Mahinda Rajapaksa, President, Commander-in-Chief of the Armed Forces and Minister of Defence, Public Security, Law and Order being of opinion that it is necessary to issue directions to the Heads of the Armed Forces and the Police Force to enable the Human Rights Commission of Sri Lanka (herein after referred to as ‘the HRC’) to exercise and perform its powers, functions and the duties and for the purpose of ensuring that fundamental rights of persons arrested or detained are respected and such persons are treated humanely, do hereby, direct the Heads of the Armed Forces and of the Police as follows:

1. Every member of the Armed Forces and of the Police Force shall assist and facilitate the HRC and any person authorized by the HRC in the exercise of its powers, duties and functions and also ensure that the fundamental rights of persons arrested or detained are respected.
2. No person shall be arrested or detained under any Emergency Regulation or the Prevention of Terrorism Act No. 48 of 1979 except in accordance with the law and proper procedures and by a person who is authorized by law to make such arrest or order such detention.
3. At or about the time of the arrest or if it is not possible in the circumstances, immediately thereafter as circumstances permit:

(i) the person making the arrest or detention shall identify himself to the person arrested or any relative or friend of such person upon inquiry being made by name and rank.

(ii) every person arrested or detained shall be informed of the reason for the arrest.

(iii) the person making the arrest or detention shall issue, to the spouse, father, mother or any other close relation as the case may be a document in such form as specified by the Secretary to the Ministry of the Minister in charge of the subject of Defence, acknowledging the fact of arrest. The name and rank of the arresting officer, the time and date of arrest and the place at which the person will be detained, shall also be specified. It shall be the duty of the holder of such document to return the same to, or produce the same before, the appropriate authority when the person so arrested or detained is released from custody.

Provided that, where any person is taken into custody and it is not possible to issue a document as set out above, it shall be the duty of the arresting officer, if such officer is a police officer, to make an entry in the Information Book giving reasons as to why it is not possible to so issue a document, and if the arresting officer is a member of the Armed Forces to report the reasons why it is not possible to issue a document to the officer in charge of the police station, whose duty it shall be to make an entry of such fact along with the reasons therefore in the Information Book.

(iv) the person arrested shall be afforded reasonable means of communicating with a relative or friend to enable his whereabouts being [sic] known to his family.

4. When a child under 12 years or a woman is sought to be arrested or detained a person of their choice should be allowed to accompany such child or woman to the place of questioning. As far as possible, any such child or woman so sought to be arrested or detained should be placed in the custody of a Women's Unit of the Armed Forces or the Police Force or in the custody of another woman military or police officer.
5. A statement of a person arrested or detained should be recorded in the language of that person's choice who should, thereafter, be asked to sign the statement. A person who desires to make a statement in his or her own handwriting should be permitted to do so.
6. (i) The members of the HRC or any person authorized by it should be permitted access to the person arrested or detained under the Prevention of Terrorism Act No. 48 of 1979 under a Regulation made under the Public Security Ordinance (Chapter 40), and should be permitted to enter at any time any place of detention, police station or any other place in which such person is detained in custody or confined.
(ii) Every officer who makes an arrest or order of detention as the case may be, shall forthwith, and in any case not later than forty eight hours from the time of such arrest or detention inform the HRC or any person specially authorized by the HRC of such arrest or detention as the case may be and the place at which the persons so arrested or detained is [sic] being held in custody or detention." [41k]

- 12.07 On 25 April 2007, the Sri Lankan Government's official news portal announced that the Government of Sri Lanka had taken steps to re-circulate the Presidential directives of 7 July 2006 on the protection of the Fundamental Rights of persons arrested and/or detained. [10k] However, on 12 October 2007, BBC Sinhala reported that

“An advisory panel to Sri Lanka government has accused the authorities of not implementing ‘at least the minimum safeguards’ to protect human rights in the island. Nimalka Fernando, a member of the panel, said Sri Lanka police have even failed to implement a presidential decree on arbitrary arrests. Nimlaka Fernando, Sunila Abeysekara, Dr. Pakyasothy Saravanamuttu and Rohan Edirisinghe, on Friday tendered their resignations protesting government’s lack of commitment to protect human rights. ‘We continuously appealed to the minister to provide us with a list of detainees so that we could pass the information to the relatives,’ Nimalka Fernando told BBC Sandeshaya. However, minister in charge of human rights, Mahinda Samarasinghe, could not provide that information despite repeated requests, she added. ‘We think either the government did not have a system in place,’ Fernando said, ‘Or if statistics were gathered, government would have to clarify them in front of the international community.’” [9a]

- 12.08 On 6 December 2006 the Government announced the introduction of revised tough emergency regulations [the Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulations, No. 7 of 2006] giving the security forces “wide-ranging powers to search, arrest and question”. (BBC News, 6 December 2006) [9a] (New Regulations to Combat Terrorism, SCOPP Report, 6 December 2006) [41n]

- 12.09 As recorded on the website of the Sri Lankan Government’s Secretariat for Co-ordinating the Peace Process (SCOPP) on 6 December 2006:

“The Government has promulgated Regulations as of December 6, 2006, to combat acts of terrorism in the country...Terrorism has been defined as unlawful conduct which

1. involves the use of violence, force, coercion, intimidation, threats, duress, or
2. threatens or endangers national security, or
3. intimidates a civilian population or a group thereof, or
4. disrupts or threatens public order, the maintenance of supplies and services essential to the life of the community, or
5. causing destruction or damage to property, or
6. endangering a person’s life, other than that of the person committing the act, or
7. creating a serious risk to the health or safety of the public or a section of the public, or
8. is designed to interfere with or disrupt an electronic system and which unlawful conduct is aimed at or is committed with the object of threatening or endangering the sovereignty or territorial integrity of Sri Lanka.

Any person who acts in contravention of these Regulations shall be guilty of an offense and shall on conviction by a High Court be sentenced to a term of imprisonment of not less than 10 years and not exceeding 20 years.” The SCOPP website provided a link to “The Gazette of the Democratic Socialist Republic of Sri Lanka No. 1474/5 – Wednesday, December 06, 2006” which published the full text of these regulations officially known as ‘the Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulations No. 07 of 2006.’ [41n]

- 12.10 On 6 December 2006, the pro-LTTE website TamilNet noted that:

"Sri Lanka's Prime Minister Rathnasiri Wickramanayake, announcing a cabinet decision, Wednesday said the Prevention of Terrorism Act (PTA) would be implemented in full force. The PTA, introduced in 1979 as a temporary measure, and permanently enacted in 1982, was not applied following the February 2002 Cease Fire Agreement (CFA) between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE). The cabinet decision, viewed as a major breach of the CFA, gives excessive powers of arrest and detention to the Sri Lankan armed forces. 'The Government decision pushes for strong curbs on terrorist activities, which will involve LTTE activities and all persons who in anyway help them,' Mr. Rathnasiri Wickramanayake said, announcing the decision... Thousands of Tamil men, women and children were indiscriminately arrested, tortured and detained for indefinite periods under the PTA until [sic] Colombo agreed to temporarily suspend the application of the act under the provisions of the CFA. Clause 60 of the Emergency Regulations (ER) and Clause 18 of the PTA Act allow the Police to use confessions of the suspects against them... Several Tamil youths were indicted under Section 5 of the PTA on their own confession made to the Police, for 'failing to provide information' about the movements of LTTE cadres in their respective areas had been indicted under Section 5 of the PTA, liable for minimum five years imprisonment if found guilty after trial or on pleading guilty." [38k]

- 12.11 As reported by the Sri Lanka Department of Government Information on 7 December 2006:

"They [the far-reaching measures introduced to curb terrorism and terrorist activities] prohibit the wearing, display, hoisting, or possessing of any uniform, dress, symbol, emblem relating to terrorism or terrorist activities; the summoning, convening, conduct or participation in a meeting relating to terrorism and terrorist activities; harbouring, concealing or assisting a member or cadre of an organisation engaged in terrorism, or terrorist activities; or participating in any activity even relating to terrorism or terrorism related activities... The prohibitions under the new regulations also extend to any transaction including contributions, providing, donating, selling, buying, hiring, leasing, receiving, making available, funding, distributing or lending materially or otherwise to any person, group, associate or cadre engaged in terrorism or any terrorism related activities... The prohibitions under these regulations also extended to the providing of any information detrimental of prejudicial to national security to any person or group of persons engaged in or known to be engaged in terrorism or terrorism related activities. The implementation of these regulations will come under a Competent Authority appointed by the President. There is provision in the regulations for any person aggrieved by a decision of the Competent Authority to appeal against such decision to a special tribunal appointed for the purpose. Contravention of these regulations carries penalties imposed by a High Court, varying from imprisonment from 10 to 20 years and of five to 10 years, depending on the nature of the offence. Those responsible for causing offenses under these regulations, other than individuals and groups of individuals, include corporate bodies, partnerships, and unincorporated bodies." [10c]

- 12.12 A letter from the British High Commission in Colombo, dated 10 April 2007, noted that "The implementation [of the Emergency Regulations] has been

patchy. The courts have remained willing to get involved in some individual cases of people being arrested to force their release.” [15a]

See also Section 4: Recent Developments; and Section 8: Security Forces

BAIL/REPORTING CONDITIONS

- 12.13 As noted in a letter from the British High Commission in Colombo dated 22 November 2006:

“It is common practice to be released on bail without being charged. Reporting conditions are usually issued when bail is granted. Anyone flouting reporting conditions is liable to be served with a warrant for arrest. As far as we have been able to establish Immigration officers are notified only when court decides to impound the suspect’s passport or an arrest warrant is issued. This apart there is no other mechanism to make sure that the Immigration Officers are aware of such instances. The other method which is rare and case specific is that the NIB (National Investigation Bureau) informing the Immigration officers of individuals suspected of terrorist activity and those on the wanted list. Without court sanction the Immigration officers are powerless to put an individual in detention if they are otherwise satisfied that they have a right to enter or live in Sri Lanka.” [15m]

ARREST WARRANTS

- 12.14 As noted in a letter from the British High Commission in Colombo dated 21 January 2007:

“Formally it is difficult for the accused to be able to obtain a copy of his/her own arrest warrant. When an arrest warrant is issued, a copy is kept on the legal file and the original is handed to the police. An accused cannot apply for copies of the arrest warrant to the relevant court. However in practice forged documents are easily obtainable throughout Sri Lanka. Additionally given ongoing and well documented concerns over corruption in the police it would probably not prove difficult to obtain a copy of an arrest warrant, although it would probably require prior contacts within the police service.” [15n]

- 12.15 The USSD report 2006 reported that “The HRC investigated the legality of detention in cases referred to it by the Supreme Court and by private citizens.” [2c] (Section 1d) “Police generally obtained proper warrants for arrests and searches conducted under ordinary law. In response to frequent claymore bomb attacks on security forces in the north and east during the year [2006], and the discovery of several claymore bombs in Colombo, cordon and search operations were conducted regularly on nearby houses.” [2c] (Section 1f)

See also Sections 8 and 28

[Return to Contents](#)
[Go to list of sources](#)

13. PRISON CONDITIONS

13.01 In a statement issued on 29 October 2007 after his visit to Sri Lanka from 1 to 8 October 2007 the UN Special Rapporteur on Torture, Manfred Nowak, stated that during his visit he had had unrestricted access to prisons and police detention facilities and he was able to carry out unannounced visits and conduct private interviews with detainees. He visited the following facilities: Welikada Prison, Colombo Remand Prison, the New Magazine Prison (Female Ward), the Criminal Investigation Department (CID), the Terrorist Investigation Department (TID), Mt. Lavinia Police Station, Ratmalana Police Post, and Panandura South Police Station, the TID detention facility at Boossa, Trincomalee Prison, Trincomalee Police Headquarters (including CID), China Bay Police Station, Kantale Police Station, Polonnaruwa Police Station, and Polonnaruwa Prison, Bogambara Prison, Katugastota Police Station and Wattegama Police Station. (ReliefWeb, quoting the United Nations Human Rights Council) [31d]

13.02 The UN Special Rapporteur on Torture noted :

“As far as conditions of detention are concerned, the Government provided me with statistics indicating severe overcrowding of prisons. While the total capacity of all prisons amounts to 8,200, the actual prison population reaches 28,000. That poor conditions of detention can amount to inhuman and degrading treatment is well established in the jurisprudence of several international and regional human rights mechanisms. In Sri Lanka the combination of severe overcrowding with antiquated infrastructure of certain prison facilities places unbearable strains on services and resources, which for detainees in certain prisons, such as the Colombo Remand Prison, amounts to degrading treatment in my opinion. The lack of adequate facilities also leads to a situation where convicted prisoners are held together with pre-trial detainees in violation of Sri Lanka's obligation under Art 10 of the International Covenant on Civil and Political Rights. Although the conditions are definitely better in prisons with more modern facilities, such as Polonnaruwa and the Female Ward of the New Magazine Prison, the prison system as a whole is in need of structural reform.” (ReliefWeb, quoting the United Nations Human Rights Council) [31d]

13.03 “During my visit of various police stations I observed that detainees are locked up in basic cells, sleeping on the concrete floor and often without natural light and sufficient ventilation. While I am not concerned about such conditions for criminal suspects held in police custody for up to 24 hours, these conditions become inhuman for suspects held in these cells under detention orders pursuant to the Emergency Regulations for periods of several months up to one year. This applies both for smaller police stations, such as at Mt. Lavinia, and especially for the headquarters of the CID and TID in Colombo, where detainees are kept in rooms used as offices during the day-time, and forced to sleep on desks in some cases.”
 “I appreciate the recent abolition of corporal punishment in Sri Lanka, however, in Bogambara Prison I received disturbing complaints of cases of corporal punishment corroborated by medical evidence. I am pleased to report that the Government has initiated an inquiry to look into this matter.”
 (ReliefWeb, quoting the United Nations Human Rights Council, Special Rapporteur on torture concludes visit to Sri Lanka, 29 October 2007) [31d]

- 13.04 The US State Department (USSD) Report 2006, Sri Lanka, released on 6 March 2007 noted that:

“Prison conditions did not meet international standards due to acute overcrowding and lack of sanitary facilities. In some cases juveniles were not held separately from adults. Pretrial detainees were not held separately from those convicted. The government permitted visits by independent human rights observers, including the International Committee of the Red Cross (ICRC), which reported unrestricted access during its 15 visits to government and LTTE-controlled prison facilities and detention centers. Credible observers reported that conditions in prisons were on par with local standards.” [2c] (Section 1c)

- 13.05 As recorded in the ICRC Annual Report 2006, Sri Lanka published on 24 May 2007 “[During the year 2006] The ICRC visited some 22,000 detainees in 135 places of detention and followed up 1,266 individually. It stepped up its visits to people held in police stations. Visits to detainees held by the government proceeded as in past years. Delegates visited some people held by the LTTE but did not have access to security detainees.” The ICRC reported that 221 LTTE-held detainees were visited and 131 of them monitored individually. [34b]

- 13.06 The ICRC Annual Report further noted that:

“In response to the upsurge in violence and the related increase in arrests, the ICRC stepped up visits to security detainees, to whom it had full access in government facilities. The delegation helped pay the transport costs of over 400 families to visit relatives detained far from home and, when necessary, worked with the National Society to relay RCMs [Red Cross Messages] between detainees and their families. It also assessed conditions in government prisons generally and shared its findings on and recommendations for dealing with the problems caused by overcrowding with the authorities. Many ICRC visits were made to detainees held in police stations under the Emergency Regulations (reintroduced in August 2005), which allowed for extended custody in places of temporary detention without a court appearance. Additional ‘Emergency Regulations relating to acts of terrorism’ were introduced in December [2006]. The ICRC also began to visit LTTE fighters who had surrendered to the government.” The ICRC also reported that all [government] prisons, with a total population of 26,000 detainees, received recreational items. [34b]

- 13.07 The Prison Brief for Sri Lanka produced by The International Centre for Prison Studies (website accessed on 25 February 2008) recorded a total prison population of 25,537 at 31 July 2007 (including pre-trial detainees/remand prisoners amounting to 49.4 per cent of total) against an official capacity of the prison system of 10,692 (in 2004). The prison population rate (per 100,000 of national population) was 121 (based on an estimated national population of 21.1 million at end of July 2007). In 2005 there were 59 establishments/institutions comprising “3 closed prisons, 18 remand prisons, 2 open prison camps, 8 work camps, 2 correctional centres for young offenders, 1 training centre for young offenders, 25 prison lock-ups).” [65]

- 13.08 In the year 2004, the direct admissions of unconvicted prisoners totalled 87,456 (65.4 per cent Sinhalese; 18.2 per cent Sri Lankan Tamils). In the

same year the total figure for direct admissions of convicted prisoners was 26,898 (59.9 per cent Sinhalese; 16.5 per cent Sri Lankan Tamils). The figures for the year 2003 were respectively 88,535 for unconvicted prisoners (60.1 per cent Sinhalese; 23.5 per cent Sri Lankan Tamils) and 27,681 (63.7 per cent Sinhalese; 19.1 per cent Sri Lankan Tamils). In 2004, out of a total 114,354 admissions of prisoners there were 541 escapes (99 recaptured; 442 at large). The number of deaths in custody recorded was 59 for 2004 and 71 for 2003. (Website of the Sri Lanka Department of Prisons, accessed on 31 March 2006) [14]

- 13.09 Figures obtained from the website of the Ministry of Justice and Law Reforms of Sri Lanka (last accessed on 15 August 2007) put at 22,904 the number of convicted prisoners and at 60,484 that of those unconvicted, giving a total of 83,388 for the period January – August 2005. [43a]

[Return to Contents](#)
[Go to list of sources](#)

14. DEATH PENALTY

14.01 The Amnesty International Report 2007 on Sri Lanka (covering events from January – December 2006) recorded that “A number of high profile murder cases fuelled demands for an end to the moratorium on executions. According to the Director General of Prisons, at least 12 death sentences were passed. Approximately 167 people remained on death row. No executions were reported.” AI considers Sri Lanka “abolitionist in practice”. [3u] (Death penalty)

14.02 As recorded in the Amnesty International ‘Death Penalty News’ of December 2004:

“The Office of the President of Sri Lanka announced on 20 November [2004] that ‘the death penalty will be effective from today for rape, murder and narcotics dealings’. The statement followed the murder of a High Court judge, Honourable Sarath Ambepitiya, and a police officer who was providing security for him, both of whom were shot on 19 November. A moratorium on executions has been in effect in Sri Lanka since June 1976 when the last execution took place. Successive presidents since then have automatically commuted all death sentences.” [3j]

14.03 The ACHR (Asian Centre for Human Rights) review entitled ‘Sri Lanka: The return to the gallows’, issued on 1 December 2004 noted:

“The declaration of Sri Lankan President Chandrika Kumaratunga that executions of death sentences shall be effective from 20 November 2004 for rape, murder and narcotic crimes represents a serious setback for Sri Lanka.... Although, death penalty has not been enforced since 1976, the courts in Sri Lanka regularly award death sentences for murder and narcotic crimes... The mainstream political parties and the state-controlled and private media and the Buddhist clergies have been lobbying for tough laws to curb the rise of crime, including reactivating the death penalty.... Article 8 of the Sri Lankan Constitution provides that ‘Every person has an inherent right to life and a person shall not be arbitrarily deprived of life. Any restriction shall not be placed on the rights declared and recognized by this Article.’ The reactivation of the death penalty violates the constitutional guarantee on the right to life and Article 6 of the International Covenant on Civil and Political Rights to which Sri Lanka is a party.” [64a]

14.04 The ACHR review continued:

“The death penalty also raises many questions about the administration of criminal justice system. Starting with the lodging of a complaint to the final judgement in the form of conviction, the police and investigating agencies play a critical role. Police is an integral part of the prosecution and routinely disregard evidence that may favour acquittal and prefer to document evidence that may support conviction. The use of torture in custody to extract confessions is well known in Sri Lanka and the chances of innocent people being executed for rape, murder and narcotic crimes are high.... With the reactivation of the death penalty, the procedure embodied in the 1999 Presidential Proclamation would be enforced. As per this procedure, death sentences imposed in cases of murder and drug trafficking can be carried out and would not be commuted to life imprisonment if the judge who heard the

case, the Attorney General and the Minister of Justice unanimously recommend the execution. If the reports of the trial judge, the Attorney General and the Justice Minister are adverse, the Presidential signing of the death warrant will take place and '... he (she) will be hanged by the neck until he (she) is dead.' The power of the President to grant pardons, respites and remissions that has been earlier availed for commutation of the death penalty to life imprisonment pursuant to Article 34 of the Sri Lankan Constitution will have little meaning. The President has to sign the death warrant when the trial judge, the Attorney General and the Justice Minister unanimously provide adverse opinions against the condemned. This procedure is inherently unfair. The Attorney General and the Justice Minister represent the interest of the State and cannot be considered impartial." [64a]

- 14.05 In December 2006, there are about 100 prisoners on death row in Sri Lanka. (*Daily Mirror*, 13 December 2006) [11a]
- 14.06 On 8 December 2006, the *Daily Mirror* (Sri Lanka) reported that the Kalutara High Court had imposed the death sentence on three brothers who were convicted of murder after a unanimous jury decision. [11b] On 14 December 2006 BBC News reported that a Sri Lankan judge had sentenced two men to death for murdering a tsunami victim in the coastal town of Galle. [9j] On 19 June 2007, the *Daily Mirror* reported that a Kegalle High Court Judge had sentenced to death a father and three sons who were found guilty of committing murder. [11i]

[Return to Contents](#)
[Go to list of sources](#)

15. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

- 15.01 The US State Department (USSD) Report 2006 stated that “The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, multiparty, free, and fair elections held on the basis of universal suffrage. However, recent elections were marred by violence and some irregularities.” [2c] (Section 3)
- 15.02 “The EUEOM described the November 2005 presidential election as generally satisfactory. The LTTE-enforced boycott of the polls and seven grenade attacks in the north and east marred the election, however, and allowed less than 1 percent of voters in the north to exercise their right to vote. Unlike previous years, there were no deaths or serious injuries on election day, although the inspector general of police refused to release any data on election violence. The EUEOM cited the occurrence of state media bias and misuse of public resources for campaigning.” (USSD 2006) [2c] (Section 3)
- 15.03 “The EUEOM described the 2004 general election as having been conducted in a democratic matter [sic], with the exception of irregularities in the north and east, where widespread voter impersonation and multiple voting occurred. Several sources cited the LTTE as responsible for the irregularities. The EUEOM reported that more than 2,000 incidents of election violence, resulting in the deaths of five persons and the serious injuring of another 15. Voter turnout was 75 percent. Unlike in previous elections, the government allowed persons living in LTTE-controlled areas to vote in cluster polling booths in government-controlled areas.” (USSD 2006) [2c] (Section 3)
- 15.04 As noted in the Freedom House document, ‘Freedom in the World 2006: Sri Lanka’, “Elections are open to multiple parties, and fair electoral laws and equal campaigning opportunities ensure a competitive political process. While elections are generally free and fair, they continue to be marred by some irregularities, violence, and intimidation and the LTTE generally refuses to allow free elections in the areas under its control.” [46e] (Political Rights and Civil Liberties section)

[Return to Contents](#)
[Go to list of sources](#)

FREEDOM OF ASSOCIATION AND ASSEMBLY

- 15.05 As noted in the USSD 2006:
- “The law provides for freedom of assembly, and the government generally respected this right in practice; however, some restrictions existed. For example, the August 2005 Emergency regulations give the president the power to restrict meetings, assemblies and processions. The law states that rallies and demonstrations of a political nature cannot be held when a referendum is scheduled; however, the government generally granted permits for demonstrations, including those by opposition parties and minority groups.” [2c] (Section 2b)

- 15.06 “The law provides for freedom of association, and the government generally respected this right in practice; however, some restrictions existed, such as those under the Emergency regulations. The LTTE did not allow freedom of association in the areas it controlled and reportedly used coercion to make persons attend its rallies.” (USSD 2006) [2c] (Section 2b)
- 15.07 As noted in the Freedom House document, ‘Freedom in the World 2006: Sri Lanka, “Freedom of assembly is generally respected, although both main political parties occasionally disrupt each other’s rallies and political events... Except in conflict-affected areas, human rights and social welfare nongovernmental organizations generally operate freely. However, the LTTE does not allow for freedom of association in the regions under its control and reportedly uses coercion to force civilians to attend pro-LTTE rallies.” [46e] (Section on Political Rights and Civil Liberties)

[Return to Contents](#)
[Go to list of sources](#)

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

- 15.08 As reported by the USSD report 2006, “There were no reports of government-held political prisoners. The LTTE reportedly held a number of political prisoners; however, the number was impossible to determine because of the secretive nature of the organization, and the LTTE refused to allow the ICRC access to these prisoners.” [2c] (Section 1e)
- 15.09 On 9 February 2007, BBC News reported that:
- Sri Lankan President Mahinda Rajapakse has sacked three ministers. They include former foreign minister Mangala Samaraweera who was ports minister in 54-member cabinet. National heritage minister Anura Bandaranaike and non-cabinet ports minister Sripathi Sooriarachchi were also sacked. Correspondents say the three had opposed moves to accommodate 18 opposition legislators within government ranks late last month. The opposition members were needed to secure a majority in parliament.” [9aa]
- 15.10 As noted in the International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007:
- “On 9 February 2007 Foreign Minister Mangala Samaraweera and his colleague Sripathi Sooriarachchi were dismissed by President Rajapakse. Both men subsequently accused the political leadership of corruption, human rights abuses and nepotism. Sooriarachchi claimed to have knowledge of a secret deal between the government and the LTTE to allow the president to win the November 2005 election. In response, the presidential administration conducted a political witch hunt against Samaraweera’s business and political network. On 26 February [2007], the financial director of the Sinhala language weekly Mawbima, Dushantha Basnayake, was arrested by the Terrorism Investigation Division (TID) of the police. The Emergency Regulations were used to freeze the paper’s bank accounts, forcing it and its English language sister paper to close on 28 March. The paper is owned by Tiran Alles, a businessman and political ally of Samaraweera. Sooriarachchi was then arrested on politically motivated charges and remanded to prison. On 30 May [2007], after unsuccessful negotiations with Samaraweera to return to the

cabinet, Tiran Alles was arrested by the TID on charges of financing terrorism. This repression of political opponents fits into a pattern of growing authoritarianism. Opposition parliamentarians have reported death threats... The use of abusive language to describe those who opposed the war or are concerned about human rights is now commonplace.” [76a] (p14-15)

- 15.11 As reported by BBC Sinhala on 18 June 2007 “The Supreme court in Sri Lanka has accused Mahinda Rajapaksa government of harrasing political opponents. Chief Justice Sarath N Silva said political reasons are seem to be behind the arrest of Rajapaksa's former close associate, Tiran Alles. Sri Lanka's Supreme Court on Monday granted leave to proceed to a Fundamental Rights (FR) petition filed by Alles.” [9ag]
- 15.12 In June 2007 Mangala Samaraweera and Sripathi Sooriarachchi announced that they were leaving the Sri Lanka Freedom Party (SLFP) to form a breakaway party, the Sri Lanka Freedom Party - Mahajana Wing (SLFP - M), (The Keesing's Record of World Events, June 2007, Sri Lanka) [23b] The SLFP – M later signed a memorandum of understanding with the UNP and their first public rally took place on 26 July 2007 in Colombo, when thousands of protesters marched against the Government. (BBC Sinhala, 26 July 2007) [9ak]
- 15.13 As reported by BBC Sinhala on 12 December 2007
- “Sri Lanka Muslim Congress leader, Rauf Hakeem says that the security provided to him by the state has been stripped as soon as he crossed over to the opposition... He said considering his capacity as a party leader and also as a minority leader from the east, special security arrangements were made for him by the government even when he was in the opposition. When he was in the opposition, there were twelve officers attached to his security but the number has now reduced to two which is alarming, he said. Sri Lanka Muslim Congress (SLMC) Leader Rauff Hakeem, General Secretary Hasan Ali, Chairman Basheer Cegu Dawood and MP Faisal Cassim have crossed over to the opposition. They resigned from their portfolios and crossed over to the opposition in parliament two days before the third reading of the budget.” [9am]

See also Section 4 and Annex C

[Return to Contents](#)
[Go to list of sources](#)

16. FREEDOM OF SPEECH AND MEDIA

16.01 As noted in the USSD report 2006:

“The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. Individuals could criticize the government generally without fear of reprisal. The August 2005 Emergency regulations allow the government to stop the publication, distribution, showing, performance or broadcast of any book, magazine, newspaper, poster, movie, play, song, radio or television program that it finds likely to cause public disorder; however, it did not enact any of these provisions during the year [2006]. According to the Committee to Protect Journalists (CPJ), on December 6, the government enacted the Prevention and Prohibition of Terrorism and Specified Terrorist Activities Regulations. The regulations attempt to define terrorism and allow the government to take any necessary actions to imprison suspected terrorists. As reported by CPJ, one journalist was detained under these provisions.” [2c] (Section 2a)

16.02 “Although the government owned the country's largest newspaper chain, two major television stations, and a radio station, private owners operated a variety of independent, privately owned newspapers, journals, and radio and television stations. Several foreign media outlets operated in the country. Most independent media houses freely criticized the government and its policies. The government imposed no political restrictions on the establishment of new media enterprises. There were reports that journalists, especially those in the eastern part of the country, practiced self-censorship due to pressure from both the security forces and the LTTE. In September [2006] the Ministry of Defense announced it must clear all defense-related stories in the interest of national security. In Jaffna the security forces commander reportedly asked the staff of the Tamil newspaper group Uthayan Publications not to report on military operations on any basis other than information provided to them by the government.” (USSD 2006) [2c] (Section 2a)

16.03 “The LTTE tightly restricted the print and broadcast media in areas under its control. There were reports of LTTE intimidation of Colombo-based Tamil journalists, and self-censorship was common for journalists covering LTTE-controlled areas.” (USSD 2006) [2c] (Section 2a)

16.04 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 noted that “Since the resumption of major military operations in 2006, the government has intensified political pressure on the independent media, including by conducting politically motivated arrests. In the areas it controls, the LTTE strictly controls the media, and it has a powerful influence through fear and intimidation over Tamil outlets in other parts of the country.” [21f] (Section VIII, Attacks on media)

16.05 The International Federation of Journalists’ (IFJ) document ‘The fight goes on: Press freedom in South Asia 2006-2007, released on 3 May 2007, reported that “A review of the past year reveals that Sri Lanka failed to improve its media environment, particularly with regard to freedom of expression, the safety of working journalists, access to information and the transformation of the state-owned media landscape into a truly independent public service media.” [45a] (p23)

- 16.06 As recorded in the Freedom House's 'Freedom of the Press 2007', released on 1 May 2007:

"Sri Lanka's rating changed from Partly Free to Not Free to reflect new restrictions on media coverage, as well as a rise in attacks against journalists, particularly ethnic Tamils. Media freedom was one of the main casualties of Sri Lanka's slide into war in 2006, as increasing numbers of journalists, particularly Tamils, were targeted and media outlets faced censorship and other restrictions. Although freedom of expression is provided for in the constitution, a growing number of laws and regulations restrict this right. Contempt of court laws are occasionally used to punish reporters who investigate judicial misconduct. However, in June [2006], the Supreme Court refused to pursue a case against three journalists, including the editor-in-chief of The Sunday Leader, Lasantha Wickrematunga, who had been charged with five counts of contempt... The Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulations, introduced in December [2006], contain excessively broad language that local rights activists noted could restrict media freedom. Within a month of their enactment, several journalists were summoned for questioning under the new law and asked to reveal their sources, one was detained, and a senior correspondent had openly admitted to self-censoring his column." **[46a] (Draft Country Reports and Ratings, Sri Lanka, p176-177)**

- 16.07 "The Liberation Tigers of Tamil Eelam (LTTE) separatist rebel group, which controls parts of the north and east of the country, does not permit free expression in the areas under its control and continues to terrorize a number of Tamil journalists and other critics. A breakaway rebel faction in the east led by Colonel Karuna, as well as the security forces, has also been responsible for abuses. A sharp increase in tension and violence during the year—both between the government and the LTTE, and between the LTTE and the Karuna faction—severely impacted journalists' ability to cover the news freely, particularly in the troubled North and East. A number of Tamil newspapers have been banned or seized by various factions, and distributors have been attacked or warned not to sell certain papers." (Freedom House, Freedom of the Press 2007, 1 May 2007, Draft Country Reports and Ratings, Sri Lanka, p176-177) **[46a]**

- 16.08 As noted in the Freedom House document, 'Freedom in the World 2006: Sri Lanka':

"Freedom of expression is provided for in the constitution, and independent media outlets can generally express their views openly. However, the Colombo-based Free Media Movement (FMM) has noted that state-run media—including Sri Lanka's largest newspaper chain, two major television stations, and a radio station—have been used by the government for political ends, including pressure on editors and biased election coverage. The LTTE does not permit free expression in the areas under its control and continues to terrorize a number of Tamil journalists and other critics." **[46e] (Section on Political Rights and Civil Liberties)**

- 16.09 A letter from the British High Commission in Colombo, dated 10 April 2007, noted that:

“The most immediate impact [of the revised Emergency Regulations] has been on the media which has become less likely to criticise the government and feels under pressure to submit its stories to the Media Centre for National Security to have the facts substantiated – this has encouraged a fairly clear self censorship. The government has used the Emergency Regulations to search the property of those who oppose the regime, in particular Young Asia TV and the Secretary to a dissident former minister.” [15a]

JOURNALISTS

- 16.10 As reported in the Committee to Protect Journalists (CPJ) ‘Attacks on the press in 2007, Asia, Sri Lanka’, undated (website accessed on 5 February 2008):

“Ethnic Tamil journalists faced the direst threats, with local and less prominent journalists the most likely to be targeted, Sunanda Deshapriya, a leader of the press freedom group Free Media Movement, told CPJ. In August, CPJ conducted a research mission to Sri Lanka, speaking with journalists about the extent and nature of the threat. Swept up in a 24-year-long conflict between the Sinhalese-dominated government and Tamil separatists, the nation is among the world’s deadliest for the press. CPJ recorded the deaths of five journalists in 2007, all ethnic Tamils...Tamil-language media have taken the brunt of the government-led assault on the press, particularly in the north and east, where Tamil separatist groups have sought territory.

“Threats, abductions, and attacks on journalists come from all sides. In the Tamil conflict areas, armed men from the government or rival Tamil groups, both in and out of uniform, operate with virtual impunity. In the capital, Colombo, roving government agents and paramilitaries are usually behind the violence. Their vehicles of choice are often vans with tinted side glass and no license plates, driven by men in plain clothes.

“In areas of conflict, publications that supported negotiated peace with the government were labeled traitorous and threatened by militant groups such as the LTTE. It was common for journalists to back away from their jobs and go into hiding, particularly when their families had been threatened.” [57a]

- 16.11 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 noted that:

“Countrywide, attacks on journalists have reached a level unknown in recent years. Tamil journalists, especially in the north and east, have been frequently subject to intimidation and harassment by the security forces and armed groups. Since the beginning of 2006 over two dozen Tamil media workers have been abducted, threatened, assaulted or killed...Eleven media practitioners have been killed in Sri Lanka since August 2005, placing it second after Iraq in the list of media worker deaths. None of the investigations into the murders have led to prosecutions.” [21f] (Section VIII, Attacks on media)

- 16.12 As remarked in a statement of the International Press Freedom Mission, published on the website of Reporters Sans Frontières (RSF) on 24 June 2007:

"The International Mission found that the pressures on the media have multiplied over the recent months with increasing fears for the safety of journalists, especially those operating in the embattled North and East. In Jaffna peninsula, dozens of journalists have been forced to stop working for fear of their safety. Despite official commitments given to the Mission in last October, there appears to be a complete lack of progress in the investigations of cases of murdered and attacked journalists. According to our records, no suspect in such attacks has been taken to court since the current President came to office. There have also been numerous verbal attacks against the media, including by Government Ministers, jeopardizing the safety of media workers and their families. In the LTTE controlled areas freedom of expression and freedom of movement continue to be heavily restricted preventing access to information and the representation of diverse opinions. The freedom of expression environment is deteriorating, causing widespread self-censorship and undermining the existence of independent sources of information." [27d]

- 16.13 The statement of the International Press Freedom Mission further noted that:

"Safety issues are more important than at any stage in the last 18 months and there are numerous examples of journalists being killed, arrested, assaulted, kidnapped, denounced as traitors or receiving death threats. LTTE, security forces and paramilitary groups have all been accused of carrying out such press freedom violations. Once again, it is the Tamil media in the north and east that confront the major part of these problems, although there have been increasing instances in Colombo...The increasing hostility of the authorities towards the media and the willingness of individual Ministers to verbally attack journalists for their perceived failings is encouraging a climate of self-censorship, which is damaging the free flow of information in Sri Lanka... Restrictions on access to the conflict areas by the security forces and the LTTE make it extremely difficult for the national and international media to report on military operations and the fate of civilians. Moreover, local media workers are restricted in their movements by a discriminatory system of accreditation. Regarding the Emergency Regulations promulgated in December 2006, the Mission found that these have led to widespread apprehension in the media, because of their over-broad provisions, which seem to criminalise independent news reporting. By extending the scope of criminal liability to executive officers of corporate bodies, the Regulations create multiple internal obstacles to the pursuit of news by media organisations." [27d]

- 16.14 The International Crisis Group document 'Sri Lanka's Human Rights Crisis, Asia Report N°135', 14 June 2007 noted that:

"The climate for critical journalism has declined dramatically since early 2006...Journalists, editors, and publishers are now regular targets of intimidation and violent attacks by various groups...In April 2007 Defence Secretary Gotabhaya Rajapakse is alleged to have threatened the editor of the independent newspaper The Daily Mirror after it published articles seen as critical of TMVP activities...The Emergency Regulations have been used to detain journalists and newspaper operators." [76a] (p14)

- 16.15 The International Federation of Journalists' document 'The fight goes on: Press freedom in South Asia 2006-2007, released on 3 May 2007, reported that:

“The past year has seen Sri Lankan journalists’ safety and security come under increasing threat. Across the island, but particularly in the conflict areas in the North and East, armed groups including the government’s Armed Forces, the Liberation Tigers of Tamil Eelam (LTTE), the Karuna faction and various other paramilitary groups prevent journalists from gathering and disseminating information...A disturbing culture of impunity protects those who threaten media freedoms...On several occasions, the president and a number of government leaders have labelled journalists who voice critical political and social opinions as traitors to the country who are working in collusion with LTTE.” [45a] (p23)

- 16.16 The IFJ further noted that the human rights violations “are facilitated by the existence of the Prevention of Terrorism and Specified Terrorist Activities Regulations, which pose a serious threat to democratic governance and fundamental rights in Sri Lanka. Coupled with the draconian Emergency Regulations, the anti-terrorism regulations have already resulted in journalists and media personnel being arrested, detained and questioned by the police.” [45a] (p24)

- 16.17 As recorded in the Freedom House’s ‘Freedom of the Press 2007’, released on 1 May 2007:

“Journalists throughout Sri Lanka, particularly those who cover human rights issues or official misconduct, continued to face intimidation and threats from the police and security forces and from government officials. In several other instances, police or security forces manhandled reporters as they attempted to cover the news. In a growing trend, those journalists and civil society groups perceived as being supportive of Tamil interests have also drawn ire from Sinhalese nationalist groups. Increased threats coupled with expanded legal restrictions have led a growing number of journalists to practice self-censorship. Previous cases of attacks and killings of journalists have not been adequately investigated or prosecuted.” (Draft Country Reports and Ratings, Sri Lanka, p177) [46a]

- 16.18 As stated in a Human Rights Watch press release issued on 12 April 2007:

“The Sri Lankan government is abusing antiterrorism legislation to clamp down on journalists who expose human rights abuses, official corruption, or otherwise question the government’s handling of the civil war with the Liberation Tigers of Tamil Eelam (LTTE), Human Rights Watch said today. Standard Newspapers Ltd., which publishes a leading Sinhalese-language weekly Mawbima and the English-language weekly Sunday Standard, stopped operations on March 29. Sixteen days earlier, the government froze the company’s assets, citing suspected links to the LTTE...Tamil-language media have often come under government pressure, but the closure of Mawbima is the first time in three decades that Sri Lankan authorities have shut down a Sinhalese-language newspaper. Over the past year, Mawbima had reported on government corruption and human rights violations. The newspaper’s journalists had questioned the government’s role in the spiraling number of abductions and enforced disappearances as fighting between the government and LTTE escalated.” [21e]

- 16.19 The HRW press release of 12 April 2007 further stated that:

"All sides in Sri Lanka's civil war have interfered with and sought to restrict the exercise of free speech and freedom of the press, Human Rights Watch said. In the areas under its control, the LTTE does not allow a free press. In other areas it has intimidated, attacked and sometimes killed journalists critical of their policies or actions. The Karuna group, which split from the LTTE in 2004 and has been fighting alongside the government, has also interfered with the media, Human Rights Watch said. Since August [2006], in the areas where it operates in the East, the Karuna group has blocked the sale of the Tamil-language dailies Virakesari, Thinakkural and Sudar Oli, which are critical of the armed group. In Batticaloa district, the only Tamil-language papers available are the state-owned Thinakaran and Thinamurasu, which are run by the Eelam People's Democratic Party, another Tamil political party that is part of the Sri Lankan government. The Karuna group has issued death threats to newspaper vendors and distributors in Trincomalee, a strategic northeastern city that houses a major government navy base." [21e]

16.20 An Amnesty International document of 29 March 2007 recorded that:

"Journalist Munusamy Parameshawary was released on 22 March following a Supreme Court ruling that there was insufficient evidence against her and she should therefore be released. A number of other journalists are still in custody, as is Dushyantha Basnayake, director of the Sinhalese-language weekly newspaper Mawbima. He has not had access to his lawyer since he was arrested on 26 February. He is in danger of torture or ill-treatment. The government froze Mawbima's bank accounts on 13 March. Munusamy Parameshawary had been held without charge for four months by the police Terrorist Investigation Division (TID). On 26 January she filed a Fundamental Rights application in the Supreme Court against her arrest and detention under the Prevention of Terrorism Act (PTA) stating that her arrest was illegal and a violation of her fundamental rights. In response, the Supreme Court ruled on 21 March that she should be released...Amnesty International has a number of concerns about the use of the Emergency Regulations as they are incompatible with basic international human rights law, and were used to intimidate and harass political opponents, thus fostering a culture of impunity. Since early 2006 there has been a clampdown on press freedom in Sri Lanka. The newspaper Mawbima had reported on human rights violations. The arrest of its staff, and the freezing of its bank accounts, is one example of this." [3e]

16.21 With regard to Dushyantha Basnayake, on 31 May 2007 the Sri Lankan Ministry of Foreign Affairs denied that his arrest was "a media freedom issue" and stated that "...he was detained in accordance with provisions of the Emergency Regulations promulgated under the Public Security Ordinance. The progress of the criminal investigation was periodically reported to the relevant Magistrate. On 24th April 2007, based on the existence of a prima-facie case of terrorist funding, the suspect was remanded in the custody of the Police by the Magistrate. On 15 May 2007 the suspect was enlarged on bail. Investigations are continuing." [79a]

16.22 On 27 January 2008 the Free Media Movement (FMM) reported that:

"A TV journalist who opposed Minister Mervyn Silva's intrusion and abuse of a colleague at Rupavahini, the national television network, escaped murder on

Friday night when he was attacked by two unidentified thugs on his way home after work. Lal Hemantha Athula Mawalage is lying in a serious condition at the Colombo National Hospital after he was attacked with a knife...Mr. Mawalage was one of the speakers who roundly condemned Minister Silva in a speech at the Rupavahini premises. Minister Silva and his bodyguards stormed the Rupavahini premises on December 27 last year, and allegedly assaulted News Director T.M.D. Chandrasekera. The minister was later held hostage in the chairman's office by Rupavahini employees for over four hours. The Police and Army were deployed to extricate Mr. Silva to safety. Whilst no Police action was taken against Mr. Silva, the CID has been detailed to probe how the non-Cabinet Labour Minister was held hostage and allegedly assaulted." [12b]

16.23 The FMM had previously reported on 7 January 2008 that:

"A number of journalists in Sri Lanka have received credible information that underworld gangs have been ordered to threaten, harass and even kill them for their involvement in protests held in response to the outrageous behaviour of Government MP Mervyn de Silva recently... The FMM is now deeply disturbed to hear that instead of immediate and stern disciplinary measures taken against the Minister, of which to date there has been none, underworld gangs in collusion with senior politicians are planning to intimidate and even murder some journalists involved in this incident... We note with great concern that the SLRC incident and its aftermath proves beyond an iota of doubt the President's and his government's complete and utter disregard for the Rule of Law and democracy. This despicable culture of impunity and State sponsored terror places journalists who report on the gross abuse of power in untenable positions of having to fear for their lives and those of their loved ones." [12a]

INTERNET FREEDOM

16.24 The USSD 2006 reported that "There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. For example, Tamilnet, an LTTE Web site, is accessible throughout the country. There are also hate Web sites that call for the killing of 'traitors to the Sinhala nation.'" [2c] (Section 2a)

[Return to Contents](#)
[Go to list of sources](#)

17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

17.01 As noted in the US State Department (USSD) Report 2006, Sri Lanka:

“A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. Many domestic human rights NGOs, including the Consortium of Humanitarian Agencies; Home for Human Rights; the University Teachers for Human Rights, Jaffna; the Civil Rights Movement; and the Law and Society Trust monitored civil and political liberties. The government officially required NGOs to include action plans and detailed descriptions of funding sources as part of the initial registration process, and every five years thereafter. In August [2006] the government required that NGOs working in the north and east register with the Ministry of Defense but did not enforce this requirement with all agencies. NGO workers viewed the renewal requirement as an attempt by the government to exert greater control over the NGO sector after previous human rights groups' criticisms. Most NGOs complied with these reporting requirements. After August the government did not renew work permits for international NGO staff working in LTTE-controlled areas.”

[2c] (Section 4)

17.02 A letter from the British High Commission in Colombo, dated 10 April 2007, noted that “The regulations and the atmosphere they [the revised Emergency Regulations] generate has added to the pressure on International NGOs and NGO staff who are being compelled to get clearance from the Defence Ministry to employ local staff. Foreign Staff are subject to stringent checks from the Defence Ministry before being given work permits.” [15a]

17.03 The ICRC Annual Report 2006, Sri Lanka published on 24 May 2007, stated that “Twenty-five workers from various humanitarian organizations were killed in Sri Lanka in 2006.” [34b] In an interview with Reuters on 8 August 2007 during his visit to Sri Lanka, John Holmes, UN Under Secretary General for Humanitarian Affairs, noted that there was concern about the safety of humanitarian workers in Sri Lanka which was one of the most dangerous countries in the world for aid workers. Aid agencies said 34 humanitarian staff had been killed in Sri Lanka since January 2006. (Reuters Foundation Alertnet, Interview - Sri Lanka a top danger spot for aid workers-UN, 9 August 2007 [4c]

17.04 A document produced by the Internal Displacement Monitoring Centre (IDMC)/Norwegian Refugee Council entitled ‘Civilians in the way of conflict: Displaced people in Sri Lanka’, dated September 2007 recorded that:

“The “humanitarian space” in Sri Lanka has been steadily shrinking since 2006 and it has become increasingly difficult for agencies to respond to the needs of IDPs and other vulnerable groups. Aid workers are finding themselves being increasingly targeted in the brutal conflict...Furthermore, the policy of restricting agencies for security reasons has led many members of the humanitarian community to question why areas that are deemed unsafe for some NGO staff are at the same time considered suitable for IDP returns.”

[54b] (p26)

- 17.05 The CPA (Centre for Policy Alternatives) 'Policy Brief on Humanitarian Issues', dated December 2007, noted that:

"Access to areas by humanitarian actors has been restricted largely on security grounds by various armed actors. This has been particularly pertinent with regard to the LTTE-controlled areas. As military operations have intensified in particular areas, access was restricted to areas such as Sampur, Vaharai, Western Batticaloa and Wanni. With regards to LTTE-controlled Wanni for instance the Government granted entry only to twenty agencies. With the commencement of hostilities including artillery exchanges, aerial bombardment, ground troop movements and shifting lines of control, only a handful of agencies are willing to operate, and only a fraction of them, usually the ICRC, are allowed to do so by the military and the LTTE." [28c] (p17)

- 17.06 "The restrictions on humanitarian actors have also been extended to areas which have been recaptured and are being resettled by the Government such as Sampur, Vaharai and Western Batticaloa. Initially the military claimed that due to security concerns access could not be permitted. Each of these areas has been subsequently opened up to particular humanitarian agencies that have been granted permission by the relevant military authority. Agencies involved mainly or solely on protection issues are not among those agencies that are allowed early access." (Centre for Policy Alternatives, 'Policy Brief on Humanitarian Issues', December 2007) [28c] (p17)

- 17.07 "Over the course of the last two years aid agencies and workers have increasingly become victims and targets of various forms of violence... The killing of 17 personnel from the international agency Action Contre La Faim (ACF) in Muttur in August 2006 is the most notorious example. However, it is one case in a series of violations and threats. In 2006 it is estimated that 39 humanitarian agency workers were killed or disappeared in Sri Lanka. In 2007 the figure as of December 17 2007 stands at 22...Looking at incidents of killings and disappearance alone, the figures for Sri Lanka are comparable to some of the statistics from other conflict areas such as Iraq, Afghanistan and Sudan." (Centre for Policy Alternatives, 'Policy Brief on Humanitarian Issues', December 2007) [28c] (p18)

- 17.08 "All of the victims of these killings and abductions are locals, making it clear that they are most under threat. It needs to be noted that it is mostly young Tamil males who are victims, reflecting the general pattern of the conflict. Some of these killings may be due to humanitarian workers getting 'caught in the crossfire' of the conflict, such as the victims of claymore attacks. It is also clear that in certain situations the killings have been targeted in execution type killings. The killings could be the result of multiple factors such as the targeting of particular I/NGOs, as well as other factors such as ethnicity and individual reasons such as the political associations of the victims, personal disputes. All the incidents - especially of killings and disappearances - demonstrate a clear disregard by the armed actors', including the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), for International Humanitarian Law (IHL), including the provisions guaranteeing the protection and neutrality of humanitarian actors...The violence against and the attacks on humanitarian agencies have resulted in the agencies curtailing their movement, suspending projects and even withdrawing from particular areas which has a direct impact on affected communities. Both the Government and the LTTE have condemned specific incidents but in none of the cases have the perpetrators

of the crimes been prosecuted.” (Centre for Policy Alternatives, ‘Policy Brief on Humanitarian Issues’, December 2007) [28c] (p18-19)

- 17.09 The Human Rights Watch (HRW), World Report 2008 [2007 events], Sri Lanka, January 2008 noted that “Human rights defenders, community leaders, and humanitarian workers in Sri Lanka have particularly come under attack. The government tries to silence those questioning or criticizing its approach to the armed conflict or its human rights record. It has dismissed peaceful critics as ‘traitors,’ ‘terrorist sympathizers,’ and ‘supporters of the LTTE.’” [21b] (p6)
- 17.10 On 23 April 2007, the International Commission of Jurists (ICJ) released the report of its observer on the inquest into the killings of 17 aid workers killed in August 2006 in Muttur. According to the report, there were “significant flaws” in the investigation carried out by the Sri Lankan police and the Criminal Investigation Department (CID). [78a]
- 17.11 As noted on the website of the ICRC:
- “The ICRC has maintained a constant presence in Sri Lanka since 1989, acting as a neutral intermediary in the conflict between the government and the Liberation Tigers of Tamil Eelam (LTTE) and providing assistance to those affected by fighting and natural disaster. A ceasefire in February 2002 led to hopes for peace in Sri Lanka. Since the end of 2005, however, the situation has deteriorated and renewed fighting has claimed hundreds of lives and resulted in the displacement of tens of thousands of people...The ICRC, in coordination with the Sri Lanka Red Cross Society, is distributing shelter material and other emergency relief items to the newly displaced, improving water and sanitation facilities and providing support for medical services. At the same time, the ICRC continues to call on both parties to the conflict to respect the rules and principles of international humanitarian law.” In 2007, the ICRC personnel in Sri Lanka comprised 546 staff including 71 expatriates [34c] On 2 June 2007 it was reported that two local Sri Lanka Red Cross members, who had been abducted earlier by unidentified persons in Colombo were found shot dead in the Kiriella area of Ratnapura district.(SATP Sri Lanka Timeline – Year 2007) [37d]
- 17.12 As noted in the USSD report 2006 “The government continued to allow the ICRC unrestricted access to detention facilities...The ICRC provided international humanitarian law training materials and training to the security forces. During the year the ICRC also delivered health education programs in LTTE-controlled areas in the north and east.” [2c] (Section 4)

See also Section 8 on Avenues of complaint

Return to Contents
Go to list of sources

18. CORRUPTION

18.01 As noted in the US State Department (USSD) Report 2006, Sri Lanka:

“There was corruption in the executive and legislative branches. Transparency International (TI) identified nepotism and cronyism in the appointment of officials to government and state-owned institutions. The tendering and procurement process for government contracts was not transparent, leading to frequent allegations of corruption by the losing bidders. TI also noted that corruption was a problem in high value tender processes, including the establishment of business operations. The Commission to Investigate Allegations of Bribery or Corruption (CIABOC) received 3,212 complaints, of which 943 were under investigation at year's end. According to the Deputy Director General of the CIABOC, the trial was still in progress at year's [2006] end. The focus of the prosecution was the questionable acquisition of assets by former Deputy Defense Minister Ratwatte. There was no law providing for public access to government information.” [2c] (Section 3)

18.02 As noted in the Freedom House document, ‘Countries at the Crossroads 2006, Sri Lanka’:

“Three significant types of corruption prevail in the Sri Lankan political system: efforts to circumvent bureaucratic red tape, personal bribe solicitation by government officials, and nepotism and cronyism...Sri Lanka has long had anticorruption laws in place, but enforcement of the laws has been a serious problem. Enforcement of anti-bribery laws is the responsibility of the Bribery Commission, which was established in 1994. It has been largely ineffective... Transparency International-Sri Lanka has noted the poor enforcement of anticorruption laws, a task that currently is divided among agencies including the Bribery Commission. Whistle-blower protection legislation, a freedom-of-information act, and laws for public disclosure of assets by public officials are lacking.” Freedom House’s rating for anticorruption and transparency in Sri Lanka was 3.71 (on a scale of 0 to 7, with 0 representing weakest and 7 representing strongest performance. [46f] (Anticorruption and Transparency)

18.03 A press release issued by Transparency International Sri Lanka on 6 November 2006 noted that:

“Sri Lanka’s declining rank on the Corruption Perception Index (CPI) 2006 of Transparency International reflects the continuous deterioration of the corruption situation in the country. Sri Lanka’s rank has dipped a considerable 6 notches bringing it from 78 in 2005 to 84 in 2006, in the Index which covers 163 countries...The CPI score relates to perceptions of the degree of corruption as seen by business people and country analysts and ranges between 10 (highly clean) and 0 (highly corrupt).” [63a] Sri Lanka was placed 94 out of 179 countries in the 2007 CPI, released on 26 September 2007. [63b]

18.04 As reported by the Government-controlled *Daily News* on 17 May 2007:

“The number of complaints on corruption cases received by the Commission to Investigate Bribery or Corruption has increased by 35 per cent this year with the majority of complaints received against politicians and high-ranking Government officials. Director Investigations of the Bribery Commission SSP

Neville Guruge told the Daily News that there are 600 corruption cases pending for investigations out of which more than 100 were against politicians. 'Our Investigation officers, so far have arrested 37 Government officials when they were receiving bribes and arrested seven others on corruption complaints, he added...However, he said, investigations into corruption cases has been delayed due to shortage of investigation officers available with the Commission. The Commission has to depend on 103 employees with only 80 officials deployed as investigation officers." [16b]

[Return to Contents](#)
[Go to list of sources](#)

19. FREEDOM OF RELIGION

INTRODUCTION

- 19.01 The US State Department Report for 2007 on Religious Freedom in Sri Lanka, published on 14 September 2007, observed that:

“The Constitution accords Buddhism the ‘foremost place,’ but Buddhism is not recognized as the state religion. The Constitution also provides for the right of members of other faiths to freely practice their religion. While the Government publicly endorses this right, in practice there were problems in some areas. There was no change in the status of respect for religious freedom by the Government during the period covered by this report...Since late 2003, the country has witnessed a spate of attacks on Christian churches and on pastors and congregants. More than 300 attacks have been alleged since 2003, with several dozen confirmed by the U.S. Embassy. In response, major political and religious leaders have publicly condemned the attacks, and police have arrested and prosecuted approximately a dozen persons in connection with the incidents. There were sporadic attacks on Christian churches by Buddhist extremists and some societal tension due to ongoing allegations of forced conversions and debate on anticonversion legislation.” [2a] (Introduction)

- 19.02 “Parliament has not taken action on anti-conversion legislation first introduced in 2004. In May 2004, the Jathika Hela Urumaya Party (JHU) presented to Parliament a bill that would criminalize “unethical” conversions and on May 6, 2005, the JHU presented the bill for a second reading, despite a Supreme Court ruling that some sections of the bill were unconstitutional. Subsequently, the proposed bill was referred to a special parliamentary committee, which met for the first time in April 2006. The bill remained under consideration within the committee at the end of the period covered by this report.” (USSD, International Religious Freedom Report 2006) [2a] (Introduction)

- 19.03 “Buddhism, Hinduism, Islam, and Christianity are practiced. Approximately 70 percent of the population is Buddhist, 15 percent Hindu, 8 percent Christian, and 7 percent Muslim. Christians tend to be concentrated in the west, with much of the east populated by Muslims and the north almost exclusively by Hindus. Most members of the majority Sinhala community are Theravada Buddhists. Most Tamils, who make up the largest ethnic minority, are Hindu. Almost all Muslims are Sunnis; there is also a small minority of Shi’a, including members of the Borah community. Almost 80 percent of Christians are Roman Catholics, with Anglican and other mainstream Protestant churches also present in the cities. Seventh-day Adventists, Jehovah’s Witnesses, Methodists, Baptists, Dutch Reformed, Anglicans, Pentecostal, and the Assemblies of God are also present. Evangelical Christian groups have grown in recent years, although membership is still small.” (USSD, International Religious Freedom Report 2006) [2a] (Section I)

- 19.04 “The Ministry of Religious Affairs has four departments, one each to deal with Buddhist, Hindu, Muslim, and Christian affairs. According to the legislation defining their mandates, each department should formulate and implement programs that inculcate religious values and promote a virtuous society...Despite the constitutional preference for Buddhism, a number of major religious festivals of other faiths are celebrated as national holidays.

These include the Hindu Thai Pongal, New Year, and Deepawali festivals; the Muslim Hadji and Ramzan festivals and the Prophet Muhammad's birthday; and Christian Good Friday and Christmas...Religion is a mandatory subject in the public school curriculum. Parents and children may choose whether a child studies Buddhism, Islam, Hinduism, or Christianity. Students of other religious groups can pursue religious instruction outside of the public school system, since no instruction is provided for other religions. Schools teach religion from an academic point of view. Most private schools follow curricula similar to public schools because all students must take national exams administered by the government. Matters related to family law, including divorce, child custody, and inheritance, were adjudicated according to the customary law of the concerned ethnic or religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who continued to follow their customary religious practices of girls attaining marrying age with the onset of puberty and men when they are financially capable of supporting a family. The application of different legal practices based on membership in a religious or ethnic group may result in discrimination against women." (USSD, International Religious Freedom Report 2007) [2a] (Section II)

- 19.05 "During the reporting period, human rights abuses were committed against individuals at places of worship in the north and east. While these incidents had an impact on religious freedom, they were not religiously motivated; instead, they were a product of the conflict situation." (USSD, International Religious Freedom Report 2007) [2a] (Section III)

BUDDHISTS

- 19.06 "The Constitution accords Buddhism the 'foremost place,' but Buddhism is not recognized as the state religion." (USSD, International Religious Freedom Report 2007) [2a] (Introduction). Most members of the majority Sinhala community are Theravada Buddhists." [2a] (Section I)

HINDUS

- 19.07 As recorded in the US State Department Report for 2007 on Religious Freedom in Sri Lanka 15 percent of the population is Hindu. "Most Tamils, who make up the largest ethnic minority, are Hindu. The report also added that the north was almost exclusively populated by Hindus." [2a] (Section I)
- 19.08 The USSD 2007 International Report on Religious Freedom reported that:
- "On June 17, 2006, in Pesalai, government troops were accused of storming a church, Our Lady of Victory, and opening fire where hundreds of civilians, including both Christian and Hindu Tamils, were seeking shelter from an exchange of fire between the Government and the LTTE. On May 6, 2006, eight Tamil men were abducted from a Hindu temple in the north; this incident was also likely politically motivated. The men had been decorating the temple for a religious festival; they were reported missing on May 7, 2006, and their whereabouts were unknown at the end of the period covered by this report. Eyewitnesses said Army personnel were in the temple from early morning on May 7, and they had seen the eight men being taken away by Army personnel. Next-of-kin of the eight abducted men have registered complaints with the Human Rights Commission in Jaffna, the UN Special Rapporteur for

Extra-Judicial Killings, and Amnesty International but no action has been taken.” [2a] (Section II)

- 19.09 “In February 2007 BBC News reported Hindu priest Selliah Parameswar Kurukkal Parameshwara was taken from his home in eastern Batticaloa and killed. Only a few days before, he had met the President Rajapaksa in Vakaraai and blessed him in the Hindu tradition in a public ceremony. Government security forces had taken Parameshwara to Vakaraai to greet the President following the military's defeat of LTTE forces there. The LTTE were suspected in his death, and there was no evidence that this killing was religiously motivated.” (USSD, International Religious Freedom Report 2007) [2a] (Section II)

MUSLIMS

- 19.10 As stated in the USSD Religious Freedom Report 2007:

“Almost all Muslims are Sunnis, with a small minority of Shi’a, including members of the Borah community.” [2a] (Section II)

“In 1990 the LTTE expelled some 46,000 Muslim inhabitants - virtually the entire Muslim population - from their homes in the northern part of the island. Most of these persons remained displaced and lived in or near welfare centers. Although some Muslims returned to the northern town of Jaffna in 1997, they did not remain there due to the continuing threat posed by the LTTE. There were credible reports that the LTTE warned thousands of Muslims displaced from the Mannar area not to return to their homes until the conflict was over. It appears that the LTTE's actions against Muslims were not due to Muslims' religious beliefs, but rather that they were part of an overall strategy to clear the north and east of persons unsympathetic to the LTTE. The LTTE made some conciliatory statements to the Muslim community, but many Muslims viewed the statements with skepticism. The LTTE continued to encourage Muslim internally displaced persons (IDPs) in some areas to return home, asserting they would not be harmed. Although some Muslim IDPs returned home, the vast majority did not and instead waited for a government guarantee of safety in LTTE-controlled areas. Since the 2002 Ceasefire Agreement, the LTTE also carried out a number of attacks in the east in which Muslims have been killed. No arrests were made in these cases by the end of the period covered by this report.” [2a] (Section II)

- 19.11 The USSD Religious Freedom Report 2007 further noted that:

“Some minority Islamic sects also faced discrimination, harassment, and threats on places of worship and on persons from some members of the majority Sunni Islamic community in Sri Lanka. Police generally provided protection for these groups at their request. On May 18, 2007, the Ahmadiyya Muslim community in Negombo asked for and received local police protection at their mosque following threats from Sunni Muslims to take over the mosque, and Friday prayers passed without incident. On May 11, 2007, a group of Sunni Muslims had come to the Ahmadi mosque in Negombo and held prayers there, barring the Ahmadi group from entering. Police were present on the scene but reported they did not want to use force to disperse the crowd inside the mosque. In October 2006 the Ahmadiyya community had reported that the Sunni group had instructed the State media not to give any publicity to

the minority Ahmadis, accusing them of being apostates. The Ahmadiyya group lodged complaints against a Sunni group for allegedly killing one of their members on October 14, 2006, and assaulting Pakistani Ahmadi Muslims in Negombo on October 9. Local police did not take any action on any of these cases during the reporting period.” [2a] (Section III)

- 19.12 The International Crisis Group (ICG) document ‘Sri Lanka’s Muslims: Caught in the Crossfire’, 29 May 2007 recorded that the country’s Muslims, “see themselves as a separate ethnic group”. [76b] (Executive Summary and recommendations) The report added that “Unlike the Tamils and Sinhalese, who have an ethnic identity based on language and history, the Muslims claim a separate ethnicity based predominantly on their adherence to Islam. In the national census they are listed separately, as ‘Moors’, reflecting European colonial usage.” [76b] (Section 1A)
- 19.13 “In formal terms, Muslims enjoy considerable freedoms within the Sri Lankan state. There are no restrictions on religious worship, and major Muslim religious holidays are celebrated as public holidays. Muslims have the right to use quazi courts to rule on family matters under Sharia law, although Muslims also have the right to seek redress through secular courts. Muslims likewise enjoy separate (state-funded) schools in which Islam is taught in addition to the standard national curriculum. There are Muslims in all political parties, and there are no restrictions on Muslim political parties. There are several such, although most of the smaller ones have just one representative in parliament, and their influence is somewhat limited by a proportional representation system that forces them to run in alliance with larger parties. There are many Muslim parliamentarians, and in May 2007 there were at least seventeen Muslim members of the government, albeit in a somewhat bloated administration of 107 ministers and deputy ministers. Nevertheless, many Muslims complain of discrimination in the recruitment practices of state structures, claiming that well-qualified co-religionists are often passed over for jobs in key revenue bureaucracies, in particular, such as customs and income tax. They are substantially under-represented overall in state and semi-state structures.” (ICG, ‘Sri Lanka’s Muslims: Caught in the Crossfire’, 29 May 2007) [76b] (Section 1 B)
- 19.14 “Since the conflict restarted on a major scale in August 2006, most fighting has been in the Eastern province, where Muslims are particularly vulnerable... The Muslim community has suffered less [than eastern Tamils] but has still been a victim of the renewed fighting and the emergence of the TMVP.” (ICG, ‘Sri Lanka’s Muslims: Caught in the Crossfire’, 29 May 2007) [76b] (Section VI)

“Almost inevitably, the TMVP’s attempt to fill the vacuum left by the LTTE has led to conflict with the Muslim community. Karuna was in command of the LTTE in the east in 1990 when some of the worst violence against Muslims took place. Since the split with the northern LTTE, it has occasionally made more placatory statements towards Muslims but reality on the ground has appeared to be at odds with the rhetoric...In January 2007 serious tensions emerged between the TMVP and the Muslim community of Kattankudi, which lies between two predominantly Tamil areas...Serious problems have also occurred in Pottuvil, a majority-Muslim village with a small Tamil population. Muslims were unhappy with the TMVP office, which opened in the centre of the town, and claimed there have been clashes between TMVP cadres and

local youths. In March senior Colombo politicians reportedly rebuffed attempts to address the issue.” [76b] (Section VI B)

19.15 The IGC report of May 2007 also noted that:

“While the main issue of Muslims with regard to the conflict has been relations with the Tamil community, there are also conflicts among Muslims themselves that have important implications for political stability...There have always been traditional differences among Muslims in Sri Lanka over issues of faith, most of which have not provoked serious conflict and have been accepted by religious leaders as part of a broader tolerance in the community. However, since the late 1980s there has been a strong growth in ultra-orthodox interpretations of Islam that have provoked conflicts with other sects, notably Sufism.” [76b] (Section VII A)

19.16 The ‘UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka’, dated December 2006 stated:

“Muslims are particularly vulnerable to human rights abuses from parties to the conflict. For example, certain Muslims are targeted by the LTTE, such as those suspected of being government informers and those who are perceived as opposed to the LTTE. Furthermore, Muslims residing near LTTE-controlled areas, or areas contested by the LTTE, in Eastern Sri Lanka are at risk of forced displacement, threats and killings due, in particular, to being caught in the cross-fire during armed hostilities. Those who flee generalized violence in LTTE-controlled areas have the possibility to move to government-controlled areas, however, there may be difficulties encountered in finding means of transport and safe routes.” [6b] (Paragraph 27)

See also Section 20 and 29

CHRISTIANS

19.17 As stated in the USSD Religious Freedom Report 2007, eight per cent of the population is Christian and Christians tend to be concentrated in the west of the country. “Almost 80 percent of Christians are Roman Catholics, with Anglican and other mainstream Protestant churches also present in the cities. Seventh-day Adventists, Jehovah's Witnesses, Methodists, Baptists, Dutch Reformed, Anglicans, Pentecostal, and the Assemblies of God are also present. Evangelical Christian groups have grown in recent years, although membership is still small.” [2a] (Section I)

19.18 “Some Christian denominations resisted greater government involvement in their affairs; as a result, they were allowed to register through acts of parliament or as corporations under domestic law.” (USSD, International Religious Freedom Report 2007) [2a] (Section II) The same report added “The police investigated many incidents of attacks and harassment against Christians when complaints were made. Occasionally the police were reluctant to pursue criminal charges against the suspected perpetrators, some of whom were Buddhist monks. Law enforcement officials believed that a majority of the attacks were conducted by a small number of extremist Buddhists.” [2a] (Section II)

- 19.19 “During the period covered by this report, Christians, both of mainstream denominations and evangelical groups, sometimes encountered harassment and physical attacks on property and places of worship by some local Buddhists who believed they were threatened by these groups and were opposed to conversion. Some Christian groups occasionally complained that the Government tacitly condoned harassment and violence aimed at them. In some cases police response was inadequate, and local police officials reportedly were reluctant to take legal action against individuals involved in the attacks.” (USSD, International Religious Freedom Report 2007) [2a] (Section II)
- 19.20 “The National Christian Evangelical Alliance of Sri Lanka (NCEASL) stated that during the reporting period, there were 39 attacks on Christian churches, organizations, religious leaders, or congregants, 90 percent of which were reported to the police. Credible sources confirmed some of these attacks. Allegations by Buddhist extremists of Christian involvement in ‘unethical’ or forced conversions continued to be a source of tension between the two communities. Christians denied this charge, responding that people undergo conversion of their own free will. There were reports that members of some evangelical groups made disparaging comments about Buddhism while evangelizing. Some groups also alleged that Christians engaged in aggressive proselytism and took advantage of societal ills such as general poverty, war, and lack of education. Christians countered that their relief efforts were not targeted at converting aid beneficiaries.” (USSD, International Religious Freedom Report 2007) [2a] (Section II)

[Return to Contents](#)
[Go to list of sources](#)

20. ETHNIC GROUPS

- 20.01 The CIA World Factbook, Sri Lanka recorded that the population can be divided into the majority Sinhalese (73.8 per cent), Sri Lankan Moors [Muslims] 7.2 per cent, Indian Tamil 4.6 per cent, Sri Lankan Tamil 3.9 per cent, other 0.5 per cent, unspecified 10 per cent (2001 census provisional data). [30] However, as recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2006, Chapter II, tables 2.10 - 2.11), based on a total population of 18,797,257 the population comprises: Sinhalese (82 per cent), Sri Lankan Tamil (4.3 per cent), Indian Tamil (5.1 per cent), Moor (7.9 per cent), Burgher (0.2 per cent), Malay (0.3 per cent), Sri Lankan Chetty (0.1 per cent) and other (0.1 per cent). However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts in which the 2001 census enumeration was not completed were not included. [58a]
- 20.02 “There were 34 Tamils and 24 Muslims in the 225-member parliament. There was no provision for or allocation of a set number or percentage of political party positions for women or minorities.” (USSD 2006) [2c] (Section 3)
- 20.03 As recorded in Jane’s Sentinel Country Risk Assessments, ‘Country Report, Sri Lanka’ “...the tension in relations between the Sinhalese and Sri Lankan Tamils has been the most prominent political trend in Sri Lanka since independence (1948)...In contrast to the confrontational strategies of Sri Lankan Tamils, the Muslims and Indian Tamils adopted political stances of ‘qualified collaboration’ with one or the other of the main Sinhalese-dominated political parties.” [5a] (Internal Affairs, 4 December 2007, Post-Independence ethnic tension)
- 20.04 The International Crisis Group (ICG) document ‘Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus’, Asia Report N°141, 7 November 2007 noted that:
- “While Tamil nationalists generally argue that the state is irredeemably racist, in response Sinhala nationalists question the reality of Tamil grievances and argue that it is Tamil nationalism that is racist and mono-ethnic... Central to Sinhala nationalism is the denial that Tamils are a distinct nation or people deserving political recognition that requires a restructured state. The concept of Tamils as a separate nation is generally associated with their claims to an exclusive territory or homeland – ‘We have our own territory so we are a nation’, Tamil nationalists say. This explains Sinhala nationalists’ strong resistance to ‘federalism’ or any proposals that would grant significant political autonomy to the north and east. To recognize Tamil rights to determine their own affairs, even within a united Sri Lanka, would be, they say, to accept the right of full self-determination.” [76c] (p15)
- 20.05 As recorded in Keesing’s Records of World Events, October 2006 – Sri Lanka:
- “The Supreme Court ruled on Oct. 16 [2006] that the merger of Sri Lanka’s northern and eastern provinces, where most Tamils lived, was illegal and unconstitutional. The two provinces were merged under the Indo-Sri Lankan agreement of 1987, paving the way for the deployment of an Indian Peace Keeping Force (IPKF) on the island...However, the merger was intended to be temporary and subject to a local referendum within a year on whether to make it permanent. Although the population in the Northern Province was almost

wholly Tamil, the Eastern Province was mixed, with significant Muslim and Sinhalese minorities. The judgment was significant because the current North-East Province was the geographical basis of the LTTE's claim to a Tamil homeland, whether independent or autonomous. The ruling came in response to a petition from two legislators of the Sinhala-nationalist Janatha Vimukthi Peramuna (JVP) party, until recently a partner in government with the ruling Sri Lankan Freedom Party (SLFP).” [23i]

20.06 As reported by BBC News on 17 October 2006:

“What is perhaps a highly significant judgement of the Sri Lankan Supreme Court on Monday was overshadowed when the country's bloodiest suicide bombing killed nearly 100 sailors. At the same time as the bloodshed, the Supreme Court ruled that a merger of the northern and eastern provinces of the island was not acceptable in law. The two events at first glance may appear to be wholly unconnected, but in reality the question of what happens to the north and east of Sri Lanka is crucial to finding a peaceful end to the seemingly endless cycle of violence...The merger of the two provinces, claimed by the Tamils as an historic homeland for Tamil-speaking people, was a key demand of most Tamil parties...The referendum was deemed necessary as the east was a more multi-ethnic region when compared to the north...Whereas most hardline Sinhalese politicians are likely to welcome the ruling [of the Supreme Court], many Tamil people are worried about it... Meanwhile Muslims of the east, who have always had a difficult relationship with the Tamil Tigers, have been uneasily trying to reconcile themselves to living under a unified administrative structure that would ensure a dominant role for Tamil parties.” [9m]

20.07 On 2 January 2007 the *Daily Mirror* (Sri Lanka) reported that the eastern governor (and acting governor for Northern Province) had said that the administrative operations of the newly de-merged northern and eastern provinces had started in separate offices in Trincomalee town. [11e]

20.08 The ‘UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka’, dated December 2006 noted that:

“Given the prevailing situation of widespread hostilities, insecurity and human rights violations in the North and East of Sri Lanka, it is UNHCR's view that the situation there can be characterized as one of generalized violence and events seriously disturbing public order. All three ethnic groups, Sinhalese, Muslims and Tamils are affected by the situation of generalized violence and armed conflict.” [6b] (Paragraph 33)

SINHALESE

20.09 With between 73.8 and 82 per cent, the Sinhalese ethnic group constitutes the majority of the Sri Lankan population. (The CIA World Factbook) [30] (Sri Lankan Department of Census and Statistic - Statistical Abstract 2006, Chapter II, tables 2.10 - 2.11) [58a] “Sinhalese constitute the majority in seven out of the nine provinces into which the country is divided...The mother tongue of the Sinhalese is Sinhala. 93 per cent of their total are Buddhists.” (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka (last updated 21 November 2007): Demography, 17 October 2007) [5a]

- 20.10 The State of the World's Minorities 2007 (Events of 2006), published by Minority Rights Group International in March 2007, Sri Lanka Flash Point, (dated November 2006) reported that "The Sinhalese Buddhists, who make up 70 per cent of Sri Lanka's population, control the state machinery – the military as well as the government." [62a] (p21)

TAMILS

- 20.11 "...Tamils comprise approximately 90 per cent of the population in the Northern Province and approximately 40 per cent of the population in the Eastern Province. Although these two provinces are considered by the Sri Lankan Tamils as constituting the traditional Tamil homeland in Sri Lanka, just under 50 per cent of Tamils actually live outside the Northern and Eastern provinces (although excluding the Indian Tamils, only 33 per cent live outside the two provinces)... The overwhelming majority of Tamils speak Tamil and are Hindus." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, Demography, updated 17 October 2007, accessed 4 January 2008) [5a]

- 20.12 The State of the World's Minorities 2007 noted that "The Tamils – the majority of whom are Hindus – are ethnically distinct and speak their own language. The rebel movement, the Tamil Tigers, want to carve out a separate state for minority Tamils in the north and east of the country. [62a] (p21)

"During the conflict, Tamil moderates have found themselves doubly victimized. Vulnerable to rebel reprisals, they are also attacked by government forces, who believe them to be rebels or supportive of the Tamil Tigers. Under the terrorism laws, the ill-treatment of Tamils, subjected to illegal detention and torture, is well-documented. Moreover, Tamils in lower-class groups face routine harassment – something that has become more pronounced over the past few months." [62a] (p23-24)

- 20.13 "The ethnic conflict [between Sinhalese and Tamils] in Sri Lanka has been going on for over 20 years as the Liberation Tigers of Tamil Eelam (LTTE) fight for an independent homeland." (FCO Sri Lanka Country Profile) [15j] (The Internal Conflict)

- 20.14 As recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2006, Chapter II, tables 2.10 - 2.11), in Colombo district there were 247,739 Sri Lanka Tamils and 24,821 Indian Tamils out of a total population of 2,251,274. The districts of Ampara, Gampaha, Kandy, Puttalam and Nuwara Eliya also had a high concentration of Tamils. However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts in which the 2001 census enumeration was not completed were not included. [58a]

- 20.15 As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka

"Until the early 1980s this process [the tension in relations between the Sinhalese and Sri Lankan Tamils] was primarily political and was defined by sustained agitation by parties and groups representing the interests of the Sri Lankan Tamils against successive Sinhalese-dominated governments, interspersed with periodic outbursts of communal violence in areas of mixed

ethnicity at which Tamils suffered at the hands of rampaging Sinhalese mobs... Tamil grievances at this stage were focused mainly on the theme of economic deprivation and political alienation and focused upon campaigning for a due share of political power, access to resources and economic opportunities, and entitlement to the benefits of development. Over time, there emerged within the Tamil community the idea that it constitutes a distinct 'national group', primarily in response to state alienation and exclusion, and that the Tamil community had been arbitrarily unified with the 'Sinhalese nation' in the creation of 'British Ceylon'. This notion formed the ideological and political basis of a secessionist movement committed to the objective of establishing an independent Tamil state ('Eelam') encompassing the northern and eastern parts of the island of Sri Lanka

"Several factors contributed to the supremacy acquired by the LTTE over other Tamil groups. The most basic among these has been their success in mobilising disgruntled Tamil youth and their capacity to command absolute obedience from among the ranks. The ferocity with which the LTTE has dealt with renegades, its rivals or any other force that stood in its way was another factor that contributed to its meteoric rise." [5a] (Internal Affairs, 4 December 2007, Post-Independence ethnic tension)

- 20.16 The 'UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka', dated December 2006 noted:

"In addition to the situation of widespread insecurity and the impact of the armed conflict in the North and East, Tamils in and from these regions are at risk of targeted violations of their human rights from all parties to the armed conflict. Harassment, intimidation, arrest, detention, torture, abduction and killing at the hands of government forces, the LTTE and paramilitary or armed groups are frequently reported to be inflicted on Tamils from the North and East. Individuals suspected of having LTTE affiliations are at risk of human rights abuses by the authorities or allegedly government sponsored paramilitary groups. In the same manner, those who refuse to support the LTTE and those who are perceived as supporters or sympathizers of the Government, risk serious violations of human rights from the LTTE." [6b] (Paragraph 14&15)

- 20.17 As noted in a press statement by the Ministry of Constitutional Affairs and National Integration posted on the official website of the Sri Lankan Government's Secretariat for Co-ordinating the Peace Process (SCOPP) on 30 June 2006:

"Even though Tamil was made the second official language in 1987 through the 13th Amendment to the Constitution of Sri Lanka, benefits of these constitutional provisions never reached the Tamil-speaking people.... This decision [on the bilingualisation of public services] caters to the needs of the Tamil-speaking people outside the North/East Provinces and also the Sinhala-speaking people in the North/East... It is noted that 52% of the Tamil people and 61% of the Tamil-speaking people in Sri Lanka live outside the Northern and Eastern Provinces." [41i]

- 20.18 On 18 May 2007 the Official Government News Portal of Sri Lanka reported that "Police will recruit retired government servants as Tamil interpreters as there is an acute shortage of Tamil interpreters at police stations. Inspector

General of Police Victor Perera has instructed all senior police officers to immediately recruit, on a temporary basis, retired government servants who can speak Tamil, to the police force... This step is expected to remedy the difficulties faced by Tami public due to lack of Tamil interpreters at police stations.” [10h]

20.19 As reported by the Government-controlled *Daily News* on 14 June 2007:

“With a view to ‘bilingualise’ the public service, the Government has decided to make proficiency in both official languages mandatory for persons newly recruited to the service with effect from next month. Accordingly, proficiency in Tamil will be made compulsory for all Sinhala speaking persons recruited to State institutions from July 1 while those speaking Tamil will also be required to prove their proficiency in Sinhala... The Minister [Constitutional Affairs and National Integration Minister D. E. W. Gunasekera] pointed out that although 25 per cent of the country’s population are Tamil speaking (nearly 61 per cent of them living outside the North and the East), only six per cent of the employees in the public service and 16 per cent in the provincial public service are conversant in Tamil.” [16c]

See also Sections 3, 4, 7, 8 and Annex C

UP-COUNTRY TAMILS

20.20 As noted in the US State Department (USSD) Report 2006, Sri Lanka:

“There were approximately one million Tamils of Indian origin, the so-called Hill, Tea Estate, or Indian Tamils, whose ancestors originally were brought to the country in the 19th century to work on plantations. In the past approximately 300,000 of these persons did not qualify for citizenship in any country and faced discrimination, especially in the allocation of government funds for education. In 2003 parliament passed a bill granting full citizenship to more than 460,000 tea estate Tamils. In August 2004 UNHCR began awareness campaigns to alert Tamils to the new legislation and by the end of 2005 had registered approximately 276,000 persons. UNHCR confirmed registration for an additional 75,000 persons during the year. At year’s [2006] end 117,000 registrations remained unconfirmed. Both local and Hill Tamils maintained that they suffered longstanding systematic discrimination in university education, government employment, and in other matters controlled by the government. According to the SLHRC, Tamils also experienced discrimination in housing.” [2c] (Section 5)

See also Section 31

MUSLIMS

20.21 The State of the World’s Minorities 2007, reported that:

“After Tamils, Muslims are the second largest minority in Sri Lanka – numbering nearly a million. They have suffered tremendously in the conflict but they are often the ‘forgotten minority’ and their plight is rarely acknowledged. Sri Lankan Muslims are scattered across the country, but a majority live in the coastal areas... Their dominance in eastern Sri Lanka – in some small towns they form the majority – and their insistence on their

separate and unique identity has brought them into conflict with the Tamil Tigers, who see the Muslim presence as a hindrance to their homeland claim". [62a] (p23-24)

- 20.22 The International Crisis Group (ICG) document 'Sri Lanka's Muslims: Caught in the Crossfire', 29 May 2007 recorded that "Throughout much of the 25-year Sri Lankan conflict, attention has focused on the confrontation between the majority Sinhalese and the minority Tamils. The views of the country's Muslims, who are 8 per cent of the population and see themselves as a separate ethnic group, have largely been ignored. [76b] (Executive Summary and recommendations)

"Unlike the Tamils and Sinhalese, who have an ethnic identity based on language and history, the Muslims claim a separate ethnicity based predominantly on their adherence to Islam. In the national census they are listed separately, as 'Moors', reflecting European colonial usage." [76b] (Section 1A)

See also Sections 19 and 29

INDIGENOUS PEOPLE

- 20.23 The USSD report 2006 recorded that "The country's indigenous people, known as Veddas, numbered fewer than 1,000. Some preferred to maintain their traditional way of life and are protected by the law. There are no legal restrictions on their participation in the political or economic life of the nation. Some Veddas complained that they were being pushed off their land in protected forest areas." [2c] (Section 5)

[Return to Contents](#)
[Go to list of sources](#)

21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

- 21.01 As noted in the US State Department (USSD) Report 2006, Sri Lanka, "The law criminalizes homosexual activity between men and between women, but the law was not enforced." [2c] (Section 5)
- 21.02 The Amnesty International 'Sexual Minorities and the Law: A World Survey' (last updated July 2006) recorded that in Sri Lanka homosexuality is illegal for males (while females are not mentioned in law) and that it is imprisonable for ten years. As for transgender the document mentioned that the situation was unclear since there were no data or information on the legal situation. [3d]
- 21.03 Sodomy Laws, 'Laws around the world, Sri Lanka' (last edited 16 July 2004, website accessed on 8 January 2008) quoted Section 365a of the Penal Code:
- "365A. Any person who in public or in private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any person of, any act of gross indecency with another person, shall be guilty of an offense, and shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both and where the offense is committed by a person over 18 years of age in respect of any person under 16 years of age shall be punished with rigorous imprisonment for a term not less than ten years and not exceeding twenty years and with a fine and shall also be ordered to pay compensation of an amount determined by court to the person in respect of whom the offense was committed for the injuries caused to such person." [50]
- 21.04 The International Lesbian and Gay Association (ILGA) document 'State-sponsored Homophobia - A world survey of laws prohibiting same sex activity between consenting adults', dated April 2007 confirmed that both Male/Male and Female/Female sexual acts are illegal. [29]

GOVERNMENT ATTITUDES

- 21.05 The website Utopia-Asia.com, Country Listings, Sri Lanka, recorded that the law prohibiting homosexuality is not being currently enforced. [72a] The USSD report 2006 noted that the law which criminalises homosexual activity between men and between women was not enforced. [2c] (Section 5)
- 21.06 The USSD report 2006 further noted that "NGOs working on lesbian, gay, bisexual, and transgender issues did not register with the government. As in recent years human rights organizations reported that police harassed, extorted money or sexual favors from, and assaulted gay men in Colombo and other areas." [2c] (Section 5)
- 21.07 As noted in 'Human Rights?' a publication by the Sri Lankan organisation Equal Ground:

“For too long now, the Lesbian, Gay, Bisexual and Transgender community of Sri Lanka has suffered silently, denied their basic human rights. Under Section 365A of the Sri Lanka Penal Code, homosexuality is condemned as a criminal offence. Although this law, a relic of Colonisation has not been enforced in many, many years, it still serves as a reminder that in this country, not everyone is equal. Its vicious shadow is the threat of blackmail and continuing Police harassment.” [73a] (p16)

SOCIETAL ILL-TREATMENT OR DISCRIMINATION

21.08 As recorded on the website Utopia-Asia.com, Country Listings, Sri Lanka, “While the law [prohibiting homosexuality] is not being currently enforced, its existence has allowed for official discrimination and societal stigma towards homosexuals. Local gay activists are working to bring the law into the 21st century.” [72a]

21.09 As noted on the website of the Sri Lankan gay organisation Women’s Support Group:

“The Women's Support Group has worked since 1999 for the rights of lesbians, bisexual women and transgendered persons (LBT). Our work has been diverse and at times very difficult. The stigma and discrimination that the gay, lesbian, bisexual, and transgendered (LGBT) community faces is validated by section 365 of the Penal Code of Sri Lanka. The Sri Lankan legal system makes it extremely difficult for our community to live openly. The Penal Code, based on 19 th century British law, states that homosexual sexual activity is a crime. Up till 1995, the subject of this law was only men. However, the 1995 amendment to the Penal Code made it ‘gender-neutral’ and now the Penal Code criminalizes both male and female homosexual sexual activity. This law and a homophobic social environment create a smothering atmosphere for the LGBT people. They are subject to discrimination on many fronts. They face blackmail by others, they face threats to their family, career, and their life. Some have been thrown out of their homes and others have lost their jobs. The legal system and the stigma associated with being homosexual, bisexual or transgendered in our society makes it difficult for members of the LGBT community to live their lives fully and openly. Around you there are many people who hide their sexual and gender identity from those around them due to the fear of what may happen to them if their identity is known.” [74a]

21.10 As reported in one BBC News article dated 20 May 2005:

“Companions on a Journey is a drop-in centre in Colombo that’s become a lifeline for Sri Lanka’s gay community.... When he [Sherman de Rose, the founder of Companions on a Journey] started the group last year, he used to receive death threats. It got so bad, he says, he had to leave the country for a while until religious groups, political leaders, and some sections of the media, the most vehement opponents to his organisation, calmed down. ‘But attitudes have begun to change,’ he says.... One of the most difficult things for gay men and women in Sri Lanka is simply coming to terms with their homosexuality. Given the social intolerance, it is very difficult, Sherman says.... Companions now have two more drop-in centres in Sri Lanka, one in Kandy and one in Anuradhapura. They put out a monthly newsletter and every full moon they organise a big party... Working with a network of lawyers, they are trying to

persuade lawmakers to change Sri Lanka's criminal code, which outlaws homosexuality. 'There is still a lot of opposition,' he says, 'and we still aren't even close to Europe or the United States when it comes to gay rights.'" [9fi]

[Return to Contents](#)
[Go to list of sources](#)

22. DISABILITY

22.01 As noted in the US State Department (USSD) Report 2006, Sri Lanka:

“The law forbids discrimination against any person on the grounds of disability; however, there were instances of discrimination against the disabled in the areas of employment, education, and provision of state services. The law does not mandate access to buildings for persons with disabilities, and such facilities were rare. The Department of Social Services operated eight vocational training schools for persons with physical and mental disabilities and sponsored a program of job training and placement for graduates. The government also provided financial support to NGOs that assisted persons with disabilities. Such assistance included subsidizing prosthetic devices, making purchases from suppliers with disabilities, and registering 74 NGO-run schools and training institutions for persons with disabilities. The Department of Social Services selected job placement officers to help the estimated 200,000 work-eligible persons with disabilities find jobs. Despite these efforts, persons with disabilities faced difficulties because of negative attitudes and societal discrimination.” [2c] (Section 5)

22.02 As noted on the website of Disability Information Resources (DINF) of the Japanese Society for Rehabilitation of Persons with Disabilities (JSRPD) (website accessed on 26 February 2008):

“The government has introduced a policy of in every workforce, 3% of the employees must be people with disabilities. Although all major companies have been made aware of this the policy is not enforced and as a result it is largely ignored...The building of separate schools for children with special needs was stopped over 20 years ago. The Ministry of Education hopes to build special units into all schools so children with special needs can be integrated into mainstream education with the help of specially trained teachers (also underway)...The Government of Sri Lanka has no formal policy on accessibility to buildings for those who have mobility problems...In Sri Lanka the Ministry of Social Services has used the data obtained from ongoing programmes and estimates that between 4 and 5% of the population as a whole have some kind of disability. The government has no official policy on disability and rehabilitation but sectional policies attempt to keep up with international developments...The causes of the disabilities in Sri Lanka are varied but conflict related disabilities seem disproportionately high. These come from landmines, attacks on border villages, fighting or being caught in the crossfire during fighting and, in areas such as Colombo, injuries from the explosions detonated by suicide bombers. Further causes include problems at birth or prior to birth, especially among older women or those suffering from poor health or malnutrition combined with an overstretched [sic] Health Service. Poor health and malnutrition in children can cause disabilities as they get older. Another factor is Polio although the government has now taken steps to eliminate the problem leading to a negligible number of (occurrence) Polio victims.” [70]

[Return to Contents](#)
[Go to list of sources](#)

23. WOMEN

- 23.01 “Since 1983, Sri Lanka has experienced a civil ethnic conflict in the Northern and Eastern provinces that has resulted in life-threatening and traumatic experiences for women; loss of life, rape and being searched by armed groups are daily occurrences. Large numbers of women have participated as combatants in the conflict, and many civilian women are now household heads...” (UNIFEM, Gender Profile of the Conflict in Sri Lanka, updated 31 July 2006) [66a] (Introduction)

“There are an estimated 40,000 war widows in Sri Lanka. The loss of male breadwinners has created a new group of women vulnerable to economic hardship. There are approximately 30,000 female-headed families in the north and east of Sri Lanka.” (UNIFEM, Gender Profile of the Conflict in Sri Lanka [66a] (The Impact of the conflict on women in Sri Lanka)

“Relative to the rest of South Asia, Sri Lankan women have traditionally enjoyed good levels of literacy, life expectancy, and access to economic opportunities...Female adult literacy levels are at 83.8% compared to male adult literacy at 90%. The female youth literacy rate is 96.6%...Unemployment among women is high and it is double that of men, even though the constitution guarantees equal opportunity employment.” (UNIFEM, Gender Profile of the Conflict in Sri Lanka) [66a] (Economic security and rights)

- 23.02 A letter from the British High Commission (BHC), Colombo dated 29 October 2007 recorded that “With many able bodied men either the victims or fleeing the abuses, a quarter of all households [in Jaffna] are now female-headed.” [15q]

- 23.03 Women were particularly vulnerable to domestic and sexual violence in “both tsunami and conflict IDP camps reported by Amnesty International. Internally displaced women face loss of family members and male spouses, increased responsibility to provide for and protect children and family members, threats to physical safety, psychological insecurity, and more general issues of social marginalisation and lack of power. In Vavunya District, a NGO indicated that 60 percent of IDP families were female-headed households (FHH). There are numerous Land and Property issues facing women both in ‘Welfare Centres’ and upon return.” (IDMC/Norwegian Refugee Council, ‘Sri Lanka: escalation of conflict leaves tens of thousands of IDPs without protection and assistance. A profile of the internal displacement situation’, 16 November 2006) [54a] (Vulnerable groups)

LEGAL RIGHTS

- 23.04 As noted in the US State Department (USSD) Report 2006, Sri Lanka:

“Women have equal rights under national, civil, and criminal law; however, questions related to family law, including divorce, child custody, and inheritance, were adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women is 18 years, and there was no provision for marriage at an earlier age with parental consent except in the case of Muslims, who may follow their customary marriage practices and marry at the age of 15. Women were denied equal rights to land in

government-assisted settlements, as the law does not institutionalize the rights of female heirs. Different religious and ethnic practices often resulted in uneven treatment of women, including discrimination.” [2c] (Section 5)

23.05 “The 1948 Citizenship Act is the primary central legislation on citizenship. The act was amended in 2003 to allow both parents to confer citizenship upon their children. Prior to the amendment, only a father could pass Sri Lankan citizenship to his children...Changes to regulations under the act have also been recently approved by the Cabinet of Ministers; these changes permit foreign spouses of Sri Lankan women to obtain citizenship on the same basis as foreign spouses of Sri Lankan men.” (Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 19 September 2006) [32] (p220)

23.06 “The body of law relating to marriage consists of the general law, customary law and personal law. Tamils are governed by the general law in most marriage-related matters, whereas Kandyan Sinhalese can choose to be governed by the general law or their customary laws. Muslims are governed by Muslim personal law... The Marriage Registration Ordinance and the Civil Procedure Code constitute the general law on divorce. The provisions of the ordinance firmly establish divorce as faultbased [sic] and case law has reaffirmed this concept. Grounds for divorce under the ordinance are the following:

- adultery;
- malicious desertion; and
- incurable impotence at the time of marriage.

Cruelty is not a ground for divorce, although it may be a factor in determining malicious desertion. Physical illtreatment [sic] per se is also not a ground for divorce under the general law, but it is a cause for legal separation... The Civil Procedure Code constitutes the general law on judicial separation. The code provides that either party may petition for separation ‘on any ground on which by the law applicable to Sri Lanka such separation may be granted.’...The 1999 Maintenance Act is the general law on maintenance during marriage... The act requires any spouse with sufficient means to maintain the other spouse, if such individual is unable to maintain him or herself...The principles of custody are thus governed by the residuary Roman-Dutch law. The predominant feature of the common law is the preferential custodial right given to the father, which may be denied only in instances of danger to the ‘life, health and morals’ of the children. A mother who seeks custody therefore has the onus of displacing the father’s right.” On most of these matters there are also more specific laws governing in particular, Muslims, Tamils and Kandyan Sinhalese. (Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 19 September 2006) [32] (p220-225)

23.07 As recorded in the UNICEF document ‘The state of the world’s children 2007, South Asia edition’ published in December 2006, “Sri Lanka represents an exception in the region to this trend of child marriage, with an average age of first marriage for women of 25. This dramatic shift was led by legislative reforms that require that all marriages are registered and the consent of both marriage partners is recorded.” [53b] (p6)

POLITICAL RIGHTS

- 23.08 In 1931 Sri Lanka became one of the first countries in Asia, Africa, and Latin America to permit women to vote. In 1960, Sirimavo Bandaranaike became the first female Prime Minister of a modern nation. Chandrika Kumaratunga was elected Sri Lanka's first female president in 1994, and won a second term in office in elections in December 1999. Sri Lanka has a vibrant women's movement." (UNIFEM, Gender Profile of the Conflict in Sri Lanka, updated 31 July 2006) [66a] (Introduction)

However, "Women are severely underrepresented at the political and decision-making levels in Sri Lanka. Elections held on 2 April 2004 elections resulted in the formation of a new government and saw less than 5% of women elected to parliament." (UNIFEM, Gender Profile of the Conflict in Sri Lanka [66a] (The Impact of the conflict on women in Sri Lanka)

- 23.09 The USSD report 2006 reported that "There were 11 women in the 225-member parliament, three women in the cabinet, and two women on the Supreme Court...There was no provision for or allocation of a set number or percentage of political party positions for women or minorities." (USSD 2006) [2c] (Section 3)
- 23.10 The UNICEF document 'The state of the world's children 2007, South Asia edition', published in December 2006, noted that, "Despite having low rates of child marriage, high level of girls' education and a record of elected women leaders in the highest seats of political power, Sri Lanka continues to have very few women in its national legislature, the proportion of women never having been higher than 5 per cent." [53b] (p24)

SOCIAL AND ECONOMIC RIGHTS

- 23.11 As noted in the USSD report 2006:

"The law provides for equal employment opportunities in the public sector; however, women had no legal protection against discrimination in the private sector, where they sometimes were paid less than men for equal work. They often experienced difficulty in rising to supervisory positions, and faced sexual harassment. Even though women constituted approximately half of the formal workforce, according to the Asian Development Bank (ADB), the quality of employment available to women was less than that available to men, as the demand for female labor was mainly for casual and low-paid, low-skill jobs in the formal and informal sectors." [2c] (Section 5)

- 23.12 "There are no laws or policies that require individuals to accept family planning measures...The National Health Policy calls for the government to ensure the right of men and women to be informed about and have access to their choice of safe, effective, affordable, and acceptable methods of family planning...The Women's Charter issues several directives to the state with regard to women's right to family planning. It enjoins the state to ensure:
- women's right to control their reproduction and their equal access to information, education, counselling, and services in family planning, including the provision of safe family planning devices and the introduction and enforcement of regulations relating to their safety; and

- family planning policies are equally focused on men and women.

There are currently some 14,000–15,000 women who undergo sterilization per year...The government does not regulate sterilization through any laws...Abortion, which is illegal in Sri Lanka, is the single most important reproductive health problem in the country...Abortion is a criminal offense under the penal code, except to save the woman's life...Legal abortions are usually performed in the government sector...Abortions are carried out in the informal and private sector by private physicians or by clandestine abortion providers." (Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 19 September 2006) [32] (p 212-213 & 216-217)

- 23.13 The United Nations Population Division, Department of Economic and Social Affairs, World Abortion Policies 2007, (undated, website accessed on 26 February 2008) recorded that in Sri Lanka abortion is permitted only to save the woman's life. [6f] (Wall chart) Their Global Review, Country profiles: Sri Lanka, undated (last modified 23 November 2005) provided additional details on the issue of abortion:

"Abortion is generally illegal in Sri Lanka under the Penal Code of 1883, which is based on the Indian Penal Code. Section 303 of the Penal Code provides that anyone voluntarily causing a woman with child to miscarry is subject to up to three years' imprisonment and/or payment of a fine, unless the miscarriage was caused in good faith in order to save the life of the mother. The penalty is imprisonment for up to seven years and payment of a fine if the woman is 'quick with child', a term which, while not defined in the Code, refers to an advanced stage of pregnancy when there is perception of foetal movement, as opposed to 'woman with child', which simply refers to 'being pregnant'. A woman who induces her own miscarriage is subject to the same penalties. If the miscarriage is caused without the consent of the woman, whether or not she is quick with child, the person causing it is subject to up to 20 years' imprisonment and payment of a fine (Section 304). The same penalty is imposed if the woman's death results from any act carried out with intent to bring about a miscarriage, whether or not the offender knew that the act was likely to cause death (Section 305)." [6d]

- 23.14 "Despite rigid statutory provisions, Sri Lankan women from higher income households who desire to terminate their pregnancies find little or no difficulty in doing so. They often consult a psychiatrist for severe mental depression combined with suicidal tendencies. The psychiatrist may advise an abortion in order to save the life of the mother, and the pregnancy may then be terminated in a private or government hospital by a qualified medical practitioner. Women from middle-income and lower income households, however, must often resort to abortions performed by 'back-door abortionists' under primitive and unhygienic conditions, resulting in high maternal mortality and chronic ill health. Although any abortion wilfully induced without the specific intent to save the life of the mother constitutes illegal abortion in Sri Lanka, in practice, indictments for criminal abortion rarely occur and convictions are even rarer. The incidence of abortion is believed to be considerably higher than is commonly acknowledged. A rural survey suggests that 54 abortions per 1,000 population are performed each year." (UN ESA, Abortion Policies) [6d]

- 23.15 As recorded in the Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter:

“Roman-Dutch law forms the bedrock of the general law on property in Sri Lanka. The 1923 Married Women’s Property Ordinance constitutes the general law on matrimonial property rights. Under the ordinance, a married woman is capable of holding, acquiring and disposing of any movable or immovable property or of contracting as if she were a femme sole, without the consent or intervention of her husband. This applies to all property belonging to her at the time of marriage and property acquired or devolved to her after marriage. She also has the same remedies and redress by way of criminal proceedings for the protection and security of her separate property. The 1876 Matrimonial Rights and Inheritance Ordinance constitutes the general law on inheritance rights. The ordinance provides for equal rights to inheritance for male and female spouses: upon the death of either spouse, the surviving spouse inherits half of the deceased spouse’s property. The extent of the general law’s application has been limited by legislation, judicial decisions and the system of customary laws that are operative in the island. The matrimonial property and inheritance rights of Kandyan Sinhalese and Tamils are governed by their own systems. Muslims are governed by Muslim personal law.” (Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 19 September 2006) [32] (p225)

- 23.16 A letter from the British High Commission in Colombo, dated 17 July 2007, noted that:

“Rural Tamil communities are deeply conservative. Acknowledged birth out of wedlock is unusual and would carry a stigma. I don’t know of any reliable statistics, but I have never met anyone openly pregnant outside of marriage. There has been some academic research carried out on the back ground on those seeking abortions in Sri Lanka which suggests that pregnancy outside marriage is relatively rare...Raising a child alone would be unusual in the extreme. I doubt it makes much difference whether you are in an LTTE controlled or government area – although Colombo might be marginally more liberal.” [15b]

- 23.17 “According to a Consultation organized by International Alert in June 2003, widows are considered bad luck in much of Sri Lanka. As a result, war widows or wives of the missing face discrimination vis a vis housing, employment and other rights.” (UNIFEM, Gender Profile of the Conflict in Sri Lanka) [66a] (Economic security and rights)

VIOLENCE AGAINST WOMEN

- 23.18 “Sri Lankan women have experienced rape, detainment, harassment at checkpoints and other violations of their personal security in the two decades of civil war.” (UNIFEM, Gender Profile of the Conflict in Sri Lanka, updated 31 July 2006) [66a] (The Impact of the conflict on women in Sri Lanka)

“The former Special Rapporteur on Violence Against Women, Radhika Coomaraswamy, reported that rape was used in Sri Lanka’s conflict, and that violent crimes increased against the backdrop of ongoing conflict.”

(UNIFEM, Gender Profile of the Conflict in Sri Lanka [66a] (Human Rights Violations, including violence against women))

23.19 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2006 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2001 – 2005 (undated, website accessed on 10 September 2007) recorded that in the 2005 they were 1,540 cases of rape/incest. The figure for 2001, 2002, 2003 and 2004 were respectively: 1,238; 1,247; 1,371; 1,247. [58d]

23.20 As outlined in the USSD report 2006:

“The law prohibits domestic violence, but it was not strictly enforced. Sexual assault, rape, and spousal abuse continued to be serious and pervasive problems. The law specifically addresses sexual abuse and exploitation and contains provisions in rape cases for an equitable burden of proof and stringent punishments. Marital rape is considered an offense only in cases of spouses living under judicial separation. While the law may ease some of the problems faced by victims of sexual assault, many women's organizations believed that greater sensitization of police and the judiciary was necessary. The Bureau for the Protection of Children and Women received 876 complaints of violent crimes against women in the first half of the year [2006]... According to the Bureau for the Protection of Children and Women, there were 481 reported incidents of rape. The bureau indicated that 11 of the victims were below the age of 18. Services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally limited... Sexual harassment is a criminal offense carrying a maximum sentence of five years in prison; however, these laws were not enforced.” [2c] (Section 5)

23.21 As recorded on the website of the Ministry of Justice and Law reforms of Sri Lanka (Legislation passed by Parliament in 2005, Prevention of Domestic Violence Act, No. 34 of 2005):

“Violence against women and particularly violence within the domestic environment has become a serious social issue. The above Act provides for the issue of Protection Orders by court. The objective of the Act is not to create new offences but to provide for the issue of Protection Orders by a Magistrate's Court to prevent an aggressor from inflicting harm to persons within the home environment. The Act makes provision for the issue of Protection Orders against acts of physical violence which constitute offences already recognized in Chapter XVI of the Penal Code, of Extortion and Intimidation and of Emotional Abuse having the effect of causing severe traumatic emotional pain. Protection Orders can be sought against persons in specified degrees of relationships. A Protection Order may prohibit the aggressor from committing acts of domestic violence and entering the victim's residence and may impose other prohibitions. In imposing prohibitions the court is required to take into account the accommodation needs of the victim and of the children and any hardship that may be caused to the aggressor thereby. The Act provides a civil remedy. The issue of a Protection Order will have no bearing on the normal criminal law jurisdiction. Thus where an offence has been committed, the normal criminal justice process of investigation, prosecution and punishment will follow.” [43b]

- 23.22 On 30 September 2007, *The Sunday Times* (of Sri Lanka), reporting on the implementation of the Prevention of Domestic Violence Act noted that:

“The law not only provides for a Protection Order but also for a 14-day interim Protection Order to safeguard the victim. While commending the law, Dr. Deepika Udagama, Head of the Dept. of Law of the University of Colombo, explains that it has a lot of potential – for the first time a law deals with domestic violence, especially between spouses...’But,’ she concedes, ‘there are a few areas which need strengthening, especially with regard to monitoring.’ Even well-entrenched laws, sometimes face obstacles in their implementation, according to her. Monitoring, particularly by officials such as the police, is poor. For some police officers enforcement of a Protection Order would be way down the list of priorities, compared to their other duties such as fighting crime.” [11p]

- 23.23 “Pointing out a few of the weaknesses of the Prevention of Domestic Violence Act, Sumithra Fernando of Women in Need (WIN) says while there is no mandatory provision and also no mechanism for the observance of an interim Protection Order, the lack of a Protection Officer and support structure to implement and also monitor the observance of a Protection Order are a major challenge. WIN, an organization which has been championing battered women and children for over 20 years, runs many crisis centres across the country and also has a shelter for survivors. So far it has obtained 33 Protection Orders under this law. Adds Dr. Udagama: ‘Some police officials still consider domestic violence within a marriage to be a personal problem which has now been forced into the public arena. It may be necessary to get the parties to report to the police or to court itself, because if someone violates the Protection Order it is contempt of court.’” (*The Sunday Times*, 30 September 2007) [11p]

- 23.24 “Conceding that fingers were pointed at the state that there was no support system for battered persons though there have been counselling centres in operation for about three years now, the Secretary to the Ministry of Child Development and Women’s Empowerment, Indrani Sugathadasa says the lack of a shelter was seen as a major shortcoming. ‘We have now opened a shelter alongside the counselling centre at Kalutara and are in the process of installing a matron there. We convinced the Treasury of this need and were passed funding in the 2006 budget but finding suitable places has taken time,’ she says, adding that shelters have to be located in secure quiet places that are not heavily populated, while being in close proximity to the hospital, police and transport service.” (*The Sunday Times*, 30 September 2007) [11p]

- 23.25 As recorded in the Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter:

“Under the penal code, provisions relating to murder, miscarriage, hurt, wrongful confinement, assault, sexual harassment, rape or grave sexual abuse, and criminal intimidation may be invoked to prosecute acts of domestic violence... The penal code criminalizes sexual harassment, defined as assault or the use of criminal force, words or actions to cause ‘sexual annoyance or harassment’ to another person. The offense is punishable with imprisonment and a fine, and a defendant may additionally be ordered to pay compensation to the victim. The burden of proof rests on the prosecution, which must prove its case beyond a reasonable doubt... The practice of female circumcision on

newborns is fairly widespread among the Muslim community in Sri Lanka; the practice is not prohibited or regulated by law.” (Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 19 September 2006) [32] (p230-231)

- 23.26 As stated on the website of the Sri Lankan NGO (non-governmental organisation) Home for Human Rights (HHR) (undated, website last accessed on 11 October 2007:

“HHR created its Women Desk to oversee HHR’s work with women and ensure that we never ignore the needs of this often vulnerable population... HHR’s Documentation Desk is active in collecting, coding, and reporting violations of women’s human rights...HHR provides several legal services that cater to the specific needs of women and children. These services include representation for victims of domestic or sexual abuse, displaced women and children, and children forced into illegal labour. While our Legal Department provides most direct services, the Women’s Desk maintains community networks to ensure that women around the country are aware of our services and can avail of them when required...HHR’s Women’s Desk provides several critical community-based services geared towards women. We provide social services and counseling for survivors of sexual and domestic violence. We have also organized self-help groups for single mothers in the Northern and Eastern provinces where women gather monthly to discuss their unique problems and share ideas on how to address them. HHR also provides counseling services and moral support to women affected by human rights violations, such as visiting hospitalized victims of assault, rape, or domestic violence and accompanying them back to their communities. The Women’s Desk has also helped displaced women and children return home or adapt to their new surroundings.” [26a]

- 23.27 According to an undated list on the website of the online forum South Asian Women’s Network (SAWNET) (last accessed on 20 September 2006) several organisations dealing with women’s issues exist in Sri Lanka. [17] This is confirmed by an undated list of local NGOs available from the website PeaceWomen (Women’s International League for Peace and Freedom) (last accessed on 2 August 2007). [77]

- 23.28 As noted in a letter from the British High Commission in Colombo, dated 17 July 2007:

“Provision of assistance for Rape victims is weak, although there are some signs of improvement. The country has acknowledged it has a problem and the women’s and child bureau of the police maintains a presence around the country to deal with complaints. They are trained in how to record a complaint sympathetically and how to refer a victim to a suitably equipped hospital. After this there does not seem to be long term assistance given to rape victims. A couple of NGOs provide pastoral care in Colombo – although they focus on victims of domestic abuse.” [15b]

- 23.29 On 11 October 2007 the IPS news agency reported that:

“Sri Lankan women battered by their spouses have been seeking refuge in a law enacted two years ago to tackle domestic violence, but activists say they need far closer protection...The PO [protection order] is a vital element of the

Prevention of Domestic Violence Act introduced in 2005. Any person who fears domestic violence can seek such a PO -- issued for a period of 12 months by a magistrate -- which bars the 'aggressor' from committing acts of domestic violence and entering the victim's residence among other prohibitions. More than 60 percent of women across Sri Lanka are victims of domestic violence while 44 per cent of pregnant women are also subjected to harassment, according to a 2006 survey by the Ministry of Child Development and Women's Empowerment. While the enforcement of the PO is a major challenge, there are nevertheless instances where it has worked, according to Sumithra Fernando of Women in Need (WIN), an organisation that has helped battered women and children for over 20 years...WIN runs many crisis centres across the country and has a shelter for survivors. So far it has obtained 33 POs and in some cases, Fernando says, the spouses have reconciled and come together under a process of mandatory counselling." [18a]

23.30 The IPS further reported:

"Deepika Udagama, who had the law department at the University of Colombo, believes that the law has a lot of potential as it deals specifically with domestic violence, especially between spouses. Until its passage women getting battered was considered a 'home issue' and even if the victim had the courage to make a complaint she was advised by police to go home...'But,' Udagama concedes, 'there are a few areas which need strengthening, especially with regard to monitoring.' But she admits that monitoring, particularly by officials such as the police, is poor. "For some police officers enforcement of a PO would be way down the list of priorities, compared to their other duties such as fighting crime.'...Activists say among the deficiencies in the law are the uncertain interpretation of what constitutes domestic violence. It does not include economic violence and deprivation of rights, intimidation and harassment...Indrani Sugathadasa, secretary in the Ministry of Child Development and Women's Empowerment, believes one of the biggest challenges towards containing domestic violence is having a proper support system for battered persons. 'We have now opened a shelter alongside the counselling centre at Kalutara (southern Sri Lanka) and are in the process of installing a matron there,' she said, adding that plans are also afoot to open 14 more centres across the island." [18a]

See also Section 25 and 29

[Return to Contents](#)
[Go to list of sources](#)

24. CHILDREN

GENERAL INFORMATION

24.01 As outlined in the US State Department (USSD) Report 2006, Sri Lanka:

“Many NGOs attributed the problem of exploitation of children to the lack of law enforcement rather than inadequate legislation. Many law enforcement resources were diverted to the conflict with the LTTE, although the police's Bureau for the Protection of Children and Women conducted investigations into crimes against children and women. Under the law the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. It also broadens the definition of child abuse to include the involvement of children in war. The NCPA included representatives from the education, medical, police, and legal professions and reported directly to the president. During the year the Bureau for the Protection of Children and Women received 1,278 complaints of violent crimes against children.” [2c] (Section 5)

24.02 “The government pushed for greater international cooperation to bring those guilty of pedophilia to justice. The penalties for pedophilia range from five to 20 years' imprisonment and an unspecified fine. During the year [2006] the government opened 1,692 files; of which 700 indictments were served for pedophilia, including statutory rape; 134 were discharged; and 992 concluded; 158 files were under further investigation and the remainder was pending at the end of the year. Following the 2004 tsunami, the NCPA launched a successful awareness campaign to protect orphaned or displaced children from pedophiles.” (USSD 2006) [2c] (Section 5)

24.03 “Child prostitution was a problem in coastal resort areas. The government estimated that there were more than 2,000 child prostitutes in the country, but private groups claimed that the number was as high as 6,000. Citizens committed much of the child sexual abuse in the form of child prostitution; however, some child prostitutes were boys who catered to foreign tourists. Some of these children were forced into prostitution...The Department of Probation and Child Care Services provided protection to child victims of abuse and sexual exploitation and worked with local NGOs that provided shelter. The tourist bureau conducted awareness-raising programs for at-risk children in resort regions prone to sex tourism...’Protecting Environment and Children Everywhere, a domestic NGO, estimated that 6,000 male children between the ages of eight and 15 years were sexually exploited at beach and mountain resorts. Some of these children were forced into commercial sexual prostitution by their parents or by organized crime.’” (USSD 2006) [2c] (Section 5)

24.04 As recorded on their website (last accessed on 9 November 2007), “The National Child Protection [Authority] was created as the first governmental organization dedicated to work to secure the rights of children in Sri Lanka” with the following mission:

“In relation to child abuse and exploitation, to create awareness and improve knowledge, undertake training and skills development, recommend legal reform and monitor law enforcement, undertake special investigations and

provide legal support, strengthen the infrastructure to prevent abuse in families, communities, schools and institutions, establish a comprehensive data base including a cyber-watch, undertake relevant research and coordinate the key sectors involved in child abuse and exploitation namely Probation and Child Care Services, Justice and Law Enforcement authorities, Defence, Health, Education and Samurdhi as well as the NGO and INGO networks.” [52b]

- 24.05 “On October 1st, 2002 a Special Investigations Police Unit was established at the NCPA. While prior to this date the NCPA had two officers attached to it, the new Unit consists of a total of 16 officers. This Police Unit, which operates under the Deputy Inspector General of Police - Crimes and Operation, handles all cases of child abuse that are reported to the NCPA. In terms of the NCPA Act, No. 50 of 1998, the NCPA has been monitoring the progress of all investigations and criminal proceedings relating to child abuse.” (NCPA website, Police Unit) [52a]

- 24.06 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2006 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2001 – 2005, undated, website accessed on 10 September 2007) recorded that in the 2005 they were 451 cases of cruelty to children & sexual exploitation of children. The figure for 2001, 2002, 2003 and 2004 were respectively: 353; 338; 463; 338. [58d]

- 24.07 As recorded in an undated section of the NGO ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) website (accessed on 9 November 2007):

“Child prostitution is rampant in Sri Lanka. The availability of child sex is publicised in magazines, web sites and chat rooms. According to a study conducted by Peace [Protecting Environment and Children Everywhere, a domestic NGO] there are 15,000 children engaged in the sex trade. The government itself estimates there are approximately 30,000 children involved. Sex tourism is easily seen and widely known to occur in the south and southwestern coast. Boys victimised here are known as Beach Boys. They operate in gangs or independently.” [51] (Child Prostitution)

- 24.08 The USSD report 2006 reported that:

“The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited family agriculture work or to engage in technical training. An amendment to the Employment of Women and Youth Act prohibits all other forms of family employment of children below 14. A child activity survey, carried out in 1998 and 1999 by the Department of Census and Statistics, found almost 11,000 children between the ages of five and 14 working full time and another 15,000 engaged in both economic activity and housekeeping. The survey found 450,000 children employed by their families in seasonal agricultural work throughout the country...Sources indicated many thousands of children were employed in domestic service, although this situation was not regulated or documented. Many child domestics reportedly were subjected to physical, sexual, and emotional abuse. Regular employment of children also occurred in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops.” [2c] (Section 6d)

- 24.09 "The NCPA [National Child Protection Authority] is the central agency for coordinating and monitoring action on the protection of children. The Department of Labor, the Department of Probation and Child Care Services, and the police are responsible for the enforcement of child labor laws. The Bureau of Child Protection reported 18 complaints of child employment during the year, out of which litigation charges were filed for one case. Penalties for employing minors were increased from approximately \$9 (rupees 1,000) and/or 6 months' imprisonment to \$93 (rupees 10,000) and/or 12 months' imprisonment" (USSD 2006) [2c] (Section 6d)
- 24.10 As reported by the Sri Lanka Department of Government Information on 21 July 2006:
- "Parliament yesterday passed a law making it an offense to employ those below 18 years in hazardous employment. The new law also covers recruitment of children as child combatants and the child sex trade. Under the new law which was brought in the form of an [sic] amended legislation any person employing children between 14 – 18 years in the activities mentioned would be liable to a term of one year's rigorous imprisonment on conviction. Presenting the Amendment in Parliament yesterday Labour Minister Athauda Seneviratne said employment of children below 14 years is already a punishable offence under the Penal Code...The new legislation will introduce tougher punishment for those who sell children below 18 years as child slaves or into child prostitution, the Minister said. The land mark [sic] amendment will also strengthen the existing legislation to take action against recruitment of child soldiers by armed groups." [10a]
- 24.11 On 1 April 2007, the Government-controlled *Sunday Observer* reported that in the two months from 1 January to 28 February 2007, over 349 children below the age of 18 had been subjected to crimes such as murder, rape, serious injuries and kidnapping in Sri Lanka. According to statistics produced by the Women's and Children's Bureau (WCB), over 116 girls were raped and 77 were sexually abused. Forty-two children were kidnapped; 22 had been subjected to cruelty. Six children had been sexually abused by their fathers and uncles; four children were killed and five were seriously injured. [16d]
- 24.12 As noted in a letter from the British High Commission in Colombo dated 17 July 2007:
- "Sri Lankan law treats 'legitimate' and 'illegitimate' children slightly differently and the Constitution does not prohibit discrimination on the basis of birth. The Sri Lankans told the Commission on the Rights of the Child in 2002 that they had removed the different rules applying to maintenance for illegitimate children (whose mothers can now claim from the father on the same basis as divorced women) and were in the process of establishing whether an other rules needed changing to ensure that there was no discrimination. They made clear their opposition to discrimination on the basis of birth. Nonetheless some civil society groups have suggested a need to equate the lot of illegitimate and legitimate children as birth outside marriage still carries a great social stigma. As far as we can establish there are no legal obstacles to receiving state assistance (education, welfare etc), despite the social stigma attached to illegitimacy. Given Sri Lanka's high literacy, school enrolment and health record, I doubt this is a serious problem." [15b]

EDUCATION

- 24.13 The USSD report 2006 recorded that “The law requires children between the ages of five and 14 to attend school, and the government demonstrated its commitment to children through extensive systems of public education and medical care. Approximately 85 percent of children under the age of 16 attended school. Education was free through the university level. Health care, including immunization, was also free.” [2c] (Section 6d)
- 24.14 As reported by Save the Children on 23 June 2006:
- “Seventy per cent of school children in tsunami-affected areas of Sri Lanka continue to suffer extremely difficult conditions at school, research by Save the Children in Sri Lanka has revealed. A lack of teachers, serious gaps in basic resources such as water and working toilets and shortages of books, desks and chairs are just some of the difficulties identified by the research. Save the Children in Sri Lanka also found that in many cases, children are forced to attend classes being held under hot and noisy zinc-sheet roofs. Another discovery was that despite the prohibition of corporal punishment in Sri Lankan schools, it is estimated that this method of punishment is still favoured by up to 55% of teachers working in the areas covered by the research. These findings come from the first phase of a research project called ‘Children’s Consultation on Education’, conducted throughout March and April 2006. Nearly 1,500 children from areas worst-affected by the tsunami were consulted as part of the project.” [19a]
- 24.15 The Sri Lanka Department of Census and Statistics recorded in their Statistical Data Sheet 2007 (undated, website accessed on 10 September 2007) that in 2006 there were 9,714 Government schools; 93 private schools and 653 Pirivenas [Buddhist monastic colleges] with a total number of pupils close to 4 million in 2006. There were also 15 universities with a total of 65,206 students. [58c]
- 24.16 The UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka dated 21 December 2007 noted that:
- “Attacks on schools by the parties to the conflict have detrimentally affected children’s education in multiple ways. Two hundred sixty-one schools have been recorded by education authorities as physically damaged or destroyed during the entire period of the conflict. Although the extent of the damage varies from minor to total destruction, all physical damage to schools impacts upon children’s access to education.” [6e] (p11)
- 24.17 The UN Security Council Report of December 2007 mentioned six cases of attacks on schools in the districts of Batticaloa, Trincomalee, Jaffna and Vavuniya during the period from 1 November 2006 to 14 September 2007 and the “small but significant number of schools” in the Jaffna district which were occupied by the Sri Lanka security forces. The report went on to mention that “At the height of the conflict in Batticaloa, in April 2007, 105 schools were temporarily closed for several weeks and sometimes months, impacting more than 30,000 children” and that “Many schools in Ampara, Mannar, Trincomalee, Kilinochchi and Mullaitivu were also affected by hosting displaced families since November 2006. Regular attendance of children at

school was also affected by the multiple displacements of students, teachers and communities in the Vanni and the eastern districts.” [6e] (p11-12)

CHILD CARE

- 24.18 As noted in the Save the Children document ‘Home Truths, Children’s Rights in Institutional Care in Sri Lanka’ dated 28 February 2006:

“Children enter care for a variety of reasons often associated with poverty and family breakdown, offending and abuse. Only 8% of children in voluntary institutions, often labelled ‘orphanages’ were without both parents. And 50% of children admitted to institutions were there due to poverty. There was patchy and limited use of services to enable children to stay with their parents and families and little use of alternative forms of care such as fostering. This was due to a range of issues including lack of availability or knowledge of current schemes; the limited range of alternative services available in most areas; bureaucratic barriers to the use of alternatives and beliefs among probation officers and communities that residential care is the only viable option... Conditions in institutions were inconsistent in voluntary homes and, with a few notable exceptions, conditions for children in state run institutions were extremely poor. In many state institutions there was poor sanitation, inadequate sleeping arrangements and children were not provided with a nutritious diet. The emotional needs of children were rarely met and some fundamental rights were violated. Conditions in voluntary homes were variable with examples of good practice alongside poor conditions similar to those in state institutions. Children strongly resented the lack of privacy, and felt they were not allowed dignity and individuality. Minimum standards exist for voluntary homes but are not adequately monitored and there are no standards for state institutions.” [19b]

- 24.19 As recorded in a letter from the British High Commission in Colombo, dated 17 July 2007, “I spoke to a Tamil contact of mine who recently adopted two Tamil children. His view and his reported view of the local adoption services was that most Tamils have extended families who generally would rally round and provide a level of support – but they would expect the couple to be married or for the child to be offered for adoption or fostering with a relative.” [15b]

- 24.20 As reported by Irin on 3 September 2007:

“In Sri Lanka today institutional care is the fate of many children who have been abandoned by their parents. According to UNICEF, out of over 21,000 children in orphanages in Sri Lanka, one or both parents of over 19,000 of them are still alive. UNICEF says in most cases it is a family member who leaves the child at an orphanage... There are currently 488 voluntary children’s homes in Sri Lanka. Most are found in Batticaloa District which has 66, followed by Colombo with 60. Living conditions for children in some of these homes is less than idyllic. According to the UNICEF report [entitled ‘Out of Sight - Out of Mind’, of 24 July 2007], only 12 children’s homes are found to be fully compliant with current standards of care. Most homes are overcrowded and lack sufficient staff to provide the individual attention children need... Many children’s homes in Sri Lanka do not even have sufficient basic facilities such as beds, clean water or adequate sanitation facilities... According to the UNICEF report, 136 orphanages said they did not have a sufficient number of beds: many of the children ended up sleeping on mats on the floor.” [55b]

- 24.21 “Although many homes allow parents to visit, these visits are often deliberately kept brief and highly supervised, according to the National Child Protection Authority (NCPA). This, observers claim, is so the children do not have the opportunity to complain of staff abuse to a parent who might subsequently lodge complaints against them with the protection authority. Communication with parents and relatives - including letters written home by the children and those received by them - is often closely monitored by orphanage authorities, according to the Women and Children’s Bureau of the Sri Lanka Police Department. The bureau, one of whose functions is to investigate child abuse, is concerned that many children are confined in these orphanages with restricted communication with parents and relatives and often with inadequate supervision or living conditions.” (Irin, Sri Lanka: Orphanages used as last resort by parents of 19,000 children, 3 September 2007) [55b]

CHILD SOLDIERS

- 24.22 See Section 10 on Abuses by non-government armed forces, Forced conscription.

[Return to Contents](#)
[Go to list of sources](#)

25. TRAFFICKING

- 25.01 The US Department of State's 'Trafficking in Persons Report' released on 12 June 2007, noted:

"Sri Lanka is a source and destination country for men and women trafficked for the purposes of commercial sexual exploitation and involuntary servitude. Sri Lankan men and women migrate legally to the Middle East, Singapore, Hong Kong, Malaysia, and South Korea to work as construction workers, domestic servants, or garment factory workers. However, some have found themselves in situations of involuntary servitude when faced with restrictions on movement, threats, physical or sexual abuse, and debt bondage that is, in some instances, facilitated by large pre-departure fees imposed by recruitment agents...Children are trafficked internally for commercial sexual exploitation, as well as for forced labor. The U.S. government-designated Foreign Terrorist Organization, Liberation Tigers of Tamil Eelam (LTTE), recruited child soldiers in areas outside of the Sri Lankan government's control...Reports also indicate that women from Thailand, the People's Republic of China, and Russia and other countries of the Newly Independent States are trafficked into Sri Lanka for commercial sexual exploitation." [2i] (Sri Lanka Section)

- 25.02 "The Government of Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Sri Lanka is placed on Tier 2 Watch List for its failure to provide evidence of increasing efforts to address trafficking over the previous year, especially in its efforts to punish trafficking for involuntary servitude. Though the government began prosecuting two suspects under its April 2006 anti-trafficking statute, it did not convict anyone for trafficking crimes." (USSD, Trafficking in Persons Report, June 2007) [2i] (Sri Lanka Section)

- 25.03 "The government did not undertake investigations of immigration officers who may have been complicit in trafficking. There were no public officials arrested for facilitating trafficking, nor were there substantiated reports that any officials were involved trafficking...The Sri Lankan government's efforts to provide protection for trafficking victims improved slightly. While the government relies primarily on NGOs to provide victim protection services, it actively refers victims to these organizations. The police also encourage victims to assist in investigations against their traffickers, and allow foreign victims to obtain employment pending their testimony. For Sri Lankan victims trafficked overseas, the government provides funding to operate shelters in diplomatic missions. For Sri Lankan female victims of trafficking who return to Sri Lanka, only minimal aid is offered in terms of shelter, counseling, and medical care. Sri Lanka does not have a formal procedure to identify victims of trafficking from among vulnerable groups such as women arrested for prostitution; as a result, some victims of sex trafficking may have been jailed or fined for prostitution...Sri Lanka markedly improved its trafficking prevention efforts. The Tourist Board partnered with UNICEF to launch a National Action Plan Project to eradicate child sex tourism. The government broadcast the 'zero tolerance' for child sex tourism policy through TV and radio ads, billboards, banners, car stickers, flyers, and in-flight magazines. Sri Lanka has not ratified the 2000 UN TIP Protocol." (USSD, Trafficking in Persons Report, June 2007) [2i] (Sri Lanka Section)

25.04 The US State Department (USSD) Report 2006, Sri Lanka recorded that:

“The law prohibits trafficking in persons, and the legal penalties for trafficking in women include imprisonment for two to 20 years and a fine. For trafficking in children, the law allows imprisonment of five to 20 years and a fine...The NCPA has adopted, with International Labor Organization (ILO) assistance, a comprehensive national plan to combat the trafficking of children for exploitative employment. With the NCPA, police began work on children's issues, including trafficking in children. The government established rehabilitation camps for trafficking victims and initiated awareness campaigns to educate women about trafficking; however, most of the campaigns, with support from the Bureau of Foreign Employment, were conducted by local and international NGOs. Government programs to monitor immigration with computer programs designed to identify suspected traffickers or sex tourists continued, as did a cyber-watch project to monitor suspicious Internet chat rooms.” [2c] (Section 5)

See also Section 23 and 29

[Return to Contents](#)
[Go to list of sources](#)

26. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT

26.01 As reported in a letter from the BHC, Colombo, dated 25 January 2008:

"We contacted the State Pharmaceutical Co-operation, the chair person of SPC, Mr Ranjith Maligaspe, who said that in Sri Lanka presently, medical care is affordable for the average person. Most conventional medicines are available in Sri Lanka. Government hospitals provide drugs free of charge, unless prescribed outside. Drugs are cheaper at SPC than in the private sector. The SPC deal with 3000 drugs and surgical items, while the private sector supplies about 700 items. Also he added, in comparison most drugs would be cheaper than in the United Kingdom for prescription and dispensing charges. The Healthcare and Nutrition Ministry has banned the prescription of Drugs by their trade names instead insisting on the use of their generic names as of 1st January 2008. This new law applies to doctors in government service as well as in private settings. Objective of this sudden change is, to support the National Drugs Policy of late Professor Senaka Bibile, and to 'ease the burden on the public' and give them 'a quality healthcare service'. The State Pharmaceutical Corporation (SPC) markets drugs under the Generic name and is most of the time very cheaper [sic] than the Branded versions. Thus drugs sold under Generic name are usually cheaper than those sold under the Brand name...For an example drugs that are prescribed by doctors for high blood pressure range from Rs. 7.00 to Rs. 100 each but under the present regulations a drug which has the same effect and quality can be purchased at Rs. 7.00 each." [15]

26.02 "Almost 60% of Sri Lanka's population relies on the public health-care system. Some 95% of inpatient health care is provided by the public sector. Health care in the public sector comprises both Western and Ayurvedic systems of medicine, though the majority of the population seeks treatment from Western medicine...Three tiers of public medical institutions provide curative health care. District hospitals, peripheral units, rural hospitals, central dispensary and maternity homes, and central dispensaries provide primary health care. District hospitals are typically the largest of these facilities. Central dispensary and maternity homes are the smallest facilities with inpatient services, whereas central dispensaries are the smallest outpatient facilities. There are some 156 157 district hospitals, 102 peripheral units, 167 173 rural hospitals, 6583 central dispensary and maternity homes, and 404 385 central dispensaries. Within the category of rural hospitals, there are some 15 estate hospitals, most of which do not function effectively because they lack adequate facilities and equipment.

"Provincial and base hospitals provide secondary health care. There are some seven provincial hospitals and 39 base hospitals. These facilities are located in large towns and most are managed by the provincial ministries of health, though the central Department of Health Services manages a few of these hospitals.

"Teaching and specialty hospitals provide tertiary health care. There are some 18 teaching hospitals, including one specializing in Ayurvedic medicine, which is managed by the central Ministry of Indigenous Medicine. The largest

hospital in the country is the National Hospital of Sri Lanka in Colombo, which provides specialized health care not including pediatrics, obstetrics, ophthalmology, and dental surgery. For these services, there are separate children's, maternity, eye, and dental hospitals also located in Colombo.

"There is currently no functioning medical referral system.

"In addition to the three-tiered public health-care system of curative health services, there are 26,552 health units headed by medical officers that deliver preventive health services...Private health practitioners provide mostly curative care. At least half of outpatient curative health care in urban and suburban areas is provided by the private sector. Although there are some full-time, private general practitioners, the majority of doctors in the private sector are also government doctors who work from home, clinics or private hospitals. There are also a number of traditional practitioners in the private sector, mostly in Ayurvedic medicine, and a small number of homeopathic practitioners." (Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 19 September 2006) [32] (p208-209)

- 26.03 A detailed (undated) list of government hospitals, Ayurvedic centres and private hospitals is published on the website Sri Lanka Health (accessed on 21 September 2006). The following government hospitals exist:

Ayurveda General Hospital – Colombo
 Colombo North General Hospital
 Colombo South Hospital – Kalubowila, Dehiwela
 Cancer Institute – Maharagama
 Dental Hospital – Colombo
 Castle Street Hospital for Women – Colombo
 De Soysa Hospital for Women – Colombo
 Eye Hospital – Colombo
 General Hospital – Colombo
 General Hospital – Galle
 General Hospital – Kandy
 Lady Ridgeway Hospital for Children – Colombo
 General Hospital – Peradeniya
 General Hospital – Kalutara
 General Hospital – Jaffna
 Sri Jayewardenepura General Hospital – Kotte
 [25a]

- 26.04 In addition to these hospitals, the website Sri Lanka Health recorded that further government hospitals exist in the district of Colombo:

National Hospital of Sri Lanka (NHSL) – Colombo
 Teaching Hospital Colombo South (THCS)
 Teaching Hospital Colombo North (THCN)
 Medical Research Institute (MRI) – Colombo
 Mental Hospital – Mulleriyawa
 Mental Hospital – Angoda
 Military Hospital – Colombo
 Chest Hospital – Welisara
 [25a]

- 26.05 As noted in the CPA (Centre for Policy Alternatives) document entitled 'HIV/AIDS in Sri Lanka, A Profile on Policy and Practice', dated July 2007

"Health care is financed by the Government as well as by private persons through direct out-of-pocket payments. In recent times, there has been a surge in the use of private hospitals due to overcrowding, long waits and queues at public hospitals. However, since most of the population cannot afford the high private hospital charges, they continue to rely on public hospitals for services, many of which have insufficient resources, infrastructure and staff." [28a] (p3)

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 26.06 The CPA report dated July 2007 noted that:

"Although the official number of cases of Sri Lankans living with HIV is 862, the actual figure is much higher as a result of the stigma, discrimination and fear associated with HIV/AIDS. Furthermore, there are probably countless others who are simply unaware that they are infected. Therefore, the actual number of people living with HIV/AIDS is estimated by UNAIDS to be 5,000. UNAIDS/WHO has classified Sri Lanka as a low HIV prevalence country in the South Asia region, with an estimated adult prevalence rate of less than 0.1%... Despite the current low prevalence rate, Sri Lanka is vulnerable to an impending epidemic due to a number of risk factors: the country has large numbers of at risk groups such as sex workers, migrant workers, military personnel, Internally Displaced Persons (IDPs), refugees and drug users and a high incidence of unsafe sexual practices, which includes low condom use and escalating rates of STDs." [28a] (p4)

- 26.07 "One of the key problems facing the NSACP [National STD and AIDS Control Programme] is that many STD [Sexually Transmitted Diseases] clinics have inadequate infrastructure, human resources and skilled professionals to manage STDs and HIV/AIDS. For example, in Jaffna there is no doctor trained to deal with STDs and HIV/AIDS. Furthermore, there is no consultant specialising in HIV/AIDS in Kandy, and it is the general practitioners who are treating STD patients. Even at the Infectious Diseases Hospital (IDH), the lab and X-Ray facilities are inadequate. As a PLWHA [People living with HIV/AIDS] stated, 'presently, only the Colombo hospital is providing ARV treatment, but it would be very easy if they could provide the medicine in at least two or three more hospitals in the country. Upgrading of the facilities is also essential. Some of the main hospitals such as the IDH do not have all the facilities needed, so we have to go to other hospitals to get our tests done which is very problematic for us'. As a result of the ongoing conflict, the North and East Provinces have been severely affected in terms of health care and infrastructure. There is a dearth of trained health staff based in Jaffna and basic facilities such as adequate testing equipment are lacking with reconstruction and development efforts progressing at a slow pace. The STD Clinics have not limited their activities to treatment but also include prevention work through raising awareness. Various actors, including the STD Clinic itself and individual health professionals, have carried out awareness programmes." (Centre for Policy Alternatives, 'HIV/ AIDS in Sri Lanka, A Profile on Policy and Practice', July 2007) [28a] (p15)

- 26.08 “The World Bank is the major donor to the HIV/AIDS Prevention and Control Programme 2002-2006, funding the NHAPP [National HIV/AIDS Prevention Project] as well as the other programmes within the MOH [Ministry of Health].” [28a] (p22)

“Under [the ARV Treatment Component of] this grant, there is provision for 100 recipients to receive free ARVs [Antiretroviral medication]. The present guidelines followed by the STD Clinic for the provision of ARVs stem from a ‘Guide to Anti-Retroviral Therapy’ by the MOH and World Bank issued in January 2005. According to the guidelines used by the STD Clinic, advice and counselling is provided prior to ARV treatment... One of the main problems encountered by the ARV treatment programme is that many PLWHA are reluctant to come forward to receive treatment. Stigma and discrimination against PLWHA is very high in Sri Lanka, and fears of being ostracised force affluent PLWHA to access treatment outside the country. Furthermore, since free ARVs are provided only by a few STD clinics, particularly in Colombo, Kolubowila and Kandy many have difficulty in gaining access.” (Centre for Policy Alternatives, ‘HIV/ AIDS in Sri Lanka, A Profile on Policy and Practice’, July 2007) [28a] (p23)

- 26.09 The CPA report further noted that:

“Organisations such as Nest, Salvation Army, Lanka +, Companions on a Journey and YMCA have programmes for care and support such as providing hospice services, counselling, assisting in obtaining medicine and dry rations, and providing financial support. People from a cross section of society and from across Sri Lanka are being cared for & supported by these organisations. However, many of the organisations providing care and support services are solely funded by private donors. It is also notable that many people in rural areas have difficulty in accessing such care. For example, there are few care and support services in the conflict-affected North and East of Sri Lanka. Many organisations could travel to areas outside Colombo to provide care and support if not for funding constraints. While the work done by these organisations are commendable, filling a vacuum that is essential in the response to HIV/AIDS, several of these organisations lack the capacity in planning and monitoring their programmes to ensure the services are sustainable and have the necessary funding.” [28a] (p21)

- 26.10 A letter from the British High Commission in Colombo dated 25 January 2007 mentioned that they had contacted a consultant at the National STD/AIDS Control Programme to discuss availability of HIV/AIDS drugs.

“He said that they have all drugs recommended by the WHO. The government provides first grade treatment for HIV patients meeting WHO standards. Drugs for countering opportunistic infections are widely available in pharmacies. Generally prices in pharmacies are lower than in the UK. If an infected person one [sic] admits themselves for treatment in any of the Government medical institutions treatment is free of charge. The World Bank is funding a National STD/AIDS Control Programme.” [15o]

- 26.11 As noted in the USSD report 2006, “There was no official discrimination against those who provided HIV prevention services or against high-risk

groups likely to spread HIV/AIDS, although there was societal discrimination against these groups.” [2c] (Section 5)

CANCER TREATMENT

- 26.12 As stated in information provided to the Home Office by the SCIS (Source Country Information System) Sri Lanka of the ICMPD (International Centre for Migration Policy Development) in November 2004, surgery, chemotherapy and radiotherapy treatments are available in the public sector in Colombo, Kandy, Galle, Jaffna, Vavuniya and Anuradhapura and all kinds of cancer can be treated. In the private sector, surgery, chemotherapy and radiotherapy treatments are available in Colombo, Kandy and Galle and all kinds of cancer can be treated. [69c]

See also Section on Overview of availability of medical treatment and drugs

KIDNEY DIALYSIS

- 26.13 On 9 March 2006 the Government-controlled *Daily News* reported a statement by the Sri Lanka Association of Nephrology and Transplantation (SLANT). As noted in this statement:

“In Sri Lanka the prevalence of ESKD [end-stage kidney disease] is 350 persons/million population adding upto [sic] a total of 6300 persons requiring regular dialysis or transplant... Sadly both the private [sector] and the state together have only 70 dialysis machines operating throughout the country. Of them only 3 institutes (National Hospital, Sri Jayawardenapura and Kandy hospital) are the ones that offer this service for persons suffering from Chronic Kidney disease. It is estimated that at least dialysis machines are required to provide adequate dialysis facilities to those who are already in ESKD. Of transplants, only about 1000 have been performed since the programme was initiated by a team headed by Professor Rezvi Sheriff Professor of Medicine, Faculty of Medicine Colombo University in 1986. There are only 6 fully qualified nephrologists (Specialists in the field of Kidney diseases) in the State sector of Sri Lanka’s health services, reflecting the great paucity of persons available to meet the needs of all those suffering from various stages of kidney disease.” [16a]

MENTAL HEALTH

- 26.14 As noted in the ‘Mental Health Policy for Sri Lanka 2005’ (website of the Ministry of Health, Nutrition and Uva Wellassa Development accessed on 28 June 2005):

“Sri Lanka has one of the best Primary Care Services of its type in the world and is committed to achieving equally high standards in mental health care... Mental illness is extremely common. It has been estimated that some 376,000 Sri Lankans suffer from serious debilitating mental illnesses including bipolar illness, major depression and schizophrenia at any given time. Serious mental illness primarily affects people when they are young. About 10% of the population is thought to suffer from other mental illness such as phobic states, obsessional disorders, somatoform disorders, mood disorders and other forms of delusional disorders. More women than men suffer from depression. Sri

Lanka has one of the highest suicide rates in the world. Other key issues which will affect the mental health of the population include the last 20 years of civil conflict and the recent tsunami. Between 20,000 to 40,000 people affected by the tsunami are expected to go on to develop mental illness, most notably depression and medically unexplained symptoms.... The current mental health services in Sri Lanka find it difficult to meet the clinical demands placed upon them. Because more than 90% of the mental health services are concentrated in Colombo and a few major urban cities, the majority of people have to travel long distances to obtain basic services. Such inequities in distribution primarily affect the poor. Most psychiatric facilities offer only a limited range of clinical services.” [67a] (p2)

26.15 The Ministry of Health ‘Mental Health Policy 2005’ continued:

“Although Sri Lanka began to decentralize its mental health services long ago, this process has been unduly slow and a major portion of patients are still treated in centrally placed large hospitals. 15 Districts have no inpatient provision...The most important issue to be addressed to ensure implementation of the national mental health policy is the urgent innovation required to address significant shortages of skilled mental health staff. There are no psychiatric nurses, 13 occupational therapists and only 8 psychiatric social workers and few psychologists. In many countries about 10% of all community staff will be community mental health staff. In Sri Lanka there are none outside just a few areas. A major constraint for mental health services in Sri Lanka is a shortage of psychiatrists. Only 41 Ministry of Health and University psychiatrists are currently available for the whole country. These are unevenly distributed. 11 of the 25 districts have no psychiatrist. It must, therefore be a priority to appoint at least one psychiatrist in every District.” [67a] (p3)

26.16 The Ministry of Health ‘Mental Health Policy 2005’ further noted:

“Natural disasters [like the Indian Ocean Tsunami of 26 December 2004] take a heavy toll on mental health of those affected and can significantly increase the risk of distress, psychological symptoms and mental disorders. Between 30% - 50% of those involved may experience some level of mental distress and/or psychological problems. Between 5 to 10% are likely to develop a recognizable mental disorder. There is also substantial evidence that loss of employment and livelihood, particularly sudden loss, very frequently gives rise to anxiety and depressive disorders. On the basis of the above figures, acute stress is likely to affect some 130,000 to 220,000 people. Of these, about 22,000 to 44,000 people are likely to develop recognizable mental health problems and will need sustained help over the longer term. In the aftermath of trauma, post traumatic stress disorder, depressions, suicidality, addiction, medically unexplained symptoms, or anxiety and dissociative disorders arise (Gersons 2005). The most frequent diagnoses made include depressive and anxiety disorders, somatization disorders, acute stress disorder, and post traumatic stress disorder (PTSD). In addition and especially when families and loved ones are lost suddenly or if there is uncertainty as to their whereabouts, grief reactions may be prolonged and take longer to resolve. However these figures may well be an underestimate given the scale of the tragedy. There will also be many people with pre-existing serious psychiatric disorders where sudden discontinuation of health care including medication will present

problems. There may be as many as 6,000 people affected this way in the disaster areas.” [67a] (p7)

26.17 The Ministry of Health ‘Mental Health Policy 2005’ continued:

“Sri Lanka has three major mental hospitals in the Western Province: Angoda (1,700 patients), Mulleriyawa 1 and 2 (1000 patients) and Hendala (300 patients). In addition, the National Hospital situated in Colombo and 11 other General hospitals in urban centers provide specialist facilities for mentally ill patients. Beds provided for mentally ill patients constitute only 4.6 % of total beds in all government hospitals in the country. Rehabilitation of chronically ill patients has been just started and there are centers in several districts. These centers are manned by untrained staff and the resources are also very limited... There are no approved cadres of psychiatrists other than general psychiatrists.... [67a] (p7-8) There are several important NGOs including, Sahanaya in Colombo, Shanthiham in Jaffna and Basic Needs in various districts, Niwahana in Kandy, Nest in many areas and Richmond fellowship. These organizations provide psychiatric assessment and treatment, psychological interventions, rehabilitation for both individuals and families. Sahanaya, Nest and Shanthiham also have undertaken mental health training programs for medical staff and other health and social care professionals. There are also several International NGO’s involved with Sri Lanka such as VSO, IMC, MdM, and IOM who provide essential services.... All the patients receiving mental health services from the government sector receive the services and drugs free of charge. All hospitals with psychiatric services provide drugs identified in the essential drugs list.” [67a] (p9-10)

26.18 As recorded in the WHO (World Health Organisation) Mental Health Atlas – 2005: Country Profile Sri Lanka (website accessed 17 June 2005), the following therapeutic drugs are generally available at the primary health care level of the country: Carbamazepine, Ethosuximide, Phenobarbital, Phenytoinsodium, SodiumValproate, Amitriptyline, Chlorpromazine, Diazepam, Carbidopa, Levodopa. [68]

26.19 As stated in information provided by SCIS (Source Country Information System) Sri Lanka in February 2005, all treatments for acute psychological/psychiatric problems and disorders (severe depression and in particular potential suicide cases) can be provided in the public sector at Angoda and Mulleriawa mental hospitals in addition to the University Unit in the Colombo National Hospital at no cost. Anuradhapura General Hospital, Galle General Hospital and Jaffna Thellippalla Hospital can also provide treatment at no cost. Treatments are limited in the private sector because they are not normally willing to admit this type of patient. SCIS Sri Lanka stated that the total number of psychologists working in the public sector in the country was about 30, while there were 31 psychiatrists (21 in Government hospitals and ten in university units). Figures for psychologists and psychiatrists working in the private sector were respectively four and eight although it was noted that most psychiatrists in the public sector simultaneously worked in the private sector. [69b]

26.20 Information provided by SCIS Sri Lanka of the ICMPD in December 2004 noted that treatment for PTSD is available in all private hospitals and clinics in Colombo. Private sector hospitals for this treatment are Nawaloka Hospital, Asiri Hospital, Asha Central Hospital, Durdans Hospital and Apollo Hospital. In

the public sector, treatments are available in all teaching and general hospitals in Colombo. Treatments are also available in all teaching hospitals as well as in all private hospitals and clinics in Kandy, Anuradhapura and Jaffna. However, it was noted that there are no regular basic treatments in Sri Lanka for PTSD but only consultation with a psychiatrist. [69a]

[Return to Contents](#)
[Go to list of sources](#)

27. HUMANITARIAN ISSUES

- 27.01 A document produced by the Internal Displacement Monitoring Centre (IDMC)/Norwegian Refugee Council entitled 'Civilians in the way of conflict: Displaced people in Sri Lanka', dated September 2007 recorded that:

"The humanitarian situation of those living in some IDP camps in the eastern districts of Batticaloa and Trincomalee presents cause for concern. Fact-finding missions by human rights groups revealed that the unexpected influx had led to poor conditions in some of the larger camps, with overcrowding and shortages in shelter and toilets. Additionally, IDPs living outside the camps with host families faced hardships as they were wholly reliant on their host families for support in the absence of any schemes to ensure that they were receiving rations from the government... In March 2007, the World Food Programme (WFP) reported that the recent near doubling of the IDP population had created a major humanitarian challenge for the agency. Nutrition surveys by the government and international agencies showed rising levels of acute malnutrition in the northern Jaffna district as a result of conflict-related disruption of livelihoods and markets, the closure of the A9 highway, and security-related restrictions on farming and fishing. Food assistance for the internally displaced and other vulnerable groups was in short supply for months after the A9 closure, since WFP was only able to transport 20 per cent of the required rations to Jaffna." [54b] (p13)

- 27.02 As noted in the 'UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka', dated December 2006:

"Restrictions on freedom of movement have also had a negative impact on humanitarian access and delivery of assistance. Whilst some supplies are reaching the civilian populations through government convoys or boats, as well as through UN and ICRC convoys, there are severe shortages of food, fuel, medical supplies and other essential items throughout the Jaffna Peninsula and in LTTE-controlled areas (in Kilinochchi, Mullaitivu, parts of Mannar, Vavuniya, Trincomalee and Batticaloa Districts)." [6b] (Paragraph 21)

- 27.03 As noted in a letter from the British High Commission (BHC), Colombo dated 29 October 2007:

"There are now 130,000 IDPs – about 25- 30% of the total population of Jaffna. The majority of IDPs have been forced from their homes when these areas were subsumed by increased high security zones. Some IDPs have been in temporary welfare centres for 12 years or more. Access to these IDPs and other vulnerable groups are hampered by the daily military convoys, which block the essential roads for up to 4 hours. Emergency food supplies are stable. No-one is starving. UN Agencies are busy trying to boost supplies in preparation for the monsoon when offloading supplies will be more difficult. The speed of distribution is not adequate for the needs. UN Agencies are ensuring that 96,000 school children receive one meal a day, an incentive for attendance." [15q]

- 27.04 The BHC letter of 29 October 2007 further reported:

“The cost of living has increased by 100% whereas the food production has decreased by 80%. The ensuing conflict has caused key livelihoods to come to a halt (almost) resulting in no purchasing power for civilians. Fishing is severely restricted to a few hours a day. Some fishermen have to do labour around the army camps before they are given permission to fish. The escalating price of cement and fertiliser has severely hampered construction work and farming production.” [15q]

See also Section 29

[Return to Contents](#)
[Go to list of sources](#)

28. FREEDOM OF MOVEMENT

28.01 As noted in the US State Department Report 2006 (USSD), Sri Lanka:

“The law grants every citizen ‘freedom of movement and of choosing his residence’ and ‘freedom to return to the country,’ and the government generally respected these rights in practice; however, during the year [2006] it restricted the movement of Tamils. The war with the LTTE prompted the government to impose more stringent checks on travelers from the north and the east and on movement in Colombo, particularly after dark. Tamils were required to present special passes for fishing and transiting through high security zones in the north and the east. While Tamils were no longer required to obtain police passes to move around the country, they were frequently harassed at checkpoints.” [2c] (Section 2d)

28.02 “Limited access continued to certain areas near military bases and high security zones, defined as areas near military emplacements, camps, barracks, or checkpoints where civilians could not enter. Beginning in June [2006] the SLMM reported that monitors were restricted from accessing sites of reported CFA violations. High security zones extended up to a four-kilometer radius from the fences of most military camps. Some observers claimed the high security zones were excessive and unfairly affected Tamil agricultural lands, particularly in Jaffna...Curfews imposed by the army from 8 p.m. to 8 a.m. also restrict the movement of Jaffna's citizens.” (USSD 2006) [2c] (Section 2d)

28.03 A letter from the British High Commission (BHC) in Colombo, dated 29 October 2007, noted that:

“The Jaffna] peninsula has been cut off from the rest of Sri Lanka since August 2006, when fighting caused the closure of the only overland link – the A9 road - to the rest of the island. Since then Jaffna has been accessible by civilians only by boat from Trincomalee or aircraft from Colombo...There about 500000 people in the peninsula, which is controlled by about 40,000 government troops. Jaffna town is littered with government checkpoints and surrounded by high security zones. A curfew operates between 1900 and 0430 each night. Compared to the rest of Sri Lanka there is a tighter control over people's every day life. Mobile phones and even bicycles need to be registered with the army. A new family photo ID card has been introduced. During army checks of households, people present who are in addition or absent to the normal household are then treated with suspicion. Several interlocutors reported that each day assailants on motorbikes shoot one or two civilians in broad daylight whilst, after the curfew (1900 to 0430), abductions and robberies take place often close to army checkpoints.” [15q]

28.04 As recorded in a document by the Internal Displacement Monitoring Centre (IDMC)/Norwegian Refugee Council entitled ‘Civilians in the way of conflict: Displaced people in Sri Lanka’, September 2007:

“Freedom of movement - despite being enshrined in the Constitution of Sri Lanka – has been severely restricted as a result of the renewed conflict and the climate of insecurity. In several instances in 2006-2007, restrictions were placed on the right of people to seek safety in other parts of the country. In violation of the Constitution, international human rights standards and the

Guiding Principles on Internal Displacement, both government and LTTE policies have prevented people from fleeing their places of origin even when their lives were threatened. However, it is likely that this has in fact encouraged civilians to flee for fear of being trapped in the midst of fighting. It also validates widespread concerns that IDPs are coerced into returning to areas which observers suggest are still unsafe.” [54b] (p16)

28.05 “The August 2006 closure by the government of the A9 highway linking Jaffna peninsula to the rest of the country paralysed much of the travel in and out of Jaffna. Most of the 600,000 residents of the peninsula were stranded in the face of shelling, widespread abductions and disappearances, and severe shortages of food, medicines and basic supplies. Long curfews were also imposed by government authorities in Jaffna from August 2006 onwards, preventing many people from earning a living. Movement in and out of Jaffna is still only possible by sea or air. Civilians who want to leave the peninsula have to obtain permission from the army’s civil affairs unit. In June 2007, at least 15,000 people were waiting to board government ships to leave Jaffna for the relative safety of Colombo.” (IDMC/Norwegian Refugee Council, ‘Civilians in the way of conflict: Displaced people in Sri Lanka’, September 2007) [54b] (p16-17)

28.06 “The LTTE continues to maintain draconian restrictions on people living in the Vanni. Each person exiting the LTTE-controlled area has to leave family members behind as a guarantee of their return. The group also only issues passes on the day of travel, limiting the movement of civilians and supplies.”

“The freedom of movement remains limited near military bases and ‘high security zones’ (HSZs) set up by the government to protect strategic installations. The HSZs extend up to four kilometres from the fences of most military camps. Some observers claim the HSZs unreasonably impact Tamil agricultural lands, particularly in Jaffna, where an estimated 18 HSZs have led to many farmers losing access to their lands and livelihoods.” (IDMC/Norwegian Refugee Council, ‘Civilians in the way of conflict: Displaced people in Sri Lanka’, September 2007) [54b] (p17)

28.07 On 7 November 2007 the pro-LTTE website, TamilNet, reported that the Sri Lanka Police had introduced new regulations restricting periods of temporary stay for Tamil civilians visiting Colombo from the north and east provinces. To travel to Colombo Tamils would now require letters from the local Grama Sevakar (officers at village level) stating the reason for the visit and they must register their presence. According to TamilNet, some Divisional Secretaries were reported to have instructed the Grama Sevakar officials not to issue letters to persons who wish to travel to Colombo and the new restrictions had already caused difficulties for Tamils travelling to Colombo to attend medical examinations, interviews and wishing to make arrangements to go abroad. [38x]

28.08 The CPA (Centre for Policy Alternatives) ‘Policy Brief on Humanitarian Issues’, dated December 2007, recorded that:

“Sri Lanka has witnessed several incidents where a citizen’s movement has been restricted on the basis of security. The violence and the security restrictions have made movement in and around the North and East in particular extremely difficult. Movement is affected at multiple levels: within the

community, in particular localities, within districts, and between districts and regions. As illustrated above, this has a direct impact on lives and livelihoods, increasing the vulnerability of displaced and affected populations... Severe restrictions on movement to LTTE-controlled areas and Jaffna have been imposed over the course of the last two years. In August 2006 the A-9 was closed at Muhamalai and Omanthai. While the Omanthai check point has been opened it is subject to severe restrictions and frequent closures. Similarly, roads entering Vaharai were shut in late 2006 and most recently the entry point to Mannar West and Madhu, the Uliankulam point of entry has been regularly closed with the intensification in fighting in 2007. The Jaffna Peninsula is currently cut off by land, and can only be accessed by air or sea." [28c] (p13)

- 28.09 "Just as movement across the lines of control has become more difficult, so has moving within and to and from the North and the East. In the previous phase of the war in the 1990s and early 2000, the movement of Sri Lankan citizen's movements from the North and East was curtailed through the practice of issuing a pass for civilians to move from the North and East to the South. Though this was established as a security measure, this created massive hardships to the affected communities. In November 2001 and January 2002 fundamental rights petitions challenging the pass system in operation in Vavuniya were filed in the Supreme Court. The Supreme Court held that the practice of the pass system was a violation of one's right of movement and ordered the authorities to do away with it. Currently, there is no pass system but vehicles from the North and East have to obtain a vehicle pass and to undergo security checks." (CPA, 'Policy Brief on Humanitarian Issues', December 2007) [28c] (p14)
- 28.10 The UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka dated 21 December 2007 noted that "LTTE also imposed strict restrictions on the freedom of movement of civilians, prohibiting people from leaving the Vanni [the Vanni refers to Kilinochchi, Mullaitivu and the 'uncleared' areas of Mannar and Vavuniya districts] unless they are provided with an authorized pass." [6e] (p3)
- 28.11 A letter from the BHC, Colombo, dated 25 January 2008 noted that:
- "Travelling to east became quite normal, but the LTTE pass system to travel from LTTE controlled areas to government controlled areas still exists. Especially, Villakku Vaiththan kulam, 1 to 1.5 KM, from Oomanthai check point, whoever travels out of it or enter into Oomanthai are being asked to fill forms, and obtain passes from LTTE. If [asked] to explain it further, between Muhamalai and Oomanthai ~ (Villakku vaiththan kulam) people who enter are been [sic] asked to fill a form, which consist of questions where they are going, where they are going to stay where they are coming from and the reason. Then they will have to take passes from the LTTE and they can enter. While they exit Muhamala, Oomanthai, they will have to produce the passes that they obtained on their entrance, should be submitted to the LTTE. If anyone is going in vehicles, vehicle passes should be obtained separately. There is a separate pass system for people who are within Vanni area. Security forces don't accept these passes. Since east is freed by the security forces, this system seems no longer exist in east." [15f]

See also Section 29

- 28.12 As noted in the UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka dated December 2006:

“Tamils in Colombo and its outskirts, where there are large Tamil communities, are at heightened risk of security checks, arbitrary personal and house to house searches, harassment, restrictions on freedom of movement, and other forms of abuse since the imposition of new security regulations in April and December 2006. Under emergency regulations, the police are empowered to register all persons within the jurisdiction of each police station. These regulations, which were enacted during the height of the conflict in the 1990s, remain in place and require all residents to register with their local police station. Such registration, which is taking place in Colombo, enables the police to have accurate information on the ethnicity and location of all inhabitants of Colombo.” [6b] (Paragraph 23&24)

- 28.13 “Tamils [from the North or East] who are able to reach Colombo could be vulnerable to the arbitrary arrests, detention and other forms of human rights abuses Tamils have faced there. It may be noted that Tamils originating from the North and East, in particular from LTTE-controlled areas, are perceived by the authorities as potential LTTE members or supporters, and are more likely to be subject to arrests, detention, abduction or even killings.” (UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka, December 2006) [6b] (Paragraph 34 (a) iv)

POLICE REGISTRATION

- 28.14 A letter from the British High Commission in Colombo, dated 24 August 2006, noted that:

“The Sri Lankan authorities often require households in predominantly Tamil areas to register all residents. These lists are then used in cordon and search operations to identify people who the police consider need to give a fuller explanation of why they are residing or travelling in a location...Normally the police detain those who have not registered, for further questioning. After a big push in November and December 2005, when police registration forms were distributed throughout Colombo and which culminated in Operation Strangers Night II, the authorities have become more relaxed about this. In June [2006] there was public discussion about implementing police registration island wide as was done in the past, but nothing has come of this.” [15h]

- 28.15 A further letter from the BHC Colombo, dated 31 August 2006, provided additional information:

“There is no uniformity in the implementation of the police registration. After the new Government took over in Nov 2005, police visited households and issued forms to be completed by the head of the household, asking them to take full responsibility for the information provided and the persons on the list. The form also included questions such as when did you buy the house?, from whom did you buy the house, what was the purchase price?, did you buy the house with the help of a broker?, if so provide details of the broker etc. This form was issued to almost all houses in the Tamil concentrations in the city and suburbs. Generally the police do not say that they are targeting only Tamil households, but collection of completed forms / booklets are only strictly

enforced when it comes to Tamil concentrations. The main purpose of these booklets is to assist the Police, when they launch cordon and search operations, to identify visitors or undeclared persons in the area.” [15i]

CHECK-POINTS

- 28.16 As recorded by the Immigration and Refugee Board of Canada in their Responses to Information Requests LKA101784.E, dated 22 September 2006:

“News sources from 2006 report an increase in the number of checkpoints and roadblocks in the capital city of Colombo (Xinhua 15 Aug. 2006; AFP 2 June 2006; The Press Trust of India 27 Aug. 2006), as part of an effort to prevent LTTE bomb attacks (ibid.; AFP 2 June 2006). In late August 2006, road blocks were reportedly set up on all the main roads leading to Colombo (TamilNet 28 Aug. 2006), and every vehicle entering and leaving the city was checked (ibid.; The Press Trust of India 27 Aug. 2006). Other security measures in Colombo include parking restrictions along busy roads (Xinhua 15 Aug. 2006), increased military personnel patrolling the streets (Canada 15 Aug. 2006), and body searches of individuals wishing to enter public buildings and shopping centres (AFP 2 June 2006). According to an official at the Canadian High Commission in Colombo, Sri Lanka, some visible [security] measures [implemented since December 2005] include new checkpoints, more frequent searches of vehicles at checkpoints and [a] complete check of intercity buses entering Colombo, forcing passengers to [get off] and vouch for their luggage (Canada 15 Sept. 2006).” [42a]

- 28.17 On 23 October 2006 BBC Sinhala reported that the police in Sri Lanka had opened a series of offices in eastern region to issue special permits to those planning to travel to Colombo. Vehicle owners are to be issued with a permit before leaving the east and are required to hand over the parts of the four-part permit to check points as they travel towards the capital. Travelling time was foreseen to be drastically increased. [9i]

- 28.18 As recorded on the official website of the Sri Lankan Government’s Secretariat for Co-ordinating the Peace Process (SCOPP) on 10 November 2006:

“The Government of Sri Lanka (GOSL) was compelled to temporarily close the A9 highway, entry/exit checkpoint at Muhamalai situated at the isthmus of the Jaffna peninsula on 11 August 2006... The A9 highway is the main thoroughfare that links the Jaffna peninsula with the South of Sri Lanka. The highway starts from Jaffna and passes through the LTTE dominated Wanni through to Kandy the hill capital of the country. The A9 highway was closed from 1995 to 2002. At the time, two entry/exit points that regulated movement into the uncleared areas of the Wanni were established. One was the gateway to the government controlled Jaffna peninsula at Muhamalai in the north and the other at Omanthai 98 km away, was the entry point into Wanni from the south. The A9 has remained opened since 2002 and contrary to the misconception propagated by the LTTE, the only part of the highway that is temporarily closed since 11 August 2006 is the entry/exit checkpoint at Muhamalai. The Omanthai checkpoint has remained open and facilitates the movement of goods and people to and from the LTTE dominated areas to the south.” [41m]

- 28.19 As noted in the UNHCR position paper of December 2006:

“Following the suicide attack on the Army Commander Lieutenant-General Sarath Fonseka on 25 April 2006, the authorities have returned to pre-ceasefire security arrangements. As a result, many checkpoints have been re-instated on the main roads and in the towns in the North and East or in Colombo, making it particularly difficult for Tamils to travel in government-controlled areas. For those who were born in LTTE-controlled areas (this is indicated on the National Identity Card), it is difficult to cross the checkpoints and they face varying levels of harassment... Apart from the insecurity related to the armed conflict, the LTTE has also restricted movements of civilians out of the LTTE-controlled areas, thus preventing them from moving into government-controlled areas. Even if an individual reaches government-controlled areas, it does not necessarily mean that she/he will be able to secure the protection of the authorities, particularly if the individual is being targeted for attack by the LTTE, given the LTTE’s capacity to track down and target its opponents throughout the country.” [6b] (Paragraph 20&22)

28.20 On 5 June 2007 the pro-LTTE website TamilNet reported that:

“The Sri Lanka's defence establishment introduced a new security plan for Colombo city with effect from Monday. Colombo city has been divided into three security zones and additional troops from the Sri Lanka Army (SLA) and Sri Lanka Navy (SLN) have been deployed to check all vehicles and movement of civilians... Each key junction in Colombo has been manned by SLA and SLN troops. Heavy vehicles are subjected to severe checks. The military and police are directed to not allow loitering on roads and junctions without any reason.” [38r]

28.21 On 10 June 2007 Reliefweb (quoting AFP), reported that:

“Tamils, whose national identity cards are written in Tamil, are instantly segregated at check points for a sometimes lengthy grilling. Members of the majority Sinhalese community have an easier time from the Sinhalese-dominated security forces. Tamil visitors to Colombo also need to register with police, who are fearful of Liberation Tigers of Tamil Eelam (LTTE) suicide bombers or assassins infiltrating the city of around 650,000 people... Tamil populated neighbourhoods in Colombo are also periodically cordoned off and swept by security forces, and Tamils have complained of mass arrests.” [31a]

28.22 The ICRC Sri Lanka Bulletin No. 16 of 3 September 2007 reported that:

“The Omanthai crossing point, which is on the A9 highway is the main source of access to Kilinochchi and Mullaitivu districts and the northern areas of Vavuniya. The only other point of entry to LTTE-controlled areas is the Uyilankulam crossing point in Mannar on the west coast [closed at a later stage]. During the Madhu festival, which began on 5 August [2007], the ICRC maintained a presence in Uyilankulam for seven consecutive days, from 10-17 August, in order to facilitate the passage of pilgrims. About 14,000 people were able to cross over. In the last four weeks, the ICRC has acted as a neutral intermediary to facilitate the crossing of nearly 40,000 civilians at Omanthai and Uyilankulam.” [34d]

“The [Omanthai] crossing point, which is manned by government forces on one side and the LTTE on the other, is about 1 km long. This includes the

stretch of no-man's land in the middle where members of the ICRC's staff are positioned. Civilians and vehicles carrying goods are checked by both sides before they are allowed to go across...While the crossing point meets a number of humanitarian needs such as family reunions, access to medical services and free passage for ambulances, it also enables vehicles carrying goods to come and go and creates commercial opportunities for the enterprising...The crossing point remains an invaluable conduit for those on either side of it." [34d]

28.23 As reported on 19 October 2007 by the *Daily Mirror* (Sri Lanka):

"The military and the LTTE yesterday gave an assurance to the ICRC that there would be no further fighting near the Omanthai crossing point. Earlier, fighting had erupted leading to the closure of the crossing point -- completely cutting off the Vanni from the rest of the country... LTTE controlled areas in the Vanni were in danger of being completely shut off from the rest of the country, indefinitely, after the ICRC announced it had withdrawn from the Omanthai entry/exit point as a result of a security related incident which occurred in the area on Wednesday evening...The crossing point, situated along the A9 highway, which was kept open 5 days a week to facilitate civilian and humanitarian assistance, was the only remaining entry route open to the Vanni after the closure of the Uyiankulam route last month, and also Muhamalai, since fresh fighting erupted in the north... This year, an average of 25,000 people and 4,000 vehicles have passed through the crossing points each month." [11k]

28.24 A letter from the British High Commission (BHC) in Colombo, dated 29 October 2007, noted that:

"The check point at Muhumalai on the northern part of the A9 which controls access from government controlled Jaffna for people and goods to and from the LTTE controlled Vanni is likely to remain closed for some time, the area remains subject intense and unpredictable fighting. Controlled access is possible from the south of the Vanni into Government controlled southern Sri Lanka -- although both the checkpoints, at Omanthai (Vavuniya District) and near Mannar are subject to sudden short term closures." [15q]

28.25 The ICRC Sri Lanka Bulletin No. 18 of 20 December 2007 (covering the ICRC activities between 20 November and 20 December 2007) reported:

"In the past four weeks, ICRC staff have maintained a constant presence at Omanthai crossing point. Acting as a neutral intermediary, the ICRC has facilitated the crossing of 16,460 civilians and 4,389 vehicles. In addition, 110 trucks transporting fertilizer to farmers in the Vanni region were able to cross on Saturdays thanks to this extended presence of the ICRC following a request by both the Government and the LTTE. After the bomb attacks in Colombo, temporary restrictions on civilian movements from north to south through the Omanthai crossing point were imposed by the Sri Lankan authorities. The restrictions also affected ambulances, humanitarian agencies and cargo trucks. They were lifted on 5 December. There were no restrictions at Omanthai on civilian and other movements from south to north." [34a]

- 28.26 The Minority Rights Group International briefing 'One year on: counter-terrorism sparks human rights crisis for Sri Lanka's minorities', dated December 2007 noted that:

"Military checkpoints have mushroomed across the east and the security forces play an active role in most of the civil administration, including the process of resettlement and development of newly captured areas... This is not a phenomenon only seen in the east of Sri Lanka. New reports emerging from the northern Tamil city of Jaffna indicate that a military ID card system is being adopted here too. A record is kept of every person entering into and/or leaving the city. Jaffna has been militarised since it was taken over from rebel control in 1995. During the four-year cease-fire, towns such as Jaffna in northern Sri Lanka and Trincomalee and Batticaloa in eastern Sri Lanka showed some signs of a return to normalcy, with less security checks and military scrutiny. However the past year has seen a complete reversal of this.

"Military checkpoints have emerged across all the main roads in the capital, and whilst undergoing checks, Tamils can be subjected to harassment. In such search operations or at military checkpoints it is quite common for people to be taken in for questioning or arrested on suspicion of involvement with the rebels." [62b] (p3)

- 28.27 As reported in a letter from the BHC, Colombo, dated 25 January 2008:

"The Supreme Court of Sri Lanka ordered the defence secretary to remove all permanent roadblocks in the city of Colombo. The Supreme Court issued the order after hearing a Fundamental Rights petition filed by a civilian. This unexpected court verdict which was the cause of an extensive debate, has been implemented and most (if not all) permanent checkpoints in Colombo were removed soon after the Supreme Court's verdict. The court also said permanent checkpoints could not be put up on the roads and after discussing with the local authorities, said at least one side of the road should be reserved for parking of vehicles. The removal of roadblocks has minimised the disturbances caused to civilian life. But after the removal of these permanent roadblocks, there has been an increase in violence. An MP from the United National Party, was shot and killed on January 1 [2008] in Colombo followed a few days later by the murder of Minister D.M. Dassanayake, and two small bomb explosions in Colombo. After a pause, the government has reassessed the security threat; and some checkpoints and cordon and search operations have restarted although the scale appears smaller than before the ruling. 'Military Spokesperson Brigadier Udaya Nanayakkara confirmed that checkpoints are back.' 'We have 80 checkpoints in Colombo,' he said and emphasised that they are now called snap roadblocks or mobile checkpoints. The Brigadier also said that searching of houses will take place during a certain time and not in the nights. 'We all know that we are under some threat. We ought to take action to protect the people. We are doing our best to prevent any break-in, which may cause harm to the general public. This is all in the name of security,' pointed out Brigadier Nanayakkara. 'If there were no checkpoints then anyone can go anywhere with a bomb. It would be easy for the LTTE to pass their bombs in and around Colombo,' said a source who did not wish to be identified.' (http://lankadissent.com/index.php?option=com_content&task=view&id=3044&Itemid=72). [15f]

LODGES IN COLOMBO

28.28 As reported by the pro-LTTE website TamilNet on 13 March 2007:

“The law enforcement authority under the direction of Sri Lanka Defence Ministry has formulated a scheme to closely monitor the activities of lodges and boarding houses to strengthen the security in Colombo city. As a first step the Ministry is suspending the registration of new lodges, and is planning to order closure of lodges which fail to provide basic facilities, and to identify lodges which are suspected of having close links with undesirable persons. The first phase is to be implemented shortly. Under the second phase, lodges assisting terrorist activities would be acquired by the government, and persons running these lodges would be prosecuted in courts under the Prevention of Terrorism Act (PTA) for harbouring terrorists. All lodges and boarding houses would be routinely monitored and checked by special police teams once a week, according to the new security plan.” [38a]

28.29 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007 recorded that:

“In late May 2007, following a claymore attack in southern Colombo, police visited small hotels and guesthouses (‘lodges’) where short- and long-term visitors stay, and told Tamils they would have to leave immediately. The police told one manager that henceforth Tamils would have to do their business in the capital and depart the same day. The government initially tried to claim the expulsions only applied to visitors with no explanation of their business. The informal ban appeared to apply equally, however, to up-country Tamils, who have never previously been involved in any violent attacks. Some Muslims also were told that they had to restrict their visits.” [76a] (p15)

28.30 “On 7 June [2007], police swept through Tamil areas of Colombo, rounded up 376 residents without “proper” identification or ‘valid reasons’ for their stay and sent them on buses north to Vavuniya and east to Trincomalee. These forced expulsions provoked local protest and international condemnation; human rights activists and opposition members of parliament accused the government of engaging in ‘ethnic cleansing’. Acting quickly in response to a civil suit filed by an advocacy group, the Supreme Court halted the expulsions on 8 June and ordered the government to return the lodge-dwellers to Colombo. Over the next few days, the majority of those expelled returned to Colombo. The prime minister made an unprecedented public expression of regret and promised there would be no repeat of the expulsions but the damage to the government’s reputation among Tamils was already done.” (International Crisis Group, ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007) [76a] (p15)

28.31 In July 2007, the Supreme Court granted leave to proceed to a fundamental rights application to challenge the mass-scale eviction Tamils from lodges in Colombo in June 2007. The court allowed the challenge because it said the anti-torture clauses of the constitution may have been breached. It was announced the hearing would take place in November. (Centre for Policy Alternatives (CPA), Supreme Court grants leave to proceed to case filed by CPA on the eviction of Tamils from Colombo, 26 July 2007) [28b] (BBC News, Tamil eviction appeal to be heard, 26 July 2007) [9d]

- 28.32 As reported in a letter from the British High Commission in Colombo dated 13 August 2007:

“291 Tamils were evicted from Colombo District and 83 from Gampaha District just to the north. As far as we are aware all or nearly all were returned following the decisive Supreme Court intervention.” With regard to the issue of how easy it was to return to Colombo for those who decided to go back by their own means at a later stage the BHC noted that “It’s difficult to give figures on this as there are no records of any not being returned following the court decision. Legally everyone is entitled to travel to any part of the country – although in practice the security forces are suspicious of any recently arrived Tamil who cannot give a ‘valid reason’ for their presence. Travelling into Colombo is time consuming and intimidating for Tamils who come from the North and East. There are numerous checkpoints – although anecdotally the situation is more relaxed for those coming from the east following the assertion of government control. If you are coming from government controlled Jaffna you need Security clearance from the military to get a travel pass to Colombo. Tamils from the government controlled east and Jaffna travelling to Colombo will be photographed. If you are coming from LTTE controlled areas, you will be photographed and your details will be collected.” [15e]

- 28.33 The BHC letter of 13 August 2007 further noted that:

“Staying in Colombo is difficult for Tamils who don't have adequate Sinhala language skills. Without Sinhala, if a Tamil person is stopped at a check point he cant [sic] express the reason for staying in Colombo, so they can be easily picked up & harassed. The cordon and search operations seem to target Tamils with casual employment and temporary accommodation. While most detained are released quickly, a proportion end up in more long term detention...Under the law anyone can stay in Colombo without giving any prior notice to the Police or Security forces. The eviction of Tamils was justified by the IGP (Inspector general of police) who said that 'We evicted the people who are staying in Colombo without a valid reason'. But there is no legislation to support that except the High Security Zone rules, which would tend to exclude all civilians from certain areas. People who come to Colombo for administrative issues such as applying for visas, passports or taking exams stay in lodges, because its [sic] cost effective. The export processing zones also require large numbers of casual workers who tend to stay in places of multiple occupation to save money.” [15e]

- 28.34 As reported by the *Daily Mirror* (Sri Lanka) on 29 November 2007:

“When the fundamental rights violation petitions filed against the eviction of Tamil lodgers from Colombo came up in Court, Counsel for the petitioners agreed to consider the court’s suggestion [for an amicable resolution] in this matter, since the Prime Minister had tendered an apology. It was also explained that an interim order is in existence preventing the removal of persons without reasonable suspicion and a valid reason...Leave to proceed has already been granted for the alleged infringement of freedom from torture, right to equality and equal protection of the law as well as discrimination on the grounds of race, religion, language, place of birth etc, freedom from arbitrary arrest and detention and freedom of movement and of choosing his or her residence within Sri Lanka. The Supreme Court had already issued an Interim Order directing the IGP not to take any steps to evacuate Tamil

persons from Colombo or to prevent them from entering and staying in any part of Colombo. The petitioners are seeking relief and effective redress in respect of infringement of the fundamental rights of a large section (Tamils) of the Sri Lankan society who have been and are being further discriminated against and gravely prejudiced.” [11x]

[Return to Contents](#)
[Go to list of sources](#)

29. INTERNALLY DISPLACED PEOPLE (IDPs)

- 29.01 The CPA (Centre for Policy Alternatives) 'Policy Brief on Humanitarian Issues' dated December 2007 noted:

"Communities have been forced into displacement largely due to the violence as military operations and attacks against civilians have intensified... Displacement takes multiple forms. Official recognition as a displaced person requires the registration of that person by the Government. Through official registration the IDP gains access to government food rations, and is in a more advantageous position to be accepted as a beneficiary by humanitarian agencies. There are various categories of persons who sometimes fall through the 'cracks' of official displacement. While many displaced end up in sites such as public buildings or transitional sites which are treated as welfare camps, displaced persons also seek shelter with host families, including friends and relatives... Displaced families living with host families do not always get registered and therefore cannot access humanitarian assistance.

"Another common form of displacement that is not always identified or addressed is 'night time' displacement. This is where communities do not move out of their villages or towns but find shelter and security at night communally in public buildings or in particular houses...In addition to being displaced from their homes, communities and local areas, there are also instances where affected families have been separated due to the speed and nature of flight, human security threats and other reasons...Similarly, in addition to force being used to resettle IDPs, there were also reports of families being separated in the speed with which IDPs were taken to transitional sites." [28c] (p5-6)

- 29.02 "Displaced families and communities have faced various forms of insecurity... In some instances affected communities have not been able to flee from areas under attack. Civilians in LTTE-controlled Wanni are trapped, as the LTTE is not allowing the free movement of civilians even when the entry/exit points are open. Further, humanitarian agencies have to provide a guarantee that their local staff members will return to the Wanni if they make a visit out. There are also specific incidents where the LTTE has obstructed the flight of civilians. It was reported that the LTTE prevented civilians moving and furthermore, fired at civilians who attempted to flee Vaharai. If civilians do manage to flee LTTE-controlled areas, their security is not guaranteed as the Security Forces and the Paramilitaries view them as LTTE suspects. Tamils from the North and East are finding it increasingly difficult to find refuge in the South of Sri Lanka." (CPA, 'Policy Brief on Humanitarian Issues', December 2007) [28c] (p7)
- 29.03 The Minority Rights Group International briefing 'One year on: counter-terrorism sparks human rights crisis for Sri Lanka's minorities', dated December 2007 reported that:

"In the immediate aftermath of the capture of the east, the government began returning some displaced Tamil families to their homes. Contravening international law, the displaced were packed in busloads and forced back to damaged homes in deserted villages with no means of supporting themselves and amidst huge security concerns. Local human rights groups have been heavily critical of the forcible return that occurred whilst, in some cases, the

military offensive was ongoing, and shelling in nearby villages could still be heard. Nearly four months later, in November 2007, according to a UNHCR statement, forcible return is continuing in the east with local authorities threatening to withdraw their assistance if people do not go back to their homes. But the human rights abuses do not end with forced return. They continue, deeply woven into the everyday lives of minority Tamils and Muslims in the east – carried out by government security forces in the name of fighting terrorism. Returnees are put through intense security measures and face routine checks by the Sri Lankan military.” [62b] (p2-3)

- 29.04 “Another aspect of the government’s counter-terrorism strategy has been to provide Identity Cards (ID) to all the people who have returned to their homes. This is in addition to the national identity card that all Sri Lankans carry. This new ID has a photograph and basic details of the person including their ethnicity. The ID is meant to prevent rebel infiltration into the villages. However, villagers have expressed their nervousness about the system, fearing it would restrict family visitors, mobility and schooling of children who travel out of their neighbourhood. Another visible feature of the ‘liberated’ areas in the east is heavy militarisation. In the main cities of Trincomalee and Batticaloa, the civil administration has been de facto superseded by the military.

See also Section on Freedom of Movement

“Military checkpoints have mushroomed across the east and the security forces play an active role in most of the civil administration, including the process of resettlement and development of newly captured areas.” (Minority Rights Group International, ‘One year on: counter-terrorism sparks human rights crisis for Sri Lanka’s minorities’, December 2007) [62b] (p3)

- 29.05 As recorded in a document by the Internal Displacement Monitoring Centre (IDMC)/Norwegian Refugee Council entitled ‘Civilians in the way of conflict: Displaced people in Sri Lanka’, September 2007:

“At the end of 2006, at least 520,000 people in Sri Lanka were victims of conflict-induced displacement in a country of 20 million, making up one of the largest displacement crises in Asia in absolute terms and particularly in terms of the proportion of the population displaced. Upwards of 300,000 people were displaced in the offensive from 2006 onwards, with Tamil and Muslim minorities in the districts of Batticaloa, Trincomalee and Jaffna the most affected. Despite a major return programme initiated by the government in Batticaloa and Trincomalee in recent months, the number of conflict-induced internally displaced people (IDPs) in the country is estimated still to be around 460,000...The unexpectedly large number of people displaced has created many humanitarian challenges and protection problems at the IDP camps and welfare centres. Nevertheless, many IDPs have not wanted to go back to their homes unless the insecurity that compelled them to leave is fully resolved... Many of the IDPs who have returned home to eastern and north-eastern areas during the last year, whether voluntarily or involuntarily, have experienced difficulties due to the general security situation, and continue to face the risks of death, injury, loss of shelter and livelihoods and conscription into armed groups. IDPs who have returned to insecure areas cannot be considered to have found a durable solution to their displacement.” [54b] (Executive summary)

“It is difficult to determine the exact numbers of internally displaced people in Sri Lanka today due to the overlap between those displaced by the conflict and the 2004 tsunami, and between those displaced by the conflict before and since 2006.” [54b] (p11)

29.06 The IDMC document of September 2007 further reported:

“Thousands of civilians were displaced from the Vakarai area of Batticaloa district, which had been under the LTTE’s authority, and where some 35,000 civilians were caught in the crossfire during a fierce three-month battle for control. Many vulnerable people, including children, elderly, and sick people were forced to make gruelling journeys out of Vakari to government-controlled areas before the army finally took control of the region in January 2007. In a much-publicised case, in November 2006, army artillery hit a school which was sheltering over 2,000 IDPs. During the bombardment, 62 people died and 47 people, ranging in age from one to 74 years old, were injured.” [54b] (p10)

29.07 “The renewed fighting had in the year to April 2007 displaced an additional estimated 301,000 people from their homes. An estimated 101,000 of these newly displaced people have returned to their areas of origin as at September 2007, within government - and UNHCR - supported return programmes in Trincomalee and Batticaloa districts, including over 3,000 who are staying in transit camps until a durable solution is found for them. Some IDPs have also returned spontaneously to their areas of origin. In August 2007, the International Organization for Migration in Sri Lanka reported that almost 11,000 families displaced by the 2004 tsunami remained in transitional sites. This number did not include those displaced from the LTTE-controlled areas of Kilinochchi and Mullaitivu, where figures were not available, or tsunami-displaced people living with host families.” (IDMC/Norwegian Refugee Council, ‘Civilians in the way of conflict: Displaced people in Sri Lanka’, September 2007) [54b] (p12)

29.08 “Lack of documentation has proved to be a hindrance for many IDPs. Frequently IDPs fled their homes during shelling or fighting with no time to collect the documents needed to navigate through numerous security checkpoints, and to access relief provisions. The process of acquiring duplicate documentation was complicated by the need to first obtain clearance from the displaced persons’ areas of origin, where in some cases the civil machinery had collapsed during the conflict.” (IDMC/Norwegian Refugee Council, ‘Civilians in the way of conflict: Displaced people in Sri Lanka’, September 2007) [54b] (p15)

29.09 “While the government on one hand strongly encouraged IDPs to return to their homes in unsafe areas, on the other, it prevented the return of IDPs to a much safer area of origin. In May 2007, the government declared Muttur East area of Trincomalee district a High Security Zone. This prevented IDPs living in welfare centres or transit sites in other parts of the district from returning to their homes.” (IDMC/Norwegian Refugee Council, ‘Civilians in the way of conflict: Displaced people in Sri Lanka’, September 2007) [54b] (p21)

29.10 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007 reported that:

“Once the IDPs reach the camps run by the government and NGOs [in Eastern Sri Lanka], their ordeal is not always over. Government forces have often worked closely with the Tamil paramilitary group, the Tamil Makkal Viduthalai Pulikal (TMVP), led by V. Muralitharan (better known by his alias ‘Karuna’), whose forces have been used to screen incoming refugees and identify those suspected of being escaping LTTE cadres. The TMVP has been given complete access to some government-controlled camps. There have been numerous cases of children abducted by both Karuna’s forces and the LTTE from IDP camps in their respective areas of control. Finally, there are several reports of internally displaced people IDPs being forced to return to their homes by government agencies and security forces, in violation of the UN Guiding Principles on Internal Displacement, to which the government has pledged its adherence.” [76a] (p8)

- 29.11 As stated in the ‘UNHCR Global Report 2006: Sri Lanka’, published in June 2007:

“The security situation in Sri Lanka deteriorated in 2006. A dramatic upsurge in violence and widespread human rights violations led to the displacement of some 200,000 people within the country. UNHCR assisted most of these internally displaced persons (IDPs) with emergency shelter and non-food items.” [6m] (p389) “UNHCR documented and reported cases of abuse against IDPs and intervened where possible...The Office supported the Government’s efforts to register IDPs both to obtain accurate population statistics and to ensure that those in need of assistance received it.” [6m] (p390) “Access to conflict-affected areas was limited and relief agencies were barred from entering certain areas, hampering the implementation and monitoring of projects. The situation was made more intractable because many IDPs suffered multiple displacements in 2006. The general climate of fear and high security risks, especially since relief workers were targeted, hurt humanitarian programmes.” [6m] (p391)

See also Section 17

- 29.12 The UNHCR Statistical Summary of IDP Movements in North-East Sri Lanka for the period 7 April 2006 – 31 December 2007, undated, recorded a total figure of 187,850 IDPs in those areas. [6c]
- 29.13 As noted in the UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka dated December 2006 “In August 2006, 50,000 civilians, including Muslims and Tamils, fled Muttur due to heavy fighting in the area. According to reports, Muslims fleeing from Muttur were subjected to a number of serious human rights violations during flight.” [6b] (Paragraph 29)
- 29.14 “Groups of displaced Muslims have come under particular pressure from community leaders and politicians, as well as senior government officials and security forces to return to their places of origin as quickly as possible. This was illustrated when Sampoor was taken by government forces in early September 2006, precipitating a sudden rush by community and political leaders to return the displaced to Muttur just days after the shelling between the LTTE and government forces had ended and before the situation was sufficiently stabilized. Police officers and government officials toured the displacement sites making public announcements promoting return.

Government buses were provided to transport Muslims back to Muttur and deadlines for return were issued by government authorities. The displaced populations were told that displacement sites would be closed, food and water cut and basic assistance stopped, giving them no option but to return. While most Muslim families returned willingly to Muttur, some had serious reservations. Muslims who wished to remain in displacement sites for safety purposes faced opposition from government officials and security forces. UNHCR received some reports of individuals who were physically forced by government officials and security forces to return.” (UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka, December 2006) [6b] (Paragraph 29)

- 29.15 On 4 June 2007 BBC News reported that over the previous 18 months more than 18,000 Tamil civilians had faced a dangerous sea journey from Northern Sri Lanka through the Palk Straits to reach the safety of Tamil Nadu.

“Once they reach India, refugees have a sense of freedom and hope for a better life - but those dreams soon turn into despair. They are accommodated in the main refugee camp near the town of Rameswaram, about 600km (375 miles) south of the state capital, Madras (Chennai). After a few months they are sent to camps in other parts of Tamil Nadu. The camps provide them with food and shelter, but the first few days in the main camp at Mandapam are for most a trying experience. Upon landing, refugees are questioned by police to establish their identities. They try to find out whether they have any links with the Tamil Tigers, which is a banned organisation in India. While many families register without any trouble, some young men accuse police of using a high-handed approach during their investigations, treating most adult males as possible Tiger suspects... If the police suspect that some of the refugees may have links with the rebels, they are sent to designated special camps. ‘The special camps are nothing but prisons,’ says Professor Gladstone Xavier, a social worker operating among the refugees. ‘The special camp inmates are not allowed to go out of the camp at any time. Only by agreeing to leave the country can they leave.’... At present, more than 72,000 thousand refugees live in over 120 camps across Tamil Nadu. In addition to this, about 22,000 Sri Lankan Tamils are living outside the designated camps. All of them should have registered with the local police.” [9ag]

See also Section 27

[Return to Contents](#)
[Go to list of sources](#)

30. FOREIGN REFUGEES

30.01 As noted in the US State Department (USSD) Report 2006, Sri Lanka:

“The law does not provide for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 protocol. The government has not established a system for providing protection to refugees; however, the government cooperated with the UNHCR and other humanitarian organizations in assisting IDPs and refugees. The government assisted in returning to their homes approximately 40,000 civilians displaced in July and August by military engagement in Muttur. There were no reports of refoulement, the forced return of persons to a country where they feared persecution.” [2c] (Section 2d)

[Return to Contents](#)
[Go to list of sources](#)

31. CITIZENSHIP AND NATIONALITY

- 31.01 As specified on the website of the Department for Immigration and Emigration (accessed on 26 February 2008), ex-Sri Lankans now holding foreign Citizenship or Sri Lankans qualified for grant of Citizenship of a foreign country, who have contributed to the socio-economic development of Sri Lanka are eligible for citizenship. "Provisions were introduced to the Citizenship Act No: 18 of 1948 by the Citizenship (Amendment) Act No: 45 of 1987 for the resumption/retention of Dual Citizenship of Sri Lanka by ex-Sri Lankans/Sri Lankans qualified for grant of foreign Citizenship." [71a]
- 31.02 On 8 March 2004, the Government-controlled *Daily News* reported that a Citizenship (Amendment) Bill had been passed in Parliament. Under the terms of the new legislation, the right of a mother to pass her Sri Lankan citizenship to her child is now identical to that of a father. Hitherto, only a father could pass citizenship to his children. Those over 22 years of age and who have assumed citizenship of another country will be recognised as Sri Lankan citizens upon application made to the Ministry of Interior. Such persons have the option to obtain dual citizenship or may renounce citizenship of the other country and assume Sri Lankan citizenship. [16p] "Changes to regulations under the act have also been recently approved by the Cabinet of Ministers; these changes permit foreign spouses of Sri Lankan women to obtain citizenship on the same basis as foreign spouses of Sri Lankan men. Previously, foreign spouses of male citizens of Sri Lanka were able to obtain citizenship after meeting a one-year prerequisite of residency in the country, while the citizenship or visa applications of foreign nationals married to female citizens of Sri Lanka were considered on a case-by-case basis." (Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 19 September 2006) [32] (p220)
- 31.03 As reported by the *Daily Mirror* (Sri Lanka) on 21 September 2007:
- "The government has decided to amend the Citizenship Act, to enable persons of Indian origin and Sri Lankans who fled to India due to the war situation, to easily obtain Sri Lankan citizenship. 'The Cabinet has decided to amend the act, as refugees who are living in India are not entitled to become citizens of Sri Lanka under the act since they have been living out of the country,' Media Minister Anura Priyadharasana Yapa told the media yesterday. He said that there were about 80,000 Sri Lankans who have fled to India as refugees due to the 1983 July disturbances and the internal conflict which arose thereafter. 'It is now reported that about 28,500 of them are Sri Lankans of Indian origin and some of them have not yet obtained Sri Lankan citizenship,' the minister said. Minister Yapa also said that a considerable number of them are desirous of returning to Sri Lanka, but they have been unable to obtain the required travel document legally to enter Sri Lanka since they do not have Sri Lankan citizenship. The Cabinet of Ministers have given approval to the memorandum submitted in this regard by the Prime Minister." [11o]

IDENTITY CARDS AND TRAVEL DOCUMENTS

- 31.04 The website of the Registration of Persons Department (last accessed on 26 February 2008) specifies what is required in order to apply for identity cards for the first time:

“The applicant should be a lawful resident of Sri Lanka and should have completed [sic] 16 years of age. Documents to be attached with the applications for an identity cards [sic] for the first time. Duly perfected Birth Certificate or presumptive age certificate. If the birth certificate or presumptive age certificate is not available, a nil statement of register of birth and an affidavit should be submitted along with possible documents stated below: School leaving certificate. Baptismal certificate. Copies of children’s birth certificates indicating the birth of application [sic]. Birth extract. Citizenship Certificate (if date of birth is indicated). Estate leaving certificate (if date of birth is indicated). Certified copies of relevant pages in the Passport. Record of birth or registration card issued by estate superintendent...Five copies of colour photographs (1 3/8” x 7/8”). Stamp fees...Documents to be furnished to prove residence. Residential certificate issued by the Grama Niladhari. In the absence of such certificate one or more of the following documents should be produced. Certified extract of the electoral list. Certified copy of monthly statement of bank Accounts. Certified copy of telephone bills. Certified copy of electricity bills. Certified copy of the deed pertaining to the ownership of the land or house. If the house is leased or rented, relevant agreement and receipts for payments of rates. Temporary residents should forward the copy of the letter which provided information to the police along with above documents.” [48a]

- 31.05 The website of the Registration of Persons Department (last accessed on 26 February 2008) also provides details of the documents to be attached to the application for duplicates for lost identity cards:

“Certified copy of the complaint made to the police regarding the loss of the identity card. Birth certificate or alternative documents mentioned in the above section. Certificate of employment, (if employed) obtained within three months. Number of the lost identity card. Stamps to the value of Rs.15.00. Certificate of residence or other documents mentioned in the above section. Five colour photographs (1 3/8” x 7/8”). Documents to prove that the number has been used...When applying for a duplicate of the lost identity card, the very same particulars in the lost identity card should be indicated in the application.” [48b]

- 31.06 On 20 August 2004, the Government-controlled *Daily News* reported that the Secretary of the Public Security Law and Order ministry had visited the Department for Registration of Persons (DRP) and found it in an appalling condition. According to the *Daily News* he was also surprised to learn that identity cards had been issued merely on the production of photocopies of birth certificates while the original certificate should be shown. [16be]

- 31.07 As stated on the website of the Sri Lanka Department of Immigration and Emigration (accessed on 26 February 2008), in Sri Lanka there are five types of travel documents: Diplomatic Passports; Official Passports and Ordinary Passports valid for all countries; Emergency Certificates valid for India and Nepal; Identity Certificates valid for All Countries issued to a person living in Sri Lanka, whose nationality is not established and Non Machine Readable Passports issued by Sri Lanka Missions abroad under special circumstances. “If Travel Document is lost a complaint should be made at the nearest Police Station and with a certified copy of the entry the matter has to be informed to the issuing authority. This document is required when applying for a new Travel Document in place of a lost one.” [71b]

- 31.08 As stated on the website of the Sri Lanka Department of Immigration and Emigration (accessed on 26 February 2008):

“Following are punishable offences. If found guilty upon prosecution imprisonment from 6 months to 5 years and a fine of Rs. 50,000 to Rs. 200,000 can be imposed. Submission of falsified or forged document/s to obtain a Travel Document. Applying for a Travel Document while in possession of such a document and / or possession of more than one valid Travel Document at a time. Despatch of a Sri Lanka Travel Document through the post, courier or another person from / to Sri Lanka without the prior approval of the Controller. For approval written request [in duplicate], Courier letter [in duplicate] and the Passport should be forwarded to the 3rd floor #41 Ananda Rajakaruna Mw Colombo 10 Sri Lanka.” [71b]

- 31.09 As announced on the website of the Official Government News Portal of Sri Lanka on 31 October 2007:

“The Department of immigration and emigration issues about 2000 to 2500 passports a day...In order to reach the out station passport seekers more conveniently the Department has been decentralized with three provincial centers at Anuradhapura, Kandy and Matara. Passports could be obtained at these points under the normal issuing scheme, within five days on the payments of the required fee, mentioned Commissioner of Immigration and Emigration P.B.Abeykoon. There is provision to obtain a passport within 24 hours on the payment of a special fee, otherwise it takes about ten working days to obtain a new passport...The Bribery Commission, the CID and Foreign Employment Bureau were cooperating with the Department in the prevention of forged documents being submitted for passports and visas and the Department had the authority to deactivate any passport issued at any time.” [10b]

- 31.10 A letter from the BHC, Colombo, dated 25 January 2008, reported that:

“The Sri Lankan Department of Immigration and Emigration are introducing a new ‘N’ series passport later this month [January 2008], which contains more safeguards. Several years ago, the Government introduced a ‘same day issue’ service for passport applications. This has proved excellent value for LKR 7,500 (£35), so much so that it is estimated that 85% of all issues are by this process and it is alleged that they can process up to 1000 applications per day. The success of this service has however degraded the issue of the documents. The ALO [the UK Airline Liaison Officer] states that she can identify a ‘same day issue’ passport at a glance, as the speed at which they are issued result in laminates being applied to the details page before the ink is dry, which actually ruins some of the safeguards. Furthermore, in order to meet the deadline, checks are not conducted into the veracity of the supporting documents.” [15f]

- 31.11 The BHC letter of January 2008 further noted:

“Unfortunately, passports are only as good as the issuing officers, or the base documents supplied to support the passport application. Whilst safeguards may reduce the risk of forgery, they do not eradicate the possibility of documents being fraudulently obtained. The government website

(www.immigration.gov.lk/html/passports) lists the documents required to accompany a passport application are: an application form, 3 colour photographs, an original birth certificate, personal identity card and a previous travel document if applicable. The Registration of Person's Department website (www.rpd.gov.lk) states that the National Identity Card is 'the sole document that establishes the identity of persons'. It is unfortunate therefore that the issue of an identity card is based mainly on the production of a birth certificate." [15f]

- 31.12 "There are measures that the government is taking to address registration issues. The website of the Registrar General's Department (www.rgd.gov.lk) indicated that there are obvious problems in persons registering. On 14th November [2007] they announced that an 'island wide' mobile service would be available for the registration of births, marriages and deaths to facilitate people who have still not obtained their birth, marriage or death certificates. On 2nd January 2008 the same website heralded an E-Population Registry Project aimed at 'providing every citizen a unique identification number at birth which will store basic information about the individual and will be updated at important occasions of an individuals [sic] life'". (BHC Letter, dated 25 January 2008) [15f]

See also Sections: 18, 29 and 32

Return to Contents
Go to list of sources

32. EXIT/ENTRY PROCEDURES

32.01 As noted in a report by the Government-controlled *Daily News* published on 25 June 2004, according to a former Assistant Controller of the Immigration and Emigration Department, the Immigration and Emigration Section at the [Colombo] Bandaranaike International Airport had sophisticated equipment and ultraviolet scanning to detect forged passports. He added that a birth certificate was a very vital document for the issue of a passport and that the application form to obtain a passport should be filled in using the applicant's own handwriting. He also said that all particulars in a passport were fed into the computer system and the person who was in charge of the computer placed his signature on the documents of the passport. Furthermore, the embarkation and disembarkation forms should be filled in by the passport holder and that those forms are retained by the Immigration and Emigration authorities at the airport. [16bj]

32.02 On 15 April 2004, the Government-controlled *Daily News* reported, that the Criminal Investigations Department (CID) was probing a massive racket at the Bandaranaike International Airport [Colombo] where several persons had left the country on forged passports.

"Investigations reveal that an organised gang with the assistance of several employees at the BIA have assisted persons with forged passports to leave the airport without their details being included in the computers of the Immigration and Emigration Department. A senior investigator said that these organised gangs used a method to avoid the 'Ghost Image' on the passport to go through the normal immigration channel. The gangs' modus operandi was to get the 'facilitator' introduce the passenger to a minor employee at the BIA and direct the passenger to the counter with the minor employee. The forged passport holder acts according to instructions of the "facilitator" and goes through the Immigration barrier with the normal stamping on the passport.... It was revealed that earlier there was an officer of the National Intelligence Bureau (NIB) sitting next to the Immigration and Emigration Officer at the BIA counter. But during the recent past there has seen no NIB officer next to the Immigration Officer." [16bj]

32.03 As recorded by the Immigration and Refugee Board (IRB) of Canada in their 'Responses to Information Requests (RIRs) LKA102359.E', dated 22 December 2006:

"According to 19 December 2006 correspondence sent to the Research Directorate by an official at the Canadian High Commission in Colombo, the Sri Lankan authorities do not systematically collect statistics concerning the prevalence of forged identity documents such as passports, visas, birth certificates, marriage certificates and death certificates...An article in the November 2006 issue of the Colombo-based magazine *Adoh* reports on the prevalence of human trafficking, forged travel documents and corruption among Sri Lankan authorities. The article, written by an investigative journalist, indicates that government officials and airport security are reportedly bribed to allow persons to depart Sri Lanka using forged documents (*Adoh* Nov. 2006, 7). According to the article, forged visa stickers are often used to leave Sri Lanka illegally and can be purchased at a cost ranging from 3,000 Sri Lankan rupees (LKR) [approximately CAD 32 (XE.com 20 Dec.

2006a)] to LKR 12,000 [approximately CAD 128 (ibid. 20 Dec. 2006b)] (Adoh Nov. 2006, 7). The article also notes that forged passports can be purchased from officials at Sri Lanka's Immigration and Emigration Department for a sum ranging from LKR 20,000 [approximately CAD 214 (XE.com 20 Dec. 2006c)] to 25,000 LKR [approximately CAD 267 (ibid. 20 Dec. 2006d)], more than 10 times the regular passport fees (Adoh Nov. 2006, 8).” [42c]

32.04 The IRB document of 22 December 2006 continued:

“In correspondence sent to the Research Directorate, the Official at the Canadian High Commission in Colombo stated that [f]orged visas are routinely identified by foreign control authorities or airlines at Colombo airport and at transit or destination points connected with Sri Lanka. [It is estimated] that hundreds of persons with some type of forged document are moved monthly through Colombo Airport by criminal syndicates. (Canada 19 Dec. 2006)... According to a Bernama Daily Malaysian News article, in April 2006, Colombo International Airport launched a new fraud detection unit to prevent passengers using forged travel documents from boarding flights (28 Apr. 2006). Correspondence from an official at the Canadian High Commission in Colombo indicates, however, that travel using forged documents continues to increase (Canada 19 Dec. 2006). The Official stated that [f]rom discussions with Gulf state immigration authorities and visa offices using biometrics in Colombo, the identification of improperly issued genuine Sri Lankan documents is growing significantly. This is most visible at the airport by the ever increasing numbers of same day deportees from Gulf States [that use] biometrics on arriving prospective foreign workers. The deportees are invariably those who [have] obtained a passport in a new identity. (ibid.) [42c]

32.05 The IRB document of 22 December 2006 further recorded that:

“The Official [at the Canadian High Commission in Colombo] also indicated that it was possible to obtain valid travel documents and National Identity Cards (NICs) by fraudulent means (ibid.). The Official noted that [a]ccording to sources with knowledge of such matters, forged birth certificates can be acquired for as little as USD 5.00, while genuine, but improperly issued birth certificates can be acquired for as little as USD 20.00 each. With these types of birth certificates, genuine NICs can be issued and afterwards genuine passports. (ibid.)...In 19 December 2006 correspondence, the Official at the Canadian High Commission in Colombo provided information concerning the security features of identity documents. The Official stated that [t]here are no security features in Sri Lankan birth, marriage or death certificates. The Sri Lankan passport contains various security features which, to our knowledge, have not been made public. Sri Lankan seals, visas and foreign visas issued to Sri Lankans do contain a variety of security features which, to our knowledge, have not been made public. (Canada 19 Dec. 2006).” [42c]

32.06 In January 2008, the BHC, Colombo, commenting on the information provided by the IRB that forged and improperly issued birth certificates could be acquired for between US\$5 - \$20 stated that “There is nothing to suggest that this is still not the case.” [15f]

32.07 A letter from the BHC, Colombo, dated 25 January 2008, reported that:

"The UK Airline Liaison Officer (ALO) spends several days a week at Bandaranaike International Airport (BIA), Colombo. She has provided the following information regarding security/embarkation procedures: There are security checks and searches conducted on persons arriving at the airport terminal building. Furthermore, there are ticket checks before persons are allowed into the check-in area. However, persons other than passengers can obtain entry to this area if they obtain a 'day pass', which are issued and recorded manually in a register. There appears to be no strict criteria for who actually qualifies for these passes. Following check-in, passengers have to go through further security checks and an immigration embarkation control. There is then a further gate check conducted and hand baggage is searched, although, this is dependent on individual airlines. The ALO expressed concerns about the quality of the staff conducting screenings and searches and the amount of training that they had received. Also, she queried the accuracy of the metal detectors that appeared to be calibrated differently from day to day. Although she had no evidence to suggest that boarding card switches were taking place, she was perturbed by the number of non-passengers appearing at the departure gate. These regularly included off-duty staff members, cleaners, and members of the military and police. Also, members of staff routinely escort passengers joining connecting flights within the terminal. Since an incident involving a senior staff member at BIA in October 2007 (see below), staff had been instructed not to escort persons through security and immigration controls. In reality however, it appeared that nothing had changed. Both the UK and Germany have ALOs who regularly attend BIA. Canada, Australia and the US have compliance officers who occasionally attend. All attempt to influence the Airport & Aviation Authority, and the Department of Immigration & Emigration with regard to embarkation and security procedures." [15f]

- 32.08 "On 24th October 2007 the UK ALO carried out a gate check on embarking passengers bound for London. She identified two Sri Lankan Tamils who presented forged documentation to her. The two men were as a result detained by the Criminal Investigations Department (CID) at the airport and questioned. They disclosed that they had paid two hundred pounds to Mr Shalitha Wijesundera, the Deputy Chairman of the Airport and Aviation Authority of Sri Lanka, who had facilitated their clearance through the immigration control and told them to wait in the Lotus Lounge until their flight was called. CID was conducting enquiries into the incident and Mr Wijesundera had been asked to tender his resignation. (Source: ALO and The Sri Lankan Sunday Times - 28th October 2007) The ALO has advised that Mr Wijesundera has neither resigned, nor been convicted of any offences." (Letter from the BHC, Colombo, 25 January 2008) [15f]

[Return to Contents](#)
[Go to list of sources](#)

TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

- 32.09 On 21 March 2002, a Home Office delegation was told in a meeting in Sri Lanka with the Director of the CID that "There are computerised records in the South of the country only. Details of arrests etc. are sent from the North of the country, and are then transferred to computer. Paper-based records are held

in the North. There are no photographs of wanted persons at the airport, only computerised records.” [35b] However, a letter from the BHC, Colombo dated 25 January 2008, noted that “The BHC Risk Assessment Officer has recently visited the headquarters of CID in Colombo, and the ALO [Airline Liaison Officer] works closely with CID at Bandaranaike Airport. Both RAO and ALO recall that they have never seen any CID officers use a computer, and comment that neither their HQ nor airport offices has computers installed. The ALO added that CID officers at the airport record details in a notebook, whilst the RAO stated that officers in Colombo had typewriters on their desks.” [15f] The BHC Colombo had previously reported that “The Sri Lankan authorities have a good IT system to track arrivals and departures at the main airport and are able to track, in most cases, whether an individual is in the country or not. (Letter from the BHC Colombo dated 24 August 2006) [15h]

- 32.10 As reported on the official website of the Government of Sri Lanka on 7 June 2004:

“Sri Lanka signed a Readmission Agreement with the European Community (EC) June 4, in Colombo. This is the first formal Agreement Sri Lanka has entered into concerning the combating of illegal immigration. The Agreement provides a quick procedure for re-admission not only for one’s nationals, but also third country nationals, on the basis of agreed items listed in the Agreement. The Joint Declaration on the Facilitation of Law Enforcement Cooperation, which constitutes an integral part of the Agreement, recognizes the need for the two parties to take measures to combat organized criminal activities, including human trafficking, migrant smuggling and financing for terrorist purposes, which have become grounds for growing concern.” [44d]

- 32.11 A UNHCR position paper entitled ‘Returns of Tamil Asylum Seekers with scars’ dated 1 January 2005, stated:

“UNHCR maintains its position...that ‘Tamil asylum seekers with scars, should they be returned to Sri Lanka, may be more prone to adverse identification by the security forces and taken for rigorous questioning and potential ill-treatment’...Please note that UNHCR’s comments are strictly limited to the risk of adverse identification, rigorous questioning, and potential ill-treatment of returned persons with scars upon their arrival at the airport, not the potential risk of arrest subsequent to the initial interrogation at the airport.” [6r]

- 32.12 As noted in a letter from the British High Commission in Colombo, dated 26 September 2005:

“We have spoken to the International Organisation of Migration locally about returns. They say that to their knowledge most returns are detained briefly and then released to their families. Our Airline Liaison Officer has contacted the Canadian, Australian and German Missions here, to ask about their experiences with returns. All of their experiences are similar. In August [2005] a charter plane returned approximately 40 failed asylum seekers from Germany. The Sri Lankan Police (CID) have told us that these were processed by them ‘in a few hours’. In general, the Sri Lankan Immigration services and CID are informed in advance of the passenger’s arrival. The passenger is handed over to Immigration who briefly interview them and then hand them to CID. In most cases a record is kept by both of the returnees arrival and they are then allowed to proceed. Usually family are at the airport

to meet them. In a few cases CID have detained people where there was an existing warrant for their arrest when they left Sri Lanka. DII (Directorate of Internal Intelligence) may also have an interest in these individuals and keep records on them. There is no reason to think that they have any information regarding asylum claims in the UK or elsewhere. There does not appear to be any involvement in the process by the Sri Lankan Army.” [15d]

32.13 The letter from the BHC of 26 September 2005 continued:

“The role of scarring is extremely difficult to assess, I have not found any detailed reports, but anecdotal evidence is that it can play a part in rousing suspicion. The key issue is not what triggers suspicion, but how suspects are treated. Membership of the LTTE and fundraising for the organisation are no longer criminal offences in Sri Lanka (although they are in the UK) so even if the authorities acted on their suspicion Sri Lankan law gives them limited powers to act. Unarmed members of the LTTE are permitted to operate in government areas under the 2002 ceasefire agreement.” [15d]

32.14 A letter from the BHC in Colombo, dated 24 August 2006, noted that:

“There is strong anecdotal evidence that scarring has been used in the past to identify suspects. In my own conversations with the police and in the media the authorities have openly referred to physical examinations being used to identify whether suspects have undergone military style training. A UK based member of staff who was present during the processing of two recent returns at Colombo airport on 04/08 and 23/08 [2006] reported however that no such examinations took place, and that the returnees, both ethnic Tamils from the north of Sri Lanka were able to make onward journeys with little delay. His observations support more recent claims from contacts in government ministries that this practice has either ceased or is used less frequently. At the very least it appears to only take place when there is another reason to suspect the individual rather than a routine measure for immigration returnees.” [15h]

32.15 The letter from the BHC Colombo dated 24 August 2006 continued:

“Our own experience of the return of failed asylum seekers and the shared information of other missions, particularly the Canadians, and the International Organisation of Migration is quite clear. As we have reported earlier [26 September 2005] the vast majority are questioned for a short period of time to establish identity and possibly on security issues and then released. Normally only when there is an outstanding arrest warrant are individuals detained for longer periods.” [15h]

32.16 As recorded by the Immigration and Refugee Board (IRB) of Canada in their Responses to Information Requests (RIRs) LKA102038.E, dated 22 December 2006:

“In 19 December 2006 correspondence to the Research Directorate, an official at the Canadian High Commission in Colombo provided corroborating information [with regards to the letter from the British High Commission in Colombo dated 26 September 2005] on the return of failed asylum seekers to Sri Lanka, stating that ‘[r]eturnees, if identified to the airlines as such by immigration authorities who are removing them to Sri Lanka, have an

established process awaiting them upon arrival. First, the Chief Immigration Officer (arrivals) documents the arrival of the person, takes a statement, and determines whether the returnee should be granted entry as a Sri Lankan national. Next an officer of the State Intelligence Service (SIS) documents the arrival and takes a statement. Finally, an officer of the Criminal Investigation Department (CID) of the Sri Lanka Police documents the arrival, checks for outstanding warrants and takes a statement. If there is an outstanding warrant for arrest, the returnee may be arrested. Otherwise, the returnee is free to go.” [42b]

32.17 The IRB LKA102038.E of 22 December 2006 further recorded that:

“An October 2006 report published by Hotham Mission's Asylum Seeker Project (ASP), an Australian non-governmental organization (NGO) that ‘works with asylum seekers in the community’ (Hotham Mission n.d.), similarly notes that persons returning to Sri Lanka who have had previous problems with the government of Sri Lanka may be detained by the police upon their arrival (47). According to the report, persons who have been detained or questioned in the past are more likely to be arrested and, because of the state of emergency and ongoing conflict in the country, ‘may face further human rights violations, such as torture’ (Hotham Mission Oct. 2006, 47). The report also notes that Sri Lanka's National Intelligence Bureau keeps records on people dating back more than ten years and, since 2004, has been using a national computerized database (ibid.).” [42b]

32.18 “The October 2006 Hotham Mission report cites information obtained during consultations with the Sri Lanka Monitoring Mission (SLMM), a body of international observers that monitors the ceasefire agreement between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) (SLMM n.d.), concerning the return of failed asylum seekers (47). The SLMM indicates that if a person returning to Sri Lanka has any previous affiliation with the LTTE, they may be targeted by the police (ibid.). The organization also notes that if a person has previous affiliations to certain individuals or political groups, they may be targeted by the LTTE (ibid.). The SLMM provides the example of persons who have been members of the People's Liberation Organisation of Tamil Eelam (PLOTE), an inactive Tamil militant organization (SATP n.d.), who were still being targeted by the LTTE in Sri Lanka at the time the Hotham Mission report was published (Hotham Mission Oct. 2006, 47).” (Immigration and Refugee Board (IRB) of Canada, LKA102038.E, 22 December 2006) [42b]

32.19 An Amnesty International statement of 17 August 2007 noted that the police Criminal Investigations Division (CID) in Colombo was holding incommunicado three ethnic Tamils who had been arrested on arrival to Sri Lanka after their asylum application in Thailand had been refused by UNHCR. The three men were thought to have been detained on suspicion of having links with the LTTE because they had served prison sentences in Thailand for illegal possession of firearms and were believed by AI to be in ‘grave danger of torture’. [3h]

32.20 A letter from the BHC, Colombo, dated 25 January 2008, noted that “The Government of Sri Lanka’s decision to abrogate the ceasefire agreement will reduce further the provision [of] information regarding the treatment of returnees. Ceasefire monitors from Norway and the Sri Lankan Monitoring

Mission (SLMM) will have no further role and will be unable to provide any information regarding returnees.” [15f]

- 32.21 “The International Organisation for Migration (IOM) have advised the High Commission that whilst they monitor the persons who return from the UK under the Voluntary Assisted Return Programme (VARP) for up to 2 years, they do not monitor those who are forcibly returned. I was advised that even amongst the VARP returnees there were 2 cases in the last year where individuals have been arrested and detained. The first was a young Tamil male from Jaffna who was going through a reintegration programme in Colombo. Some 6 months after his return, he was stopped at a police checkpoint and detained, as he could provide no evidence of family in the capital. He was held at Boossa prison for one month before release, but is now back in the reintegration programme. The 2nd case also involved a Tamil male who was in the reintegration programme in Colombo. The circumstances of his arrest were somewhat different in that he had travelled to India on forged documentation and was apprehended by CID on his return to Colombo and detained. It could therefore be argued that there might have indeed been justification for this.” (BHC letter, 25 January 2008) [15f]
- 32.22 “IOM have also become involved with returnees who have forcibly been removed from the UK, providing post-arrival assistance. Ostensibly, this is to provide travel assistance to a chosen address. At time of writing IOM had been notified of 32 potential removals under this arrangement, of which they received only 8 returnees. Whilst a majority of the ones that did not arrive undoubtedly earned last minute reprieves in the UK by one means or another, IOM could not be 100% certain that some were not detained on arrival at Colombo Airport. IOM are under instructions not to approach these returnees until they have gone through all of the arrival procedures. FCO Migration Directorate has recently installed a Migration Delivery Officer at the High Commission in Colombo. His role will include liaison between the UK Border & Immigration Agency, the Sri Lankan Department of Immigration & Emigration and IOM, and will assist in the monitoring of such persons following their removal from the UK.” (BHC letter, 25 January 2008) [15f]

See also Section 12 on Bail/Reporting conditions

[Return to Contents](#)
[Go to list of sources](#)

33. EMPLOYMENT RIGHTS

33.01 As noted in the US State Department Report 2006 (USSD), Sri Lanka:

“The government respected the legal right of workers to establish unions, and the country has a strong trade union tradition. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views, but in practice such rights were subject to administrative delays. Nonetheless, approximately 20 percent of the seven-million-person work force nationwide and more than 70 percent of the plantation work force was unionized. In total, there were more than one million union members. Approximately 15 to 20 percent of the nonagricultural work force in the private sector was unionized. Unions represented most workers in large private firms, but workers in small-scale agriculture and small businesses usually did not belong to unions. Public sector employees were unionized at very high rates.” [2c] (Section 6a)

33.02 “Most large unions were affiliated with political parties and played a prominent role in the political process, although major unions in the public sector were politically independent. The Ministry of Employment and Labor is authorized by law to cancel the registration of any union that does not submit an annual report, the only grounds for the cancellation of registration. Employers found guilty of discrimination must reinstate workers fired for union activities but may transfer them to different locations. Anti-union discrimination is a punishable offense liable for a fine of \$166 (20,000 SLR).” (USSD 2006) [2c] (Section 6a)

33.03 “The law provides for the right to collective bargaining; however, very few companies practiced it. Approximately 50 companies belonging to the Employers' Federation of Ceylon (EFC), the leading employers' organization, had collective agreements. All collective agreements must be registered at the Department of Labor. Data on the number of registered collective agreements were not available. More than half of EFC's 435-strong membership was unionized. All workers, other than police, armed forces, prison service, and those in essential services, have the right to strike. By law, workers may lodge complaints with the commissioner of labor, a labor tribunal, or the Supreme Court to protect their rights. The president retains the power to designate any industry as an essential service.” The law prohibits retribution against strikers in nonessential sectors; however, in practice employees were sometimes fired for striking.” (USSD 2006) [2c] (Section 6b)

33.04 “While there is no national minimum wage, 38 wage boards established by the Ministry of Labor set minimum wages and working conditions by sector and industry. These minimum wages did not provide a decent standard of living for a worker and family. The law prohibits most full-time workers from regularly working more than 45 hours per week (a 5½-day workweek). Regulations limited the maximum overtime hours to 15 per week. Several laws protect the safety and health of industrial workers, but the Ministry of Labor's small staff of inspectors was inadequate to enforce compliance. Health and safety regulations do not meet international standards. Workers have the statutory right to remove themselves from dangerous situations, but many workers were unaware or indifferent to such rights and feared that they would lose their jobs if they removed themselves from the work situation.” (USSD 2006) [2c] (Section 6e)

[Return to Contents](#)
[Go to list of sources](#)

Annex A: Chronology of major events

See also Annex B

- 1948** Ceylon gains independence from the United Kingdom.
- 1956** Sri Lanka Freedom Party wins the general election; Solomon Bandaranaike becomes Prime Minister.
- 1959** Bandaranaike is assassinated. His widow Sirimavo Bandaranaike succeeds him as SLFP leader and Prime Minister.
- 1972** The country becomes known as Sri Lanka.
- 1976** The Liberation Tigers of Tamil Eelam (LTTE) are formed
- 1977** General election is held, won by the UNP. Junius Jayawardene becomes Prime Minister. Civil unrest between Sinhalese and Tamils.
- 1978** New Constitution of the Democratic Socialist Republic of Sri Lanka comes into force.

Jayawardene becomes the country's first executive President. The Tamil language is recognised in the Constitution.
- 1979-1984** Continuing ethnic violence; State of Emergency and mounting Tamil terrorist activity.
- 1985** First attempt of peace talks between the Government and the LTTE fails
- 1986** Violence in the north of Sri Lanka and bomb attacks in Colombo.
- 1987** **29 July:** Indo-Sri Lankan peace accord signed. Indian Peace Keeping Force (IPKF) arrives.
October: IPKF attack the LTTE and regain control of Jaffna. Re-emergence of the JVP which launched an anti-accord campaign.
- 1988** Presidential elections won by the UNP candidate, Ranasinghe Premadasa.
- 1989** State of Emergency, in force since May 1983, repealed. The UNP win the February general elections. IPKF begins its withdrawal from Sri Lanka. State of Emergency re-imposed in June in response to renewed JVP violence.
- 1990** **March:** the last troops of the IPKF leave Sri Lanka. LTTE hostilities renewed and Government offensive launched against Tamil strongholds in the Jaffna peninsula.
- 1991** Further violence and bomb attacks. Assassination of the senior cabinet minister, Wijeratne.
LTTE proscribed in India following the assassination of Rajiv Gandhi, the former Indian Prime Minister.

- 1993** Assassination of President Premadasa killed in LTTE bomb attack.
- 1994** **16 August:** General election and defeat of UNP Government. Chandrika Bandaranaike Kumaratunga appointed Prime Minister, leading the People's Alliance (PA).
9 November: Presidential election. Mrs Kumaratunga is elected, and her mother, Sirimavo Bandaranaike, is appointed Prime Minister.
- 1995** Peace talks held with the LTTE, but they soon break down. Major offensives launched in the Jaffna peninsula and the town of Jaffna is recaptured by the Government.
- 1998** **26 January:** The Government bans the LTTE after a bomb attack on the Temple of the Tooth in Kandy.
4 August: State of Emergency imposed on the whole country
- 1999** **November:** Heavy fighting between LTTE and Government forces. Hundreds killed and LTTE recaptures territory previously lost.
December: President Kumaratunga survives an assassination attempt and is re-elected President three days later.
- 2000** **April-May:** LTTE capture the strategic Elephant Pass and close in on Jaffna.
May-September: The Sri Lankan Army prevent the LTTE from capturing the whole of the Jaffna peninsula and go on the offensive.
10 October: General Election held. The PA retains power but falls short of a majority. The PA forms a coalition Government after support from the EPDP and NUA. Ratnasiri Wickremanayake is sworn in as Prime Minister for a second term, having replaced Mrs Bandaranaike in August 2000.
21 December: The LTTE announces a unilateral month-long cease-fire from midnight of 24 December.
- 2001** **28 February:** The LTTE are among 21 militant groups proscribed in the United Kingdom.
23 April: The LTTE announce the end of their four-month cease-fire, blaming the Government for the failure of peace efforts.
July: The Emergency Regulations (ERs) are lapsed.
24 July: The LTTE attack Katunayake Air Force Base and the adjacent Bandaranaike International Airport. 14 LTTE cadres and 7 military personnel are killed, and military aircraft and passenger planes destroyed.
July-September: President Kumaratunga suspends Parliament after the PA coalition loses its majority.
5 December: General Election held. The UNP obtains 109 seats, thereby defeating the ruling PA who come second with 77 seats. As leader of the UNP, Ranil Wickremasinghe becomes Prime Minister with Chandrika Kumaratunga continuing as President.
24 December: The Sri Lankan Government announces a month-long cease-fire, reciprocating an earlier unilateral declaration by the LTTE.
- 2002** **February:** Sri Lankan Government and LTTE sign a cease-fire agreement with the mediation of Norway. Government lifts ban on LTTE who in turn drop their demand for a separate state.
April: The strategic A9 highway is opened for the first time in 12 years, linking the Jaffna peninsula with the rest of the country.

July: Another vital road opens, the A5 connecting Kandy with Batticaloa, which had been closed since 1995.

4 September: The Government lifts the ban on the LTTE, which had stood since 1998.

16-18 September: The first formal peace talks for seven years between the Sri Lankan Government and the LTTE take place in Thailand.

3 November: Second round of peace talks

November: Velupillai Prabhakaran states that the LTTE were ready to drop their long-standing demand for independence, and would settle for provincial autonomy and self-rule in Tamil-dominated areas in the east and north. However he warned that the Tamils would resume their struggle for a separate state if a political solution could not be reached in the ongoing peace process.

December: At the end of the third round of peace talks it is announced that the two sides had agreed to share power in a federal system. They had agreed on "internal self-determination based on a federal model within a united Sri Lanka".

2003 April: The LTTE suspend participation in the peace talks

November: The LTTE released their proposals for an Interim Self-Governing Authority (ISGA).

President Kumaratunga suspends Parliament and dismisses the ministers of defence, interior and mass communications and assumes those portfolios herself because of what the President termed a "deterioration of the security situation" during the course of the peace process.

2004 February: President Kumaratunga dissolves Parliament paving the way for snap elections, four years ahead of schedule.

March: Renegade Tamil Tiger commander, known as Colonel Karuna, leads split in rebel movement and goes underground with his supporters. The LTTE regain control of the east with a short offensive.

2 April: Early general elections held. Coalition led by President Kumaratunga (UPFA) wins 105 of 225 parliamentary seats, falling short of overall majority. M. Rajapakse sworn in as prime minister a few days later.

April: President Kumaratunga invites Norway to resume its role as a negotiator between the Government and the LTTE.

7 July: Suicide bomb blast in Colombo, the first such incident since 2001

26 July: Norwegian deputy foreign minister V. Helgesen states he had failed to achieve a breakthrough in the stalled peace talks.

26 December: More than 30,000 people killed when massive waves, generated by a powerful undersea earthquake (Tsunami) off the coast of Indonesia, devastate coastal communities in the North, East, South and South West. Hundreds of thousands forced from their homes. National disaster is declared by Government.

2005 June: Deal reached between the Government and the Tamil Tiger rebels to share nearly \$3bn in tsunami aid among Sinhalas, Tamils and Muslims (a.k.a. P-TOMS). Marxist party JVP pulls out of coalition in protest. A subsequent Constitutional Court ruling in July suspends the application of the P-TOMS

August: State of Emergency is declared after foreign minister Lakshman Kadirgamar is assassinated.

November: Mahinda Rajapakse, at the time prime minister, wins presidential elections.

- 2006**
- February:** At talks in Geneva, GOSL and Tamil Tiger rebels declare their respect for the 2002 ceasefire.
- April:** Explosions and rioting in Trincomalee. The main military compound in Colombo is attacked by a suicide bomber (at least eight people are killed). The army launches air strikes on Tamil Tiger targets.
- June:** 64 people are killed in a mine attack on a bus in Anuradhapura district. A few days later, more than 30 people are killed in a battle between Government forces and Tamil Tiger rebels in the Mannar district.
- August:** Clashes between Tamil Tiger rebels and Government forces in the north-east, considered the worst fighting since the 2002 ceasefire. Hundreds of people are killed and the UN says tens of thousands have fled.
- September:** The Government says it has captured Sampur (in the Trincomalee district) in an action seen as the first major capture of enemy territory by either side since the 2002 ceasefire.
- October:** A suicide bomber attacks a military convoy, killing more than 90 sailors. The southern city of Galle is attacked by Tamil Tigers. Peace talks resume in Geneva but fail over the LTTE's demand that the Government re-open the key A9 highway.
- November:** Prominent Tamil MP Nadarajah Raviraj, a former mayor of Jaffna, is shot dead in Colombo by gunmen.
- December:** the Government announces revised though emergency regulations.
- 2007**
- January:** After weeks of heavy fighting the military announces the capture of the Tamil Tiger stronghold of Vakarai, in the east. Tens of thousands of civilians flee the area. President Rajapakse's Government secures a parliamentary majority after 25 opposition MPs defect to its ranks.
- March:** Government troops claim continuing success against the Tamil Tigers rebels in coastal areas in the east. Thousands of civilians flee the fighting. Tamil Tigers launch their first air raid, hitting a military base next to the Katunayake Colombo international airport.
- June:** Police evict hundreds of Tamils from lodges in Colombo, citing security concerns, but the Supreme Court orders an end to the expulsions.
- July:** Government declares it has gained control of Thoppigala – the LTTE's last jungle stronghold in the east.
- 22 October:** The LTTE launch a joint ground and air attack against the Government air force base at Anuradhapura, resulting in the destruction of eight aircraft. 20 members of the 'Black Tigers' suicide squad were reported killed with 9 victims from the Government forces.
- 2 November:** The leader of the Tamil Tiger rebel political wing S.P. Thamilselvan is killed in a raid by the Sri Lanka Air Force.
- 2008**
- 1 January:** Main opposition United National Party (UNP) MP T. Maheshweran is shot dead in a Hindu temple in Colombo.
- 2 January:** the Government decides to abrogate the six-year-old ceasefire agreement (CFA) with the Tamil Tigers.
- 8 January:** Nation Building Minister D.M. Dassanayake is killed by a roadside bomb planted by suspected Tamil Tiger rebels, 19 km north of Colombo.
- 16 January:** the CFA officially ends.

[Return to Contents](#)
[Go to list of sources](#)

Annex B: Timelines

SATP (SOUTH ASIA TERRORISM PORTAL) SRI LANKA TIMELINE FOR THE PERIOD 1 – 28 JANUARY 2008)

The section of the SATP (South Asia Terrorism Portal) Sri Lanka timeline reproduced below covers the period 1 – 28 January 2008

<http://www.satp.org/satporqtp/countries/shrilanka/timeline/index.html> [37c]

- January 1 The UNP Member of Parliament, T. Maheshwaran, was shot at and injured by suspected 'pistol gang' cadres of the LTTE while he was offering prayers inside Sivam Kovil (Temple of Lord Shiva) at Kotahena in the capital Colombo. The Parliamentarian, however, succumbed to his injuries. One of the nine more civilians wounded in the incident also died of his injuries. The Kotahena police claimed that the suspect, a resident of Gurunagar in Jaffna, was shot at and injured in retaliatory fire by Maheswaran's security personnel and is under police custody.
- The Defence Secretary Gotabhaya Rajapaksa said that the LTTE is under pressure due to a sharp decline in recruiting cadres and acute shortage of arms and ammunition.
- January 2 The Sri Lanka government decided to withdraw from the CFA with the LTTE. At the Cabinet meeting, Prime Minister Ratnasiri Wickremanayake proposed to annul the CFA, signed in February 22, 2002, between then United National Front government and the LTTE, government spokesperson Minister Keheliya Rambukwella said. "The Government decided to officially withdraw from the Ceasefire Agreement since it is futile to continue with the Ceasefire with no indication that LTTE is willing to enter the peace path," the Minister said, adding further, "The Ceasefire has been violated by the LTTE more than 10,000 times. The Cabinet decision will be put into practice by using the terms and conditions of the Ceasefire Agreement itself."
- Four persons were killed and over 20 injured in a powerful bomb blast in Colombo. The Defence Ministry said the blast which occurred at about 9:30am opposite the Nippon Hotel, targeted an army bus carrying soldiers.
- At least 10 LTTE militants were killed and 30 others injured when troops launched two separate attacks on a LTTE bunker line at Kilaly in the Jaffna district. Two soldiers were also killed and six others sustained injuries during the exchange of fire. Five LTTE bunkers were destroyed in the incident.
- Troops entered the LTTE bunker lines in the Vaiyaththukulam area of Vavuniya district and killed four militants. While one soldier was injured in the encounter, the troops destroyed one bunker.

In the Umayaratuvarankulam area of Vavuniya district, troops destroyed a LTTE bunker, killing four militants.

The LTTE militants lobbed a hand grenade at a STF foot patrol in the Thirithilana area of Ampara district without causing any fatalities. The STF retaliated and killed three militants.

January 3

At least six LTTE militants were killed and more than a dozen injured when troops stormed the outfit's bunker line at Pallikuli, west of Adampan, in the Mannar district. One of the seven soldiers wounded in the incident later succumbed to his injuries. Six LTTE bunkers were completely destroyed by the troops.

Troops in the Pallikkulam area of Vavuniya district launched an attack on a LTTE bunker line and completely destroyed one bunker, killing four militants while injuring another. Four soldiers also sustained injuries in the incident.

Troops observed an infiltration attempt of the LTTE militants into the security forces held areas west of Palamoddai in the Vavuniya district and launched counter fire killing at least four militants.

The government's decision to abrogate the CFA was based on a policy decision and the doors are yet wide open for a peaceful and negotiated political solution to the ethnic conflict, said Cabinet spokesperson and Media and Information Minister Anura Priyadarshana Yapa.

The government officially conveyed to Norway its decision to pull out of the CFA. Foreign Minister Rohitha Bogollagama handed a letter to Norwegian Ambassador Tore Hattrem, saying that the government was withdrawing from the agreement.

January 4

Six LTTE militants were killed in separate encounters Vavuniya and Mannar.

Six LTTE militants were killed after troops stormed the outfit's bunker line in the Nagarkovil and Muhamalai areas of Jaffna district. Four soldiers were injured during the encounter.

Three LTTE cadres were killed during an armed clash between troops and militants in the Mullikulam area of Mannar district.

January 5

Chief of the "Liberation Tigers Military Intelligence", self-styled Col. Charles a.k.a. Shanmuganathan Ravishankar, was killed in a "random claymore attack" by the Sri Lanka Army's Deep Penetration Unit at Pallamadu in the Mannar district. Charles, who has been in charge of internal intelligence within the ranks of the LTTE ground forces and led an external operations corps and regular combat force that has been deployed in Mannar district, was killed along with three LTTE "lieutenants" in the ambush while they were traveling in a van between Iluppaikkadavai and Pallamadu at 3:10 p.m. Confirming the

news, the Sri Lanka Defence Ministry said that Charles was deputy to Pottu Amman, the chief of the LTTE's intelligence wing.

At least 20 LTTE cadres were reported killed and a large number of other cadres were injured following a raid by the troops on a bunker line of the outfit at Parappakandal in the Mannar district.

Six LTTE militants were killed in the Adampan area of Mannar district. Two bunkers were neutralised. Intercepted LTTE radio communication later revealed that two more cadres were killed.

Five LTTE militants were killed by troops during an encounter in the Kutinchankulam area of Vavuniya district.

Troops in the Kallikulam area of Vavuniya district confronted a group of LTTE militants and killed three of them.

January 6

Troops killed four LTTE militants during an encounter at Kaduruvitankulam in the Vavuniya district.

Troops launched an attack towards the LTTE bunker line north of A-9 at Muhamalai in the Jaffna district and killed four militants. While two LTTE bunkers were also destroyed, an unspecified number of militants were reported injured in the incident.

During an encounter at Pallikkulam in the Vavuniya district, troops killed three LTTE militants.

Three LTTE militants were killed by troops during a clash at Pandivirichchankulam in the Vavuniya district.

January 7

At least seven LTTE militants were killed as troops foiled their attempt to infiltrate into the security force's FDL at Muhamalai in the Jaffna district.

Three LTTE bunkers were also destroyed. Troops at Talaivankulam in the Vavuniya district confronted a group of LTTE militants and killed four of them.

Three LTTE militants were killed in the general area of Kuchchaveli near Trincomalee when the sailors observed LTTE movement in the area.

January 8

Suspected LTTE militants killed the non-Cabinet Minister for Nation Building, D.M. Dissanayake, in a claymore mine blast near Rukmani Devi junction at Ja-ela while he was proceeding towards Colombo to attend the parliament session. A personal bodyguard of the Minister, identified as K.P. Rathnayaka, also succumbed to his injuries in the hospital. 13 people, including seven civilians, were injured in the incident.

Troops killed six LTTE militants in the Mullikulam area of Mannar district when the militants were trying to enter the military-held areas.

Troops killed four militants in the Periyathampane area of the Vavuniya district when the latter tried to confront troops in the area after firing a few shots towards them.

January 9

The LTTE eastern leader Shanker was shot dead by the STF personnel at Shaukade in the Batticaloa district. Military spokesman Brigadier Udaya Nanayakkara said that Shanker who was spotted by the STF personnel on patrol at Shaukade, between the Sathurukanda and Eravur areas, opened fire towards them and was shot dead in the retaliatory fire.

At least 19 LTTE militants were killed and over 30 injured during clashes between troops and the militants in the Parappakandal area of Mannar district where troops further consolidated their positions capturing an area of about one kilometer covering north of Parappakandal.

10 LTTE militants, including a leader named Kalanadan, were killed when troops confronted a group of the outfit's militants in the Mullikulam area of Mannar district. One soldier was also injured in the incident.

At least eight LTTE militants were killed and an unspecified number of them injured during clashes between the militants and troops in the Parappakandal and Periyakulam areas of Mannar district.

In a clash between the two sides at Chettukulam in the Vavuniya district, troops killed five LTTE militants and captured one bunker of the outfit. Three soldiers sustained injuries due to the explosion of anti-personnel mines during the clash.

Five LTTE militants were killed in two separate incidents in the Muhamalai area of Jaffna district.

Troops at Kutinchankulam in the Vavuniya district confronted a group of LTTE militants and killed three of them. Four soldiers sustained injuries during the exchange of fire.

Troops attacked a LTTE stronghold in the jungle off Janakapura in the Vavuniya district and killed three militants.

Three LTTE cadres were killed and two others injured by troops during an encounter in the area west of Mullikulam in the Mannar district.

January 10

Troops confronted a group of LTTE militants in the Parappakandal area of Mannar district and killed at least five militants.

Troops killed five LTTE militants during an attack launched in the Mullikulam area of Mannar district.

Three LTTE militants were killed and several others injured by troops when they repulsed an LTTE attack in the Parappakandal area of Vavuniya district. Four soldiers sustained injuries in the incident site.

A US District Court in Maryland sentenced a Sri Lankan to 57 months in prison and three years of supervised release for conspiracy to provide arms, ammunition and other military materiel to the LTTE. The sentence was imposed on Thirunavukarasu Varatharasa, a Sri Lankan resident in the US.

The LTTE is one of the most dangerous and deadly extremist outfits in the world and the world should be concerned about the outfit as they had 'inspired' networks worldwide, including the al-Qaeda in Iraq, said the FBI. In a January 10 report, posted on its website under the title "Taming the Tigers," the FBI alleged that the LTTE had perfected the use of suicide bombers, invented the suicide belt, pioneered the use of women in suicide attacks, killed some 4,000 persons in the past two years alone and assassinated two world leaders — the only terrorist group to do so. "Needless to say, the Tamil Tigers are among the most dangerous and deadly extremists in the world. For more than three decades, the group has launched a campaign of violence and bloodshed in Sri Lanka, the island republic off the southern coast of India. Its ultimate goal: to seize control of the country from the Sinhalese ethnic majority and create an independent Tamil State," the report said.

January 11

At least 13 LTTE militants, including three female cadres, were killed in a pre-dawn raid carried out by troops on an LTTE bunker line in the Parappakandal area of Mannar district. Four bunkers were also destroyed in the raid.

Troops after observing two groups of LTTE militants in the area north of Villattikulam in the Vavuniya district launched an attack on them, killing 13 militants. While six militants were killed and at least one injured in the first attack, troops killed seven more militants and injured nine others in the second attack.

Troops attacked and destroyed an LTTE bunker in the Karampaikkulam area of Mannar district, killing eight militants and injuring several others.

Eight LTTE militants were killed and 10 others injured by troops as they repulsed a militant attack in the area west of Puthukulam in the Mannar district. Four soldiers were also injured in the incident.

Troops attacked an LTTE bunker line at Palamoddai in the Vavuniya district and killed six militants.

Troops operating ahead of the FDL in the Periyapandirichchan area of Vavuniya district confronted group of LTTE militants and killed at least five of them. About four hours after the incident, terrorists fired mortar and artillery towards the troops, injuring 13 soldiers.

Troops launched two separate attacks on LTTE bunkers in the Muhamalai area of Jaffna district and killed five militants, including one militant leader. Three bunkers were also destroyed in the incident.

The Media Minister Lakshman Yapa Abeywardana said that the abrogation of the CFA will not affect the foreign aid flow as the LTTE has been perpetrating terrorist activities even though the government tried its best to protect it. He informed that outfit has violated the CFA 3,743 times according to the reports of the SLMM.

January 12

At least 15 LTTE militants were killed during a fierce gun battle that erupted between militants and troops at Pallikuli in the Mannar district. One soldier was killed and five others were injured during the clash.

Troops in three separate incidents moved forward and destroyed three bunkers of the LTTE in the Muhamalai, Nagarkovil and Kilaly areas of Jaffna district and killed six militants. Two soldiers were also injured during the incidents.

An LTTE bunker was fired upon by troops in the Kallikulam area of Vavuniya district. While four militants were killed, one soldier sustained injuries during the clash.

During clashes that erupted between the two sides at Palamoddai in the Vavuniya district, three LTTE militants were killed and two others injured by troops.

January 13

Nine LTTE militants were killed and eight others wounded during clashes between the two sides in the area west of Parappakandal in Mannar district. Two soldiers were also killed and 15 others sustained injuries in the exchange of fire. Troops also captured nine LTTE bunkers.

Troops killed four LTTE militants during an encounter in the area east of Mantai in the Mannar district.

An LTTE bunker ahead of the Kilaly FDL in the Jaffna district was completely destroyed by troops and three militants killed.

Three LTTE militants were killed and an equal number of them injured when a confrontation erupted between the two sides at Kokkuthuduvai in the Vavuniya district.

Troops clashed with a group of LTTE militants in the Kutinchankulam area of Mannar district and killed three of them.

Troops captured one LTTE bunker in the Periyapantrichurichchan area of Vavuniya district and subsequently recovered the dead bodies of three LTTE militants, including one decomposed female dead body.

One soldier was killed during clashes in the Parikariperiyakulam area of Vavuniya district. Though troops inflicted heavy casualties on the LTTE, the details are yet to be ascertained.

The Japanese peace envoy Yasushi Akashi arrived in Colombo to hold talks with the government and to assess the impact of the decision of the government to withdraw from the 2002 CFA.

In a strongly-worded statement the Tokyo Co-Chairs of Sri Lanka (Norway, Japan, U.S. and the E.U.) backing continuation of Norway's role as the official peace facilitator as well as asked the government to provide the Co-Chairs and Norway access to the LTTE in Kilinochchi.

January 14

The LTTE cadres triggered off a powerful claymore mine targeting one civil vehicle moving in the Kudakachchikudi area of Vavuniya district. Two army soldiers and the driver of the vehicle were killed in the explosion while three soldiers and another civilian were injured.

Eight LTTE militants were killed by troops during two separate encounters in the Nagarkovil and Muhamalai areas of Jaffna district.

During an encounter between the two sides in the Parikariperiyakulam area of Vavuniya district, the troops killed five LTTE militants.

Five LTTE militants were killed by troops during sporadic clashes in the Periyapantrichurichchan, north of Villattikulam, Kattikulam and Kutinchankulam areas of Vavuniya district.

Four LTTE militants were killed during an exchange of fire with army troops ahead of the Kokkutoduvai FDL (Forward Defence Line) in the Vavuniya district.

Troops confronted a group of LTTE militants in the Muhamalai area of Jaffna district and reportedly killed three of them. One soldier was injured in this incident.

January 15

Troops attacked and captured one LTTE bunker killing at least four militants in the Periyapantrichurichchan area of Vavuniya district.

A group of LTTE militants who were moving away from their defence line in the area south of Muhamalai in the Jaffna district were attacked by troops. Three militants were killed and one of their bunkers was destroyed.

During a clash that erupted between the two sides at Janakapura in the Vavuniya district, troops killed three LTTE militants and injured two others.

The Sri Lankan military spokesperson Brigadier Udaya Nanayakkara told Deutsche Presse-Agentur that the military wants to destroy the LTTE and conclude 25 years of war after the cease-fire ends on January 16. He said the military was already putting pressure on the

LTTE at various fronts in the North, and added, "If we continue like this we will be able to defeat the LTTE."

The LTTE said that they will never be defeated despite Sri Lankan authorities vowing to wipe them out within months. The head of the outfit's political wing, P. Nadesan, told BBC that the LTTE has experienced similar statements during their 30-year old struggle against Sri Lankan state. Denying that the outfit is reverting to guerrilla tactics as it is losing the war, he asserted, "We will never revert to guerilla warfare. We are a conventional force. We will launch attacks on military targets but we will not target civilians." He also denied accusations that his organisation forcefully recruits civilians for combat and said, "No. People, they like to join us. We never force the people. LTTE is a people's organisation."

January 16

At least 27 civilians, including some school children and women, aboard a Central Transport Bus proceeding to the Buttala town of Moneragala district, were killed and 66 others injured in a claymore mine explosion triggered by the LTTE in the Helagama area near Ella road. The bus was simultaneously fired upon by the militants immediately after the claymore mine explosion.

A group of four LTTE militants, allegedly scurrying back into the jungles minutes after triggering the claymore mine explosion targeting the passenger bus, reportedly shot dead five farmers in their paddy-fields at Dambeyaya in the Heentenna area.

The LTTE leader for Trincomalee south, Arichelvam, who was wanted for numerous killings and criminal activities in the east, was shot dead by the troops at Pachchanoor.

The Sri Lanka government said it has decided to eliminate LTTE chief V. Prabhakaran to bring peace, while maintaining that it was still open to negotiations with the rebels. "If Prabhakaran is ready to take the white flag, we will leave some window open to consider that offer. Otherwise we have decided to eliminate him to bring peace in Sri Lanka," said defence spokesman Keheliya Rambukwella.

January 17

At least 10 civilians, including two home guards, were shot dead by the LTTE militants at Hambegamuwa in the Thanamalwila area of Moneragala district.

Nine LTTE militants were killed when troops moving towards the north from their Mannar base confronted militants at Thirukeshwaram in the Mannar district.

During a clash that erupted between the two sides, troops captured another three kilometres patch of land along Uyilankulam – Adampan road in the Mannar district killing five LTTE militants.

Troops shot dead four LTTE militants in an encounter in the area north of Pallikuli, a suburb of Adampan in the Mannar district. Three soldiers were also injured during the exchange of fire.

During a confrontation between the two sides in the Kurunchakulam area of Vavuniya district, troops killed four LTTE militants.

Three LTTE militants were killed and two others injured by troops when they attacked a bunker of the outfit at Janakapura in the Welioya region of Vavuniya district.

January 18

10 LTTE militants were killed by troops during three separate confrontations in the Pullippankiyarkulam, Villattikulam and Janakapura areas of Vavuniya district. Troops also destroyed one bunker.

Troops captured three LTTE strong points in the Pallikuli area of Mannar district and consolidated their positions in the area. During the process, troops killed nine militants.

Troops launched attacks on LTTE positions in the Muhamalai and Nagarkovil areas of Jaffna district and killed six militants.

Troops attacked an LTTE bunker in the Maruthamadu area, 4-km northwest of Omanthai, in the Vavuniya district. Four female militants were confirmed killed and the bunker was completely destroyed.

January 19

Troops confronted two groups of LTTE militants in the Mullikulam and Villattikulam areas of Mannar and Vavuniya district respectively, killing seven militants. Two soldiers were also injured.

Six LTTE militants were killed by troops during an encounter at Janakapura FDL in the Vavuniya district.

Troops on advance from their Chettukulam FDL in the Vavuniya district attacked and destroyed two LTTE trenches. Six LTTE militants were killed and 10 others injured in the incident.

Troops killed four LTTE militants and injured nine others when a clash erupted between the two sides in the Chettukulam area of Vavuniya district. Two soldiers also sustained injuries.

At Pallikuli in the Mannar district, troops killed three LTTE militants in two separate incidents.

Two LTTE militants were killed and another injured as troops attacked and destroyed a bunker in the Janakapura area of Vavuniya district. During the attack one soldier was also killed and two others were injured.

January 20

Seven LTTE militants were killed when troops attacked a bunker of the outfit in the Pullippankiyarkulam area of Vavuniya district.

Advancing troops captured another LTTE stronghold in the Vaiyttankulam area of Mannar district after a confrontation with the militants in which four of the militants were killed. Six soldiers were injured in the incident.

Four LTTE militants aboard a tractor were killed when troops opened fire towards the tractor moving about 5-km south of Madhu.

Troops shot dead three militants in the Madhu s area of Mannar district.

Troops cordoned the area north of Kaithady in the Jaffna district and conducted a search operation. During the operation, the LTTE militants fired at the troops. Troops in counter fire killed two militants, including the outfit's leader of the Thendamarachchi area, identified as Chengan.

January 21

At least 15 LTTE militants were killed and 30 others injured as troops launched a pre-down attack against the outfit's bunker lines in the Nagarkovil and Muhamalai areas of Jaffna district and destroyed 24 bunkers. The troops destroyed 12 bunkers east of A-9 road and eight more bunkers west of A-9 road in the Muhamalai area while four bunkers were destroyed at Nagarkovil. Two soldiers were also killed nine others injured during the gun battle that lasted nearly for one hour.

Four LTTE militants were killed during a clash between the two sides in the Navathkulama area of Vavuniya district.

A team of police personnel who were providing security at Allimankada in the Kithulkote area of Thanamalwila in the Moneragala district confronted a group of LTTE militants and in the ensuing gun battle, three policemen were killed. The militants, however, managed to escape.

Troops attacked a group of LTTE militants moving in the general area of Mullikulam in the Mannar district. In the ensuing gun battle, troops killed seven militants.

The troops in the general area north of Janakapura in the Vavuniya district confronted another group of LTTE militants and killed six of them.

During a clash that erupted between the two sides at Villattikulam in the Vavuniya district, the troops killed six more LTTE militants.

Troops destroyed two LTTE bunkers in the Parappakandal area of Mannar district and killed five militants.

January 22

10 LTTE militants were killed as troops in the general area (area under government control) of Pallikuli in the Mannar district attacked an LTTE strong point and destroyed four bunkers.

Troops stormed a LTTE bunker line in the area south of Muhamalai in the Jaffna district and killed four militants.

A calendar apparently depicting the logo of the LTTE and the map of a separate state of "Tamil Eelam" was sold outside Hindu temples in London on January 1. The "Tamil Eelam" national calendars were publicly sold at the rate of five pounds to 10 pounds each, a report said.

President Mahinda Rajapakse said that the ethnic conflict should not be solved through military means, but the government will not seek a political solution as long as the LTTE engages in terrorism.

January 23

The Elections Commissioners Department recognised five more political parties in addition to the 53 Political Parties recognised as on December 31, 2007. The TMVP, the political wing of the LTTE breakaway faction led by 'Colonel' Karuna, is among the two new recognized Tamil political parties.

Full and faithful implementation of the 13th Amendment to the Constitution, holding of provincial council elections in the east and establishment of an interim provincial council in the north are the key recommendations made by the APRC in its interim report submitted to President Mahinda Rajapakse.

President Mahinda Rajapakse promised to hand over the LTTE chief Velupillai Prabhakaran to India to face trial in the former Indian Prime Minister Rajiv Gandhi assassination case if he is captured.

January 24

Police recovered the dead bodies of 16 youths hacked to death by suspected LTTE militants from a swamp at Kiriketuwewa on the Horoupathana-Kebithigollawa road in the Anuradhapura district.

Eight LTTE militants were killed by the troops in three separate attacks launched on the outfit's bunkers at Anandankulam in the Mannar district.

The troops launched an attack on a LTTE bunker line in the area south of A-9 route at Muhamalai in the Jaffna district and killed five militants.

President Mahinda Rajapakse is to set up a Temporary Interim Advisory Council (TIAC) to resolve problems in the North, said the Agriculture Development and Agrarian Services Minister and Sri Lanka Freedom Party General Secretary Maithripala Sirisena.

January 25

Troops captured a one-kilometer stretch of land in the Karpiththanmoddai area on the Uyilankulam–Adampan road in Mannar district and killed nine LTTE militants. Troops also destroyed seven bunkers. Two soldiers sustained injuries in the incident.

Seven LTTE militants were killed and four others wounded during two encounters between the militants and troops at Madhu road area in the Mannar district.

At least six LTTE militants were killed when troops attacked a pocket of militants who were firing at troops from a bunker in the Periyapandirichchan area of Vavuniya district. One soldier who received injuries during the incident died later.

Renegade LTTE leader Vinayagamoorthy Muralitharan alias 'Colonel' Karuna was sentenced to nine-month imprisonment by a UK Court for identity fraud. He was arrested in London on November 2, 2007, for carrying an apparently genuine Sri Lankan diplomatic passport issued under a false name. Karuna told the Isleworth Crown Court in West London that he had received the false diplomatic passport from the Sri Lankan Government. He said Defence Secretary Gotabaya Rajapakse, who is also the brother of President Mahinda Rajapakse, had arranged the documents for him. Karuna, who founded the Tamil Makkal Vidhuthalai Pullikal (TMVP), was sentenced to nine months in jail under the Identity Cards Act after he pleaded guilty.

January 26

The troops launched an artillery attack on a group of LTTE militants in the jungle north of Palamoddai in the Mannar district and killed six of them and wounded nine others.

Troops deployed south of Madhu area in the Mannar district launched an attack on a group of LTTE militants and killed six of them. Two militants were injured.

Six LTTE militants were killed by the troops during an encounter near the Kiriibbanwewa FDL of Vavuniya district.

During a clash that erupted between the two sides at Villattikulam in the Vavuniya district, the troops killed five LTTE militants.

Troops attacked a LTTE bunker line in the Muhamalai area of Jaffna district and killed three militants.

Three militants were killed and an unspecified number of them injured by the troops during their attack on an LTTE bunker line in the Vavuniya district. One bunker was also destroyed.

January 27

At least 10 LTTE militants were killed and an unspecified number of them injured when clashes erupted between the two sides following militant's fire towards the troops in the Pantrichurichan area of Mannar district.

Troops after observing the LTTE militants constructing a new bunker line in the Kokkuthuduvai area of Vavuniya district launched an assault towards them and killed six militants.

Troops in an encounter killed four LTTE militants in the Mullikulam area of Mannar district.

Three LTTE militants were killed by the troops at Vankalcheddikulam in the Mannar district.

Troops killed three LTTE cadres who attempted to enter into the Kokkuthuduvai area of Vavuniya district. One soldier was injured in the incident.

Three LTTE militants were killed by the troops during a clash ahead of the Muhamalai FDL in Jaffna district. One soldier sustained injuries in this incident.

January 28 Troops destroyed six LTTE bunkers in the Pallikuli area of Mannar district and killed seven militants. One soldier was killed and two others sustained injuries during the clashes.

Five LTTE militants were killed by the troops during a clash in the area south of Adampan in the Mannar district. [37c]

All the SATP timelines for the years 2000-2007 and (less in detail) the period 1931-1999 can be accessed from the following link:

<http://www.satp.org/satporgtp/countries/shrilanka/timeline/index.html> [37i]

Additional details on events in Sri Lanka are available from the website of the International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka (undated)

http://acd.iiss.org/armedconflict/MainPages/dsp_ConflictTimeline.asp?ConflictID=174&YearID=1010 [80a] (Latest Timelines). The weblink also gives access to timelines for 2007 (http://acd.iiss.org/armedconflict/MainPages/dsp_ConflictTimeline.asp?ConflictID=174&YearID=1113&DisplayYear=2007 [80b] and previous years.

Return to Contents
Go to list of sources

Annex C: Political organisations

Akhila Ilankai Tamil United Front (AITUK)

Founded in 2006; Tamil; advocates federal solution to ethnic conflict. [1a]

All Ceylon Tamil Congress (ACTC)

Founded in 1944. It contested the December 2001 and the April 2004 elections as part of TNA. [8] (p563) (See also TNA)

Ceylon Workers' Congress (CWC)

The CWC is both a trade union (with its main strength being among Tamil workers of Indian origin on tea plantations), and a political party seen as representing the community of Indian descent. [8] (p437)

The party joined the ruling UPFA in August 2006." (Keesing's Record of World Events, August 2007, Sri Lanka) [23c]

Communist Party of Sri Lanka (CPSL)

Founded in 1943 and advocates the establishment of a socialist society. It supports the national unity of Sri Lanka. The party contested the April 2004 election as part of the winning coalition UPFA (United People's Freedom Alliance) winning only one seat. [8] (p560)

Democratic People's Liberation Front (DPLF)

Has operated as a national political party since 1988 and is the political wing of the People's Liberation Organisation of Tamil Eelam (PLOTE). [8] (p560)

Democratic United National Front (DUNF)

Formed in 1992 by a dissident group of UNP politicians. Supports the People's Alliance coalition. [8] (p561)

Democratic Workers' Congress (DWC)

Formed in 1939 as a trade union and in 1978 as a political party. Aims to eliminate discrimination against the Tamil-speaking Sri Lankans of recent Indian origin. [1a]

Deshapriya Janatha Viyaparaya (DJV)

(Patriotic People's Movement) Militant Sinhalese group associated with the JVP. [1a]

Desha Vimukthi Janatha Party (DVJP)

(National Liberation People's Party) Has operated as a national political party since 1988. [1a]

Eelavar Democratic Front (EDF)

Founded in 1989 by a majority of Eelam Revolutionary Organisation (EROS), which joined the LTTE. [56]

Eelam National Democratic Liberation Front (ENDLF)

Tamil; supports 1987 Indo-Sri Lankan peace accord; has operated as a national political party since September 1988. [1a]

Eelam People's Democratic Party (EPDP) <http://www.epdpnews.com/>

A Tamil group formed in 1986 as a split from ERPLF. [56] The party gained one seat at the 2 April 2004 elections for the National Assembly and supported the Government subsequently formed by the UPFA. [8] "Led by Douglas Devananda, the Eelam

People's Democratic Party (EPDP) broke away from the Eelam People's Revolutionary Liberation Front (EPRLF) in approximately 1988. Since 1990 it has fought alongside the Sri Lankan Army against the Liberation Tigers of Tamil Eelam (LTTE). Since 1994, the EPDP has been the most significant force in electoral politics in Jaffna, although voter turnout has been exceptionally low. The EPDP has generally been supportive of People's Alliance/UPFA government policy on the war and peace process. Although EPDP armed cadres may only be a few hundred strong, they retain a reputation for human rights abuses. Devananda has a cabinet portfolio and is currently the minister for social services and social welfare. However, his public profile is limited by the fact he is extremely high on the LTTE list for assassination." (Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka last updated 4 December 2007) [5a] (Internal Affairs, last updated 4 December 2007)

Eelam People's Revolutionary Liberation Front (EPRLF)

The EPRLF now functions as two groups – the Suresh wing (on the TNA list) and the Varatharaja wing (on the EPDP list. [8] (See also TNA)

Eelam Revolutionary Organisation (EROS)

Founded in 1990 by a minority of the original EROS, led by Shankar Raji, the party supported EPDP in the parliamentary election of 2 April 2004. [56]

"EROS remains the most radically nationalist of the constitutional Tamil groups, but is not militarily active." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, Internal Affairs, last updated 4 December 2007) [5a] (Internal Affairs, 4 December 2007, Non-parliamentary Tamil parties)

Illankai Tamil Arasu Kachchi (ITAK) See TNA

Jathika Hela Urumaya (JHU)

"The JHU is a Buddhist-Sinhalese political party led by Buddhist monks, formed in February 2004 with the specific intention to compete in that year's parliamentary elections. Although initially founded by the secular Sinhalese nationalist party Sihala Urumaya, all of the JHU's members of parliament are Buddhist monks.

"The JHU's creation and the unprecedented entry of saffron-clad monks into parliament has caused debate over whether monks should be entering politics at all both within and outside the party. However, the party's strong representation in the 2004 elections has encouraged the party to continue campaigning for Buddhist and Sinhalese issues in Sri Lanka." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka) [5a] (Internal Affairs, last updated 4 December 2007)

Janatha Vimukthi Peramuna (JVP) <http://www.jvpsrilanka.com/>

(People's Liberation Front)

Founded in 1964; banned following a coup attempt in 1971, regained legal status in 1977, banned again in 1983, but regained legal status in 1994; Marxist; Sinhalese support. [1a] For the April 2004 election, the JVP entered into an alliance with President Kumaratunga's a member of the United People's Freedom Alliance (UPFA) and gained 40 seats. [8] "The JVP was the second largest party within the UPFA, and follows a hybrid Marxist-Sinhalese nationalist platform...As such, the JVP holds a powerful position in the ruling coalition, amply demonstrated by the party's decision to temporarily leave the coalition in June 2005 as a protest against then-president Kumaratunga's policy of agreeing a Post-Tsunami Operating Management Structure (P-TOMS) with the LTTE. Agreement with Rajapakse over the future course of the peace process during his campaign prior to the November 2005 presidential election ensured that the JVP remained in opposition following Rajapakse's victory, but with

conditional support for the government. Since his election in November 2005, Rajapakse has had an uneasy relationship with the JVP, and has worked steadily to reduce his political dependence on them in parliament...The JVP has since broken ranks with Rajapakse, but is strongly in support of his military policy towards the ethnic conflict with the LTTE.” (Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka) [5a] (Internal Affairs, last updated 4 December 2007)

Liberation Tigers of Tamil Eelam (LTTE) <http://www.eelam.com>
<http://www.eelamweb.com/ltte/>

LTTE front organisations include:
 World Tamil Association (WTA)
 World Tamil Movement (WTM)
 Federation of Associations of Canadian Tamils (FACT)
 The Ellalan Force

“Founded in 1976, the LTTE is the most powerful Tamil group in Sri Lanka and uses overt and illegal methods to raise funds, acquire weapons, and publicize its cause of establishing an independent Tamil state. The LTTE began its armed conflict with the Sri Lankan Government in 1983 and relies on a guerrilla strategy that includes the use of terrorist tactics. The group’s elite Black Tiger squad conducts suicide bombings against important targets, and all rank-and-file members carry a cyanide capsule to kill themselves rather than allow themselves to be caught. The LTTE is very insular and highly organized with its own intelligence service, naval element (the Sea Tigers), and women’s political and military wings...Headquartered in the Wanni region, LTTE leader Velupillai Prabhakaran has established an extensive network of checkpoints and informants to keep track of any outsiders who enter the group’s area of control...Approximately 10,000 armed combatants in Sri Lanka; about 3,000 to 6,000 form a trained cadre of fighters. The LTTE also has a significant overseas support structure for fundraising, weapons procurement, and propaganda activities.” (FAS, Intelligence Resource Program, Liberation Movements, Terrorist Organizations, Substance Cartels, and Other Para-State Entities, Liberation Tigers of Tamil Eelam (LTTE), undated) [61]

As recorded in Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka: “The group’s strength was estimated between 8,000 and 10,000.” [5a] (Non-State Armed Groups, last updated 14 November 2007)

As highlighted in the South Asia Terrorism Portal (SATP):

“Under the Prevention of Terrorism Act, 2002 (POTA) in India, the LTTE is a proscribed organisation. On October 4, 2003, the United States re-designated the LTTE as a Foreign Terrorist Organisation (FTO) pursuant to Section 219 of the US Immigration and Nationality Act. The LTTE has been proscribed, designated or banned as a terrorist group by a number of governments – India, Malaysia, USA, Canada, UK, Australia – countries where the LTTE has significant terrorist infrastructure for disseminating propaganda, raising funds, procuring and shipping supplies to support their terrorist campaign in Sri Lanka...The LTTE leadership is organized along a two-tier structure: a military wing and a subordinate political wing. Overseeing both is a central governing committee, headed by the LTTE chief, Velupillai Prabhakaran...This body has the responsibility for directing and controlling several specific subdivisions, including, an amphibious group (the Sea Tigers headed by Soosai), an airborne group, (known as the Air Tigers), an elite fighting wing (known as the Charles Anthony Regiment, named after Anthony, a close associate of Prabhakaran and is headed by

Balraj), a suicide commando unit (the Black Tigers headed by Pottu Amman), a highly secretive intelligence group and a political office headed by Thamilselvam and Anton Balasingham, widely regarded to be the political advisor and ideologue of the LTTE. [Thamilselvan was killed in November 2007 – see Section 4 and Balasingham died in London in December 2006] The central governing committee also has an International Secretariat, which is in charge of the outfit's global network...The LTTE has also set up a parallel civil administration within its territory by establishing structures such as a police force, law courts, postal services, banks, administrative offices, television and radio broadcasting station, etc." [37a]

In the UK the LTTE is one of the proscribed organisations under Part II of the Terrorism Act 2000 [35c] The (undated) 'List of proscribed terrorist groups' is available from the Home Office website (accessed on 20 November 2007). [35d]

As noted in the report of the UN Special Rapporteur on his Mission to Sri Lanka (28 November to 6 December 2005), published on 27 March 2006:

"The LTTE plays a dual role. On the one hand, it is an organization with effective control over a significant stretch of territory, engaged in civil planning and administration, maintaining its own form of police force and judiciary. On the other hand, it is an armed group that has been subject to proscription, travel bans, and financial sanctions in various Member States. The tension between these two roles is at the root of the international community's hesitation to address the LTTE and other armed groups in the terms of human rights law. The international community does have human rights expectations to which it will hold the LTTE, but it has long been reluctant to press these demands directly if doing so would be to 'treat it like a State'". [6x] (Paragraph 26)

"Ministers of the EU on May 29 [2006] formally added the LTTE to a list of banned terrorist organisations, which meant a bar on LTTE fundraising and that the group's financial assets would be frozen in all 25 EU member states. LTTE officials would also be prevented from visiting the EU." (Keesing's Records of World Events, May 2006 – Sri Lanka) [23d] On 24 April 2007 the the Official Government News Portal of Sri Lanka reported that the European Union had taken the decision to keep the LTTE on the 'black list' of international terrorist groups. [10g]

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last update 21 November 2007:

"The heightened global concern over terrorist activities since 2001 has reduced the international community's level of tolerance and, in April 2006, the Canadian government became the latest previously tolerant government to proscribe the LTTE. The European Union followed suit in May 2006...Nevertheless, the LTTE remains the only Tamil organisation that maintains the capacity for pressuring and intimidating the government of Sri Lanka into granting significant concessions towards the demand for autonomy for the northeast of the country. Much more important, the LTTE has oligopolised the monopoly of force in Sri Lanka. If the peace process is to succeed according to the wishes of the government, the LTTE will have to be persuaded to relinquish control over the 'uncleared' areas. This is a far from likely scenario, which makes a political solution somewhere along the federalist-separatist continuum the only realistic outcome." [5a] (Internal Affairs, last updated 4 December 2007, Tamil Militancy and the LTTE's rise to supremacy)

For the Karuna faction, see under TMVP.

See also Annex B and E

Mahajana Eksath Peramuna (MEP)

Founded 1956; Sinhalese and Buddhist support; left-wing; advocates economic self-reliance. [1a]

Nava Sama Samaja Party (NSSP)

(New Equal Society Party) A Trotskyist party founded in 1977. [1a]

People's Alliance (PA) aka Podujana Eksath Peramuna (PEP)

Formed in 1993 as a left-wing alliance which includes the LSSP, the SLFP (President Kumaratunga's party) and the SLMP. [8] (p438) This was the ruling party in Sri Lanka from August 1994 until December 2001. (See also UPFA)

People's Liberation Organisation of Tamil Eelam (PLOTE)

Formed in 1979 as a split from the LTTE. [56] (Introduction) Its political wing is the Democratic People's Liberation Front (see above). [8] (p560)

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last update 21 November 2007, "The PLOTE originated as an LTTE splinter group, but it was never well armed and its military activities remained low key. In time, internal feuds and a souring of relations with its Indian sponsors fuelled the PLOTE's slow demise and the group was largely wiped out by the LTTE in 1986. After the [1987] Indo-Lanka Accord, the PLOTE renounced its armed rebellion against the Sri Lankan government, but maintains armed cadres to this day." [5a] (Internal Affairs, 4 December 2007, Non-parliamentary Tamil parties)

Sri Lanka Freedom Party (SLFP)

"Founded in 1951, the SLFP campaigned for the attainment of republican status for Sri Lanka prior to adoption of the 1972 constitution. With a democratic socialist orientation, the party advocated a non-aligned foreign policy, industrial development in both the State and private sectors, and safeguards for national minorities. One family has led the party throughout its history. S.W.R.D. Bandaranaike (originally a leading figure in the United National Party) was the party's founder and first Prime Minister from 1956 until his assassination in September 1959. His widow, Sirimavo Bandaranaike, in 1960 became the world's first woman Prime Minister, holding this post until 1965 and again from 1970-1977. Following the party's return to power after 17 years in the August 1994 elections, she was again Prime Minister (the post by now being largely ceremonial) from November 1994 until her death in October 2000. Chandrika Bandaranaike Kumaratunga, the daughter of S.W.R.D. and Sirimavo, was Prime Minister from August – November 1994, becoming the elected President in November 1994, and is the leader of the SLFP. The SLFP returned to power in August 1994, heading the People's Alliance (PA) coalition. The PA secured another victory in general elections in October 2000, but lost power in the December 2001 general elections." In January 2004 it formed an electoral pact with JVP dubbed the UNPFA [see below] [8] (p561-562)

"President Mahinda Rajapakse was on June 28 [2006] elected president of the ruling Sri Lanka Freedom Party (SLFP) without a contest, replacing former President Chandrika Kumaratunga. He was the first leader of the party from outside the Bandaranaike-Kumaratunga family since the SLFP was founded in 1951 by Kumaratunga's father, and it was reported that the former president had resisted being ousted by Rajapakse, even though she was currently domiciled in the UK." (Keesing's Records of World Events, June 2006 – Sri Lanka) [23e]

Sri Lanka Freedom Party – Mahajana Wing (SLFP – M)

The Keesing's Record of World Events, June 2007, Sri Lanka recorded that "Former Foreign Minister Mangala Samaraweera and former Port Development Minister Sripathi Sooriarachchi on June 22 [2007] announced that they were leaving the Sri Lanka Freedom Party (SLFP), the lead party in the ruling United People's Freedom Alliance (UPFA), to form a breakaway party the Sri Lanka Freedom Party--Mahajana Wing (SLFP--M), which would sit with the opposition in Parliament." [23b]

Sri Lanka Muslim Congress (SLMC)

The SLMC was formed to represent the Tamil-speaking Muslim population of the Eastern province and was organised as an all-island party in 1986. Led by Rauf Hakeem. At the 2 April 2004 elections for the National Assembly the party won five seats. [8] (p562)

Tamil Eelam Liberation Organisation (TELO) <http://www.telo.org/>

Formed in 1974, it is on the TNA list. [56] It has operated as a national political party since 1988. [1a] "The TELO currently has three members of parliament and is the second largest party in the LTTE-backed Tamil National Alliance." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last updated 21 November 2007) [5a] (Internal Affairs, last updated 4 December 2007) (See also TNA)

Tamil National Alliance (TNA)

"The Tamil National Alliance (TNA) or Sri Lanka Tamil Government Party (Illankai Tamil Arasu Kachchi) is a political alliance of several Tamil parties formed in 2001 just before the 2001 elections. The alliance was formed by the All Ceylon Tamil Congress, Eelam People's Revolutionary Liberation Front (Suresh), Tamil Eelam Liberation Organisation and Tamil United Liberation Front (formerly the Federal Party). Since its formation, the TNA has acted in close co-operation with the rebel LTTE, and has frequently behaved as its advocate and political wing in parliament. In the April 2004 election, in which the SLFP and JVP alliance led by President Kumaratunga came to power, the TNA led by R Sampanthan won 6.9 per cent of the popular vote and 22 out of 225 seats in the Sri Lankan parliament." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last updated 21 November 2007) [5a] (Internal Affairs, last updated 4 December 2007)

Tamileela Makkal Viduthalai Pulikal (Tamil People's Liberation Party) (TMVP)/Karuna faction

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka:

"TamilEela Makkal Viduthalai Pulikal (TMVP: Tamil Eelam Peoples Liberation Tigers) is the political wing of the paramilitary group formerly known as the 'Karuna group'. It was formed by breakaway LTTE leader V. Muralitharan (alias 'Colonel Karuna'), who led a split in the LTTE in 2004, leading to the secession of a large chunk of the organisation in the Eastern Province of Sri Lanka. Much of the breakaway group was wiped out and disbanded during 2004 in a military counter-offensive by the mainstream LTTE. However, it was rebuilt during 2004-05 by Karuna and his close associates, under the support of the Sri Lankan military. Between late 2006 and early 2007, the Karuna group fought together with the Sri Lankan armed forces against the LTTE in the Eastern Province. Human rights reports in 2007 have alleged that the Karuna group recruits under-age youths as fighters, and furthermore, that these recruits are forcibly abducted and coerced into joining. The Karuna group is also alleged to be behind the spate of kidnappings of wealthy Tamils in Colombo since mid-2006. In mid-2007, press reports suggested that there was a split within the Karuna group between Karuna himself and one of his key lieutenants. In October 2007, news emerged that Karuna

had been expelled from the TMVP, and that he had been forced to seek refuge in another country. Karuna subsequently resurfaced in the UK in November 2007, where he was arrested for immigration offences. He is currently being held in detention in the UK. The future of the TMVP without Karuna is unclear, but it remains a critical element in the military strategy of the Sri Lankan armed forces in retaining control of the east.” [5a] (Internal Affairs, last updated 4 December 2007)

In May 2007 there were reports of a split within TMVP further to an alleged dispute between Karuna and a group headed by Pillayan which was eventually settled with the agreement that Karuna would remain as the leader. (*Daily Mirror*, 14 May 2007) [11g] However, on 1 October 2007 it was reported that former TMVP commander Pillayaqn was set to lead the group “in the wake of Karuna Amman fleeing to Britain in the midst of the deepening internal rift between Pillayan and Karuna owing to alleged financial mismanagement and tit-for-tat killings [between the respective supporters].” (*Daily Mirror*, 1 October 2007) [11q]

On 24 October 2007 it was reported that, further to a series of suspect LTTE attacks on the outfit, the government had increased the security provided to the eastern political cadres of the TMVP. “The SLMM said the TMVP appeared to be concentrating its resources in Batticaloa.” (*Daily Mirror*, 24 October 2007) [11t]

The new TMVP [Tamil People’s Liberation Party] leader Pillayan was reported to be “continuing to extend his control over the party by appointing his close allies to some of the top posts with reports that cadres loyal to Karuna Amman had vacated their offices in Ampara and some 35 others were under ‘house arrest’ in Batticaloa.” (*Daily Mirror*, 10 November 2007) [11f] Clashes between the Pillayan and Karuna faction were reported in the district of Batticaloa in December 2007. (*Daily Mirror*, 8 December 2007) [11w]

TMVP was amongst the five additional political parties (in addition to the 53 Political Parties recognised as on 31 December 2007) recognised by the Elections Commissioners Department on 23 January 2008] (SATP Timeline, Year 2008) [37c]

As of April 2007, TMVP was reported to operate 20 political offices in the east including Batticaloa, Trincomalee and Ampara and one office in Colombo. (*Daily Mirror*, 17 April 2007) [11h]

See also Annex F

Tamil United Liberation Front (TULF)

Founded in 1976 following the merger of the All Ceylon Tamil Congress and Federal Party. [1a] It contested the April 2004 general election as part of TNA. (See also TNA)

United National Party (UNP) <http://www.unp.lk/portal/>

The conservative UNP was founded in 1947. It advocates the development of the country through free markets and inter-communal co-operation. The UNP formed the Government from 1947-1956 and again from 1965-1970. In 1977 it secured a landslide victory under J.R. Jayawardene, holding office for the following 17 years. The party lost power in 1994, but regained power in the December 2001 elections. It came second (with 82 seats) in the April 2004 general election. [8] (p563)

United People’s Freedom Alliance (UPFA)/People’s Alliance

Founded in 2003, it is an alliance of Sri Lanka Freedom Party (SLFP), JVP, LSSP, CPSL, SLMP, DVJP, MEP and National Unity Alliance (NUA). It won 105 seats in the

April 2004 general election. [56] It reverted to original founding name of People's Alliance in April 2007. President: Ratnasiri Wickremanayake. [1a] **(Political organisations)** "The UPFA is the coalition holding the single largest share of seats within the Sri Lankan parliament... However, the composition of the government benches of parliament has undergone significant changes in the three years since the elections. The two most important movements have been the departure of the second largest constituent, the Janatha Vimukthi Peramuna (JVP) by early 2007, and the arrival of new members who had defected from the opposition UNP." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last updated 21 November 2007). [5a] **(Internal Affairs, last updated 4 December 2007)**

Up-Country People's Front

Represents the interests of workers, mainly of Indian Tamil origin, on tea plantations.

[1a] At the 2 April 2004 elections for the National Assembly it gained one seat [39a]

[Return to Contents](#)
[Go to list of sources](#)

Annex D: Prominent people

Bogollagama Rohitha

Minister of Foreign Affairs. [44a]

KARUNA Colonel (nom de guerre of Vinayagamoorthi Muralitharan, aka Karuna Amman)

As highlighted by BBC News in a profile of 5 March 2004, Colonel Karuna was once a bodyguard of the LTTE leader Velupillai Prabhakaran.

“He joined the militant outfit in 1983 and, within a few years, became the top commander in his native eastern province.... Colonel Karuna’s importance in the Tamil Tiger hierarchy became clear when rebel leader Velupillai Prabhakaran elevated him to the rank of special commander for the eastern Batticaloa-Amparai districts in 2003...Prabhakaran later made Colonel Karuna part of the team that negotiated with the Sri Lankan government during several rounds of peace talks in Bangkok, Oslo and Tokyo.... He felt his personal promotion was not enough for the east and has been seeking better representation for eastern cadres within the Tamil Tiger hierarchy.” [9cr] On 4 March 2004, BBC had reported that Colonel Karuna, had broken ranks after facing the threat of disciplinary action. “He was thought to be unhappy that the bulk of the rebel fighters come from the east and yet all the top leadership comes from the north of Sri Lanka.” [9bs] According to BBC News reports of 12 and 13 April 2004, he was reported to have fled after his troops were defeated and dispersed by the LTTE main faction in April 2004 in the east. [9bl] [9bm] As noted in BBC News reports dated 21 and 24 June 2004 and 1 July 2004, Tamil Tigers rebels had accused the Sri Lankan security forces of aiding and abetting Colonel Karuna but President Kumaratunga had rejected allegations that the government had authorised military activities in the Eastern Province in support of the Karuna faction. [9bp] [9bq] [9bbr]

As recorded in Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka V. Muralitharan (alias 'Colonel Karuna'):

“led a split in the LTTE in 2004, leading to the secession of a large chunk of the organisation in the Eastern Province of Sri Lanka. Much of the breakaway group was wiped out and disbanded during 2004 in a military counter-offensive by the mainstream LTTE. However, it was rebuilt during 2004-05 by Karuna and his close associates, under the support of the Sri Lankan military. Between late 2006 and early 2007, the Karuna group fought together with the Sri Lankan armed forces against the LTTE in the Eastern Province. In October 2007, news emerged that Karuna had been expelled from the TMVP, and that he had been forced to seek refuge in another country. Karuna subsequently resurfaced in the UK in November 2007, where he was arrested for immigration offences. He is currently being held in detention in the UK.” [5a] (Internal Affairs, last updated 4 December 2007)

“[On 25 January 2008] Renegade LTTE leader Vinayagamoorthy Muralitharan alias 'Colonel' Karuna was sentenced to nine-month imprisonment by a UK Court for identity fraud. He was arrested in London on November 2, 2007, for carrying an apparently genuine Sri Lankan diplomatic passport issued under a false name. Karuna told the Isleworth Crown Court in West London that he had received the false diplomatic passport from the Sri Lankan Government. He said Defence Secretary Gotabaya

Rajapakse, who is also the brother of President Mahinda Rajapakse, had arranged the documents for him. Karuna, who founded the Tamil Makkal Vidhuthalai Pullikal (TMVP), was sentenced to nine months in jail under the Identity Cards Act after he pleaded guilty.” (SATP Timeline, Year 2008) [37c]

See also Latest News, Section 3 and Annex C and F

KUMARATUNGA Chandrika Bandaranaike

Former President of Sri Lanka. As outlined in a BBC News profile dated 3 April 2004:

“Chandrika Kumaratunga came to power as president of Sri Lanka for the first time in 1994....The victory of her Peoples’ Alliance (PA) coalition ended 17 years of rule by the United National Party (UNP)”. She was almost killed in an attack by a suspected Tamil Tiger suicide bomber on the final day of campaigning for presidential elections in 2000 but she went on to be re-elected for a second successive term as Sri Lanka’s president.” As recorded in Europa World Online, “[In August 2005] there was controversy over when the country’s next presidential election was scheduled to take place. While, under the terms of the Constitution, the next election was due to be held in December 2005, President Kumaratunga claimed that the holding of an undisclosed swearing-in ceremony in 2000 [in fact it happened in January 2004] had actually extended her second term until December 2006...In August the Supreme Court brought an end to the controversy, ruling that the election should be held by 22 November 2005. In September it was announced that the election would take place on 17 November. [1a]

See also Section 3

Nadesan (alias Balasingham Mahendran)

Considered a confidant of the LTTE leader Prabhakaran he was formerly in charge of the Tiger police, known as ‘Kaaval thurai’, before being appointed as the new head of the LTTE political section following the demise of S. P. Tamilselvan, killed in December 2007 [38y] [20a]

Pillayan

Former allied of Colonel Karuna and, from October 2007, new leader of the TMVP [11r]
See also Annex C

PRABHAKARAN (PIRAPAHARAN) Velupillai

Leader of the Liberation Tigers of Tamil Eelam (LTTE). As outlined in a BBC News profile dated 25 November 2003:

“From a secret jungle base in the north-east of Sri Lanka, Velupillai Prabhakaran heads the Liberation Tigers of Tamil Eelam (LTTE). He has a reputation as a fearless and ruthless guerrilla leader, and under his leadership, the LTTE, or Tamil Tigers, have become a highly-disciplined and highly-motivated guerrilla force.... To his followers, he is a freedom fighter struggling for Tamil emancipation from Sinhala oppression. To his adversaries he is a megalomaniac with a brutal disregard for human life...His movements between his various jungle hideouts are the subject of great secrecy, and he is reported to have narrowly avoided assassination or capture on numerous occasions.... He soon became heavily involved in the Tamil protest movement, and in 1975 was accused of being responsible for the murder of the mayor of Jaffna....The killing of the mayor of Jaffna is not the only high-

profile murder for which Mr Prabhakaran is the prime suspect. He has also been accused by India of playing a key role in the murder of the former prime minister, Rajiv Gandhi, in 1991.... Despite the conflicting views surrounding Mr Prabhakaran, there is one point on which both the Sinhala and Tamil communities agree: he is the dominating force in the rebel movement, and without his consent peace in Sri Lanka will never be attainable.” [9ae]

Rajapaksa Gothabaya

Defense Secretary and brother of the President Mahinda Rajapakse (USSD 2006) [2c] (Introduction)

RAJAPAKSE Mahinda

President. “On 17 November 2005 14 candidates contested the presidential election. Mahinda Rajapakse secured a narrow victory over his closest rival, Ranil Wickremasinghe, winning 50.29% of the vote, compared with 48.43% for Wickremasinghe.” (Europa World Online) [1a] (Recent History)

As recored in Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka:

“Mahendra Percy 'Mahinda' Rajapakse was born on 18 November 1945 in the Hambantota district of southern Sri Lanka...Rajapakse hails from a well-known and influential family in southern Sri Lanka, of which several members have figured prominently in politics. His father was a founder member of the Sri Lanka Freedom Party (SLFP) and a close associate of late, former prime minister SWRD Bandaranaike (former president Bandaranaike's husband and former president Kumaratunga's father). It was as the representative of the parliamentary constituency of Hambantota District which his father had represented from 1947 to 1960 that Mahinda Rajapakse first entered parliament in 1970 at the age of 25...Rajapakse was one of the most active and articulate members of the SLFP throughout their long period in opposition between 1977- 94. In the faction-ridden SLFP of that time, Rajapakse aligned himself with Anura Bandaranaike, who was then considered the heir apparent to his ageing mother and party leader Sirimavo Bandaranaike. However, Anura ultimately lost the party leadership to his sister, Chandrika, who went on to become president from 1994-2005. During this period, Rajapakse remained an important party member, but his relationship with Chandrika Kumaratunga was poor, and he was appointed to relatively less prominent ministerial positions such as those of labour and vocational training, and fisheries. Rajapakse made considerable headway in his standing within the party during the tenure of the United National Front (UNF) government (2001-04), often remaining neutral in inner-party disputes. After the elections of April 2004, Rajapakse was able to muster a broader spectrum of support to assume the position of prime minister. His appointment strengthened his position within the party as successor to Kumaratunga for the presidential elections of 2005. By August 2005 it was apparent that Rajapakse had gained the backing of his party, despite Kumaratunga's clear hostility to him. Rajapakse was elected president in November 2005 by a slim margin over rival candidate Ranil Wickremasinghe. Rajapakse's victory owed much to an election boycott of the Tamil vote enforced by the LTTE. As the overwhelming majority of Tamils were hostile to Rajapakse's Sinhala nationalist campaign allies, the LTTE boycott effectively robbed Wickremasinghe of the votes which would have clinched him a winning margin.” [5a] (Political Leadership, last updated 21 November 2007, President Mahinda Rajapakse)

WICKREMASINGHE Ranil

Leader of the main opposition party, United National Party (UNP). He was Minister of Industries, Science and Technology under President Premadasa and was appointed Prime Minister following the latter's assassination in 1993. As leader of the UNP, he again became Prime Minister in December 2001 after his party's victory in the general election. "However, Wickremasinghe survived just over two years of his five year term as his government was dismissed and fresh elections ordered in April 2004, which he subsequently lost. Despite this electoral defeat, Wickremasinghe remained the most obvious UNP candidate for the Sri Lankan presidency following the end of Kumaratunga's reign. He narrowly lost the 2005 presidential contest, but remains leader of the UNP as virtually all of his strong internal rivals defected to the government in late-2006 and early 2007." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka) [5a] (Political Leadership, last updated 21 November 2007, Opposition leader Ranil Wickremasinghe)

WRIKEMANAYAKE Ratnasiri

Prime Minister. [1a]

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka:

"He was sworn in as prime minister of Sri Lanka by President Mahinda Rajapakse on 21 November 2005. The decision to appoint Ratnasiri Wickremanayake as the prime minister appears to have been taken at the last minute, as his name did not appear in the context of potential candidacy until the night of his appointment. However, this is not the first time Wickremanayake has held the post of prime minister. His first tenure (August 2000-December 2001) came about as he succeeded the late Sirimavo Bandaranaike after she resigned from the position at the age of 84. He is also a senior vice-president of the ruling Sri Lanka Freedom Party (SLFP)... After the SLFP won the 2004 parliamentary elections, Wickremanayake was appointed minister of Buddhist affairs, public security, and law and order, and deputy minister for defence. He held both posts until being made prime minister in 2005 upon the election to president of the incumbent prime minister, Mahinda Rajapakse. Wickremanayake is seen by many as taking a hard line on the ethnic conflict in Sri Lanka. During his previous term as prime minister, he refused to consider talks with the main Tamil militant group, the Liberation Tigers of Tamil Eelam (LTTE), until they unambiguously renounced terrorism. He has called for Sri Lanka's family planning policies to be modified, to encourage people to have more children and thereby produce more recruits for the Sri Lankan Army. As an opposition politician, he also spoke against the 2002 ceasefire agreement at the time." [5a] (Political Leadership, last updated 21 November 2007, Prime Minister Ratnasiri Wickremanayake)

[Return to Contents](#)
[Go to list of sources](#)

Annex E: Fatalities by district

The following charts produced by SATP (South Asia Terrorism Portal) cover the number of fatalities divided by district for 2008 (with data until 28 January 2008) and the year 2007.

A) Fatalities District-Wise 2008

http://www.satp.org/satporqtp/countries/shrilanka/database/fatilitiesdisticwise_2008.htm [37h]

State	Civilians	SFs	Terrorists	Total
Ampara	0	0	3	3
Anuradhapura	16	0	0	16
Badulla	0	0	0	0
Batticaloa	4	0	3	7
Colombo	7	1	1	9
Galle	0	0	0	0
Gampaha	0	0	0	0
Hambantota	0	0	0	0
Jaffna	1	8	140	149
Kalutara	0	0	0	0
Kandy	0	0	0	0
Kegalle	0	0	0	0
Kilinochchi	0	0	0	0
Kurunegala	0	0	0	0
Mannar	0	14	328	342
Matale	0	0	0	0
Moneragala	42	3	0	45
Mullaitivu	0	0	0	0
Matara	0	0	0	0
Nuwara Eliya	0	0	0	0
Pollonaruwa	0	0	0	0
Puttalam	0	0	0	0
Ratnapura	0	0	0	
Trincomalee	0	0	4	4
Vavuniya	1	17	283	301
Total	71	43	762	876

*Data 28 January 2008

B) Fatalities District-Wise 2007

http://www.satp.org/satporqtp/countries/shrilanka/database/fatilitiesdisticwise_2007.htm [37g]

State	Civilians	SFs	Terrorists	Total
Ampara	35	16	46	97
Anuradhapura	23	26	21	70
Badulla	3	0	0	3
Batticaloa	89	55	426	570
Colombo	34	8	0	42

Galle	16	0	0	16
Gampaha	7	0	0	7
Hambantota	2	7	4	13
Jaffna	102	66	720	888
Kalutara	0	0	0	0
Kandy	0	0	0	0
Kegalle	0	0	0	0
Kilinochchi	0	0	82	82
Kurunegala	0	0	0	0
Mannar	34	61	676	771
Matale	0	0	0	0
Moneragala	0	2	19	21
Mullaitivu	0	0	24	24
Matara	0	0	69	69
Nuwara Eliya	0	0	0	0
Pollonaruwa	9	3	9	21
Puttalam	9	0	16	25
Ratnapura	2	0	0	2
Trincomalee	52	22	104	178
Vavuniya	108	234	1136	1478
Total	525	500	3352	4377

[Return to Contents](#)
[Go to list of sources](#)

Annex F: Incidents of violence between the LTTE and the Karuna faction

The following chart produced by SATP (South Asia Terrorism Portal) covers incidents between the LTTE and the Karuna faction for the period 9 April 2004 – 25 December 2007).

Incidents of violence between the LTTE and Tamil National Front (rebel faction led by Vinayagamoorthy Muralitharan alias 'Colonel' Karuna) since March 2002
<http://www.satp.org/satporgtg/countries/shrilanka/database/violenceincidents.htm>
 [37e]

Date	Place and District	Description	Fatalities-LTTE	Fatalities-Karuna faction
April 9, 2004	Verugal River, Batticaloa	LTTE launches attacks against the forward positions of 'Colonel' Karuna	0	22
April 25, 2004	Vavunithivu, Batticaloa	LTTE cadres are shot dead by the Karuna faction inside an area under the former's control	4	0
July 5, 2004	Batticaloa town	LTTE's political wing leader for Batticaloa town, Senadhi, is shot at and wounded	0	0
July 5, 2004	Batticaloa town	LTTE cadre, Murunkan Mama, is shot dead by the Karuna group	1	0
July 14, 2004	Punanai, Batticaloa	A Karuna group cadre is killed during an ambush by one of LTTE's special jungle warfare units	0	1
July 15, 2004	Batticaloa	Two Karuna faction cadres are killed in an attack by a LTTE cadre inside the Batticaloa prison	0	2
July 23, 2004	Kandaladi, Batticaloa	LTTE cadre, Seenithamby Mahalingam, is shot dead by the Karuna faction	1	0
July 25, 2004	Kottawa, Colombo	Seven suspected Karuna cadres and a Sinhalese person are shot dead by the LTTE	0	7
August 10, 2004	Kaluwaanchikudy, Batticaloa	Senithamby Yogarajan of the Karuna group is shot dead by the LTTE	0	1
August 11, 2004	Kiran, Batticaloa	Sivrajah Sivaseelan of the Karuna faction is shot dead by the LTTE	0	1
August 20, 2004	Valaichchenai, Batticaloa	Two LTTE leaders are shot dead and two cadres sustain injuries during an ambush by the Karuna group	2	0
August 24, 2004	Akkaraipattu Batticaloa	A Karuna group cadre is shot dead inside the Akkaraipattu court premises	0	1
September 23, 2004	Illuppadichchenai Batticaloa	LTTE cadres kill Reggie, elder brother of 'Colonel' Karuna	0	3
September 29, 2004	Vakarai sector, Batticaloa	Karuna cadres fire rocket propelled grenades targeting a LTTE sentry point	5	0
October 1, 2004	Vakaneri, Batticaloa.	Ruben, a Karuna cadre, is shot dead by a LTTE special jungle warfare unit	0	1
October 2, 2004	Omadiyamadu, Batticaloa	LTTE cadres of the Jeyanthan Regiment attack a group of heavily armed Karuna cadres	0	2
October 11, 2004	Nagastenne, Batticaloa	Two Karuna cadres are killed and six others sustain injuries during an attack by the LTTE special forces group	0	2

October 19, 2004	Iyankerny, Batticaloa	LTTE supporter, Kathirgamathamby Ganeshamoorthy, is killed by cadres of the Karuna faction	1	0
October 20, 2004	Anpuvallipuram, Trincomalee	The LTTE kills a suspected Karuna faction cadre	0	1
October 25, 2004	Wellawatte, Colombo	A Karuna faction cadre is killed and two others sustain injuries as suspected LTTE cadres open indiscriminate fire	0	1
November 17, 2004	Valaichenai, Batticaloa.	A political worker of the LTTE is shot dead by suspected Karuna faction cadres	1	0
November 25, 2004	Akkaraipattu Batticaloa.	An LTTE political activist, identified as Umakanth, is killed by suspected Karuna group cadres	1	0
December 22, 2004	Arasady Junction Batticaloa.	A LTTE cadre is killed by suspected Karuna faction gunmen at Pioneer Road	1	0
February 7, 2005	Poonani, Batticaloa	LTTE's Eastern Political wing leader, Kaushalyan, his deputy Nedimaran and three other LTTE cadres are killed in an ambush by the rival Karuna faction	5	0
February 12, 2005	Mannar	One civilian is killed and two persons, including an LTTE activist, are wounded when suspected Karuna faction cadres lobbed a grenade targeting the LTTE's office	0	0
February 20, 2005	Muththukkal, Polonnaruwa	Suspected LTTE cadres kill a Karuna faction cadre and injure another in an ambush	0	1
March 5, 2005	Welikanda, Polonnaruwa	Six persons are shot dead by the LTTE. Among the dead is a suspected cadre of the Karuna faction and four Muslims	0	1
March 5, 2005	Vanthaarumoolai, Batticaloa	A Karuna group cadre, identified as Mylvaganam Pulenthiran, is shot dead by the LTTE	0	1
March 5, 2005	Batticaloa district	A LTTE cadre, 'Major' Pushparaj, is shot dead by cadres of the Karuna faction. Two others were injured in the attack	1	0
March 14, 2005	Karapola, Polonnaruwa	Two LTTE cadres, Sinnaturai Selvanaathen and Subramaniam Gunsekaram, are shot dead by suspected Karuna faction cadres	2	0
March 21, 2005	Welikanda, Polonnaruwa	Two LTTE cadres are killed during a factional clash	2	0
March 26, 2005	Tharavai, Batticaloa	Five LTTE cadres are killed by the rival Karuna faction	5	0
March 28, 2005	Vavuniya	Suspected Karuna group cadres throw grenades targeting a LTTE office, wounding at least three people	0	0
April 8, 2005	Poonagar, Trincomalee	Two LTTE cadres are killed in an attack at a LTTE checkpoint by cadres of the Karuna faction	2	0
April 14, 2005	Welikanda, Polonnaruwa	Nine Karuna faction cadres are killed in an attack on their camp by the LTTE	0	9
April 21, 2005	Kanjikudichcha Aaru, Ampara	Five LTTE cadres are killed and seven others sustain injuries in a pre-dawn attack by the Karuna faction	5	0
April 21, 2005	Valaichenai, Batticaloa.	LTTE cadres kill a suspected Karuna group cadre	0	1
April 25, 2005	Karapola, Polonnaruwa	One Karuna faction cadre is killed while one of his colleagues is abducted	0	1
May 6, 2005	Welikanda, Polonnaruwa	Two LTTE cadres, believed to be 'intelligence operatives', are killed during a clash with the	2	0

		Karuna faction		
May 23, 2005	Manampitiya, Polonnaruwa	A LTTE cadre is shot dead by suspected gunmen of the Karuna faction	1	0
June 5, 2005	Aalankulam, Batticaloa	A Karuna group cadre is killed by rival LTTE cadres	0	1
June 8, 2005	Sangamankandy, Batticaloa	Two LTTE cadres are killed in an explosion triggered by the Karuna faction	2	0
June 21, 2005	Muttur, Trincomalee	A Karuna faction cadre is shot dead by suspected LTTE cadres.	0	1
July 6, 2005	Batticaloa	Suspected LTTE cadres kill, Selvaraja, a 'Colonel' Karuna group cadre	0	1
July 10, 2005	Trincomalee	Four LTTE cadres, including two top leaders Dikkan and Sinnavan, are killed by rival 'Colonel' Karuna faction.	4	0
July 26, 2005	Colombo	A suspected LTTE cadre, identified as Krishnapillai Kiribarthnam, is shot dead by a member of a rival 'Colonel' Karuna faction.	1	0
August 15, 2005	Polannaruwa	Suspected LTTE cadres shot dead, Mahathevarajah, a 'Colonel' Karuna group cadre.	0	1
September 2, 2005	Wennappuwa, Puttalam	Suspected LTTE cadres shot dead a former member of the 'Colonel' Karuna group.	0	1
September 4, 2005	Kaluwanchikudy, Batticaloa	Cadres of the 'Colonel' Karuna group lob a hand grenade towards the LTTE political office and subsequently shot dead a LTTE cadre, identified as K. Arulnesan.	1	0
October 26, 2005	Polonnaruwa	Two cadres of the LTTE are killed by the 'Colonel' Karuna faction.	2	0
November 14, 2005	Akkaraipattu, Ampara	Cadres of the 'Colonel' Karuna faction abduct and subsequently kill two top leaders of the LTTE, including Amparai district 'military commander' of the outfit, identified as Suresh.	2	0
December 5, 2005	Siyambalanduwa, Ampara	Four cadres of the 'Colonel' Karuna faction, including a senior commander identified as Iniyabarathy alias Barathy, are killed by the LTTE.	0	4
December 15, 2005	Kudapokuna, Polonnaruwa	Suspected cadres of the LTTE shot dead a cadre of the breakaway 'Colonel' Karuna faction, identified as Sivapulandu Passirasa alias Thran.	0	1
January 26, 2006	Vadamunai, Batticaloa	At least 10 LTTE cadres are killed and an unspecified number are injured when 'Colonel' Karuna faction cadres attacked a vehicle carrying LTTE cadres.	10	0
January 26, 2006	Vadamunai, Batticaloa	A senior LTTE cadre, 'Major' Kavilan, is allegedly killed by cadres affiliated to 'Colonel' Karuna.	1	0
February 22, 2006	Pulipaynthakal, Batticaloa	Six suspected 'Colonel' Karuna cadres shot dead a LTTE 'National Auxiliary Force' cadre, identified as Shanthakumar Narayanapillai.	1	0
April 5, 2006	Panichchankerni, Batticaloa	Two 'Colonel' Karuna faction cadres, including a key operative Chooty, are injured in a counter-attack by the LTTE.	0	0
April 13, 2006	Vakaneri, Batticaloa	Two LTTE cadres are killed and four others wounded in an ambush by cadres belonging to the 'Colonel' Karuna faction.	2	0
April 18, 2006	Kiran, Batticaloa	The LTTE announces that they had killed three paramilitary cadres and captured another in the LTTE-controlled area.	0	3
April 30.	Welikanda,	The LTTE raided three camps of 'Colonel' Karuna	0	20

2006	Polannaruwa	faction.		
May 2, 2006	Batticaloa	Cadres of the 'Colonel' Karuna faction attack the LTTE camp, killing eight of the outfit's cadres.	8	0
May 7, 2006	Sampoor and Ravulkulee, Trincomalee	'Colonel' Karuna faction cadres kill 12 cadres of the LTTE in an attack at the outfit's camp.	12	0
May 19, 2006	Sampur, Trincomalee	Cadres of the 'Colonel' Karuna group in the district kill five LTTE cadres.	5	0
May 21, 2006	Batticaloa and Trincomalee	Cadres of the breakaway 'Colonel' Karuna faction in the Batticaloa district kill a top 'commander' of the LTTE, identified as Ramanan. A spokesperson for the Karuna group, T. Thuyavan, claims they killed Ramanan who was deputy head of the LTTE 'Military wing' of the Batticaloa district. He also claimed that their cadres attacked an LTTE camp near Trincomalee, killing at least 10 cadres of the outfit.	11	0
May 26, 2006	Pattiaddy, Trincomalee	A counter-ambush commando unit of the LTTE killed three 'Colonel' Karuna faction cadres and captured two others, when it allegedly launched an attack on the infiltrating five-member Karuna group from the Sri Lanka Army camp.	3	0
June 7, 2006	Muttur, Trincomalee	At least 15 cadres of the LTTE are killed in an attack by the breakaway faction of 'Colonel' Karuna.	15	0
June 20, 2006	Trincomalee	Eight LTTE cadres are killed during an overnight clash with the 'Colonel' Karuna group cadres in the Trincomalee district.	8	0
June 27, 2006	Vakarai, Batticaloa	Four LTTE cadres are killed in an attack by the breakaway faction of 'Colonel' Karuna in the Vakara area of Batticaloa district.	4	0
July 24, 2006	Ampara	Two LTTE cadres are killed when a group of 'Colonel' Karuna faction cadres attacked them at an outfit-held village.	2	0
July 28, 2006	Vavunathivu, Batticaloa	The Sri Lanka Broadcasting Corporation reports that 30 LTTE cadres are killed in a suicide attack launched by the breakaway faction led by 'Colonel' Karuna.	Unconfirmed	0
August 29, 2006	Sittandy, Batticaloa	A woman, allegedly with the 'Colonel' Karuna faction, is shot dead by cadres of the LTTE near Murugan Kovil in the Sittandy area of Batticaloa district.	0	1
September 5-6	Kanchankudi, Ampara	Heavy fighting erupts between LTTE and its breakaway faction led by 'Colonel' Karuna in the jungles in the Kanchankudi area of Ampara district in which six LTTE camps, including the Kanchikudichchuaru, Pavata and 73 Camp, are overrun by hundreds of Karuna cadres.	0	0
October 26	Chenkalady-Badulla road, Batticaloa	Three cadres of the TMVP, a LTTE breakaway faction led by 'Colonel' Karuna, are killed and eight others sustain injuries in a LTTE attack on the TMVP political office on the Chenkalady-Badulla road in Batticaloa.	0	3
December 19	Ampara	LTTE cadres lob a hand grenade at the Kalmunai political office of the TMVP in the Ampara district, the political wing of the outfit's breakaway faction led by 'Colonel' Karuna, killing two of the TMVP	0	2

		cadres and injuring another.		
December 20	Vavuniya	At least three cadres of the LTTE breakaway faction led by 'Colonel' Karuna are killed in a clash with the LTTE in Vavuniya district.	0	3
2007				
January 9	Valaichenai/Batticaloa	Armed men ambushed two camps belonging to the breakaway faction of the LTTE led by 'Colonel' Karuna, killing several cadres of the Karuna faction. The LTTE claimed that unidentified assailants killed at least 10 members of the breakaway Karuna faction and wounded four more in the ambush. An official at the Defence Ministry in Colombo confirmed the attacks, but said only two Karuna faction members died and that two were wounded	0	2
February 5	Kaluthavalai, Batticaloa	At least two civilians were killed and another wounded in an encounter between the LTTE cadres and the Karuna faction in Kaluthavalai in the Batticaloa district.	0	0
March 4	Batticaloa	At least four civilians received injuries when LTTE cadres triggered a claymore mine and destroyed TMVP political office of LTTE (Karuna faction) in Batticaloa. The claymore explosion completely destroyed the office injuring one of the party supporters inside the office	0	0
April 14	Chenkaladi/Batticaloa district.	The LTTE cadres shot dead a member of the TMVP, political wing of the LTTE breakaway faction led by 'Colonel' Karuna, at the TMVP Chenkaladi office in the Batticaloa district.	0	1
June 10	Mawadivembu/Batticaloa	LTTE cadres shot dead a cadre of its breakaway faction led by 'Colonel' Karuna, identified as Manoraj, while he was in his residence at Mawadivembu in the Batticaloa district.	0	1
August 29	Ambivelipuram, Trincomalee	Suspected LTTE cadres shot dead a Tamil youth, identified as Nadarasa Kumanan alias Murali, at Ambivelipuram in the Trincomalee district. He was a supporter of the TMVP, the political wing of the LTTE breakaway faction led by 'Colonel' Karuna.	0	1
September 22	Alliadiwembu, Ampara	Suspected LTTE cadres shot dead a supporter of the TMVP and injured two others at Alliadiwembu in the Ampara district.	0	1
September 22	Wellaweli, Batticaloa	One youth, identified as Ariyaratnam Selvakumar, a relative of a TMVP supporter was shot dead by LTTE cadres at Wellaweli in the Batticaloa district.	0	1
October 25	Mavadiwembu Batticaloa	A 19-year-old youth, Sivalingam Chandrakumar, working at the TMVP, the political wing of the LTTE breakaway faction led by 'Colonel' Karuna, political office in Chenkaladi was shot dead by 'pistol gang' cadres of the LTTE in the Mavadiwembu area of Batticaloa district.	0	1
October 29	Kaththankudi, Batticaloa	Two 'pistol gang' cadres of the LTTE shot dead a cadre of the TMVP, identified as Vettivel Sudhakar, at Kaththankudi in the Batticaloa district.	0	1

December 25	Sandiveli Batticaloa	A cadre of the TMVP, identified as Karunakaran Udayakumar, was shot dead by LTTE gunmen at Sandiveli in the Batticaloa district.	0	1
-------------	----------------------	--	---	---

[37e]

[Return to Contents](#)
[Go to list of sources](#)

Annex G: List of abbreviations

AHRC	Asian Human Rights Commission
AI	Amnesty International
BHC	British High Commission
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CID	Criminal Investigations Department
CPJ	Committee to Protect Journalists
ERs	Emergency Regulations
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
GOSL	Government of Sri Lanka
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRC	Human Rights Commission
HRW	Human Rights Watch
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NESOHR	North East Secretariat on Human Rights
NGO	Non Governmental Organisation
NPC	National Police Commission
NCPA	National Child Protection Authority
OCHA	Office for the Coordination of Humanitarian Affairs
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PTA	Prevention of Terrorism Act
RSF/RWB	Reporters sans Frontières (Reporters without Borders)
SCOPP	Sri Lankan Government's Secretariat for Co-ordinating the Peace Process
SLA	Sri Lanka Army
SLAF	Sri Lanka Air Force
SLMM	Sri Lanka Monitoring Mission
STC	Save The Children
STD	Sexually Transmitted Disease
STF	Special Task Force
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

USAID United States Agency for International Development
USSD United States State Department
WFP World Food Programme
WHO World Health Organization

[Return to Contents](#)
[Go to list of sources](#)

Annex H: References to source material

The Home Office is not responsible for the content of external websites.

Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document.

[1] Europa

- a Europa World Online, Sri Lanka
http://www.europaworld.com/entry?id=lk&go_country=GO
 Date accessed: 7 June 2006; 13 September 2006; 2 January 2007; 20 July 2007; 15 August 2007

[2] US Department of State

- a International Religious Freedom Report 2007, issued 14 September 2007
<http://www.state.gov/g/drl/rls/irf/2007/90234.htm>
 Date accessed: 1 October 2007
- b Report on Human Rights Practices 2003, issued 25 February 2004
 Date accessed: 16 June 2005
- c Report on Human Rights Practices 2006, issued 6 March 2007
<http://www.state.gov/g/drl/rls/hrrpt/2006/78875.htm>
 Date accessed: 6 March 2007
- d Report on Human Rights Practices 2004, issued 28 February 2005
<http://www.state.gov/g/drl/rls/hrrpt/2004/41744.htm>
 Date accessed: 28 February 2005
- e Country Reports on Terrorism, Chapter 2 – Country Reports: South and Central Asia Overview, Sri Lanka, 30 April 2007
<http://www.state.gov/s/ct/rls/crt/2006/82734.htm>
 Date accessed 2 May 2007
- i Trafficking in Persons Report, issued 12 June 2007
<http://www.state.gov/g/tip/rls/tiprpt/2007/82807.htm>
 Date accessed: 16 July 2007

[3] Amnesty International

- b Sri Lanka - Observations on a Proposed Commission of Inquiry and International Independent Group of Eminent Persons: 17 November 2006
<http://web.amnesty.org/library/Index/ENGASA370302006?open&of=ENG-LKA>
 Date accessed: 21 November 2006
- d Sexual Minorities and the Law: A World Survey, updated July 2006
<http://www.ai-lgbt.org/texts/lgbt2006.rtf>
 Date accessed: 28 March 2007
- e Sri Lanka: Further information on incommunicado detention/ fear of torture or ill-treatment/ detention without charge, 29 March 2007
<http://web.amnesty.org/library/Index/ENGASA370082007?open&of=ENG-LKA>
 Date accessed: 20 November 2007
- g Sri Lanka: Amnesty International urges LTTE to live up to its pledge to end child recruitment, 10 July 2007
<http://web.amnesty.org/library/print/ENGASA370172007>
 Date accessed: 20 November 2007
- h Sri Lanka: Incommunicado detention/Fear of torture: 17 August 2007
<http://web.amnesty.org/library/Index/ENGASA370182007?open&of=ENG-LKA>
 Date accessed 22 August 2007

- i Sri Lanka: Tamil Tigers beating up families to recruit child soldiers: 7 July 2004
<http://web.amnesty.org/library/Index/ENGASA370022004?open&of=ENG-LKA> Date accessed: 8 July 2004
- j Death Penalty News: December 2004
<http://web.amnesty.org/library/Index/ENGACT530022004?open&of=ENG-LKA> Date accessed: 27 June 2005
- k Whereabouts unknown - thousands still missing worldwide, The Wire, August 2007
<http://web.amnesty.org/wire/August2007/Disappearances>
Date accessed 20 August 2007
- l Sri Lanka: Amnesty International calls on the United Nations Human Rights Council to address violations: 4 September 2007
<http://web.amnesty.org/library/Index/ENGASA370192007?open&of=ENG-LKA>
Date accessed 6 September 2007
- n Sri Lanka: Urgent action needed to ensure future of Human Rights Commission: 31 March 2006
<http://web.amnesty.org/library/Index/ENGASA370092006?open&of=ENG-LKA> Date accessed: 24 August 2006
- q South Asia: 'War on terror' spawns new patterns of enforced disappearance: 30 August 2006
<http://web.amnesty.org/library/Index/ENGASA040012006>
Date accessed: 31 August 2006
- r 2006 Annual Report on Sri Lanka (covering events from January – December 2005): issued May 2006 <http://web.amnesty.org/report2006/lka-summary-eng> Date accessed: 24 May 2006
- u Report 2007 on Sri Lanka (covering events from January – December 2006): issued May 2007
<http://thereport.amnesty.org/eng/Regions/Asia-Pacific/Sri-Lanka> Date accessed: 16 July 2007

[4] Reuters News Service/Alertnet

- a Breakaway Sri Lanka rebels set sights on elections: 9 August 2006
<http://www.alertnet.org/thenews/newsdesk/SP243489.htm>
Date accessed: 9 August 2006
- b Sri Lanka arrests 16 over abductions, extortion, 4 July 2007
<http://www.alertnet.org/thenews/newsdesk/COL176494.htm>
Date accessed: 9 July 2007
- c Interview-Sri Lanka a top danger spot for aid workers-UN: 9 August 2007
<http://www.alertnet.org/thenews/newsdesk/COL57887.htm>
Date accessed 13 August 2007
- d Obituary - Slain Sri Lanka Tiger was public face of rebels: 2 November 2007
<http://www.alertnet.org/thenews/newsdesk/L02540893.htm>
Date accessed: 2 November 2007
- e AIDS treatment costs slashed in Sri Lanka: 1 December 2002 (via Xinhua News Agency)
- f Sri Lanka military says 94 killed in clashes: 28 January 2008
<http://www.alertnet.org/thenews/newsdesk/SP243395.htm>
Date accessed: 19 February 2008
- g S.Lanka president's office meddled in probe-experts: 19 December 2007
<http://www.alertnet.org/thenews/newsdesk/COL149909.htm>
Date accessed: 19 December 2007

[5] Jane's Sentinel Country Risk Assessments

<http://sentinel.janes.com/public/sentinel/index.shtml>

- a Country Report, Sri Lanka: 21 November 2007

http://www4.janes.com/subscribe/sentinel/SASS_doc_view.jsp?Sent_Count ry=Sri%20Lanka&Prod_Name=SASS&K2DocKey=/content1/janesdata/sen t/sassu/srils020.htm@current

Date accessed 4 January 2008

[6] United Nations/UNHCR

- a Map of Sri Lanka (Map No. 4172 Rev.1): January 2004

<http://www.un.org/Depts/Cartographic/map/profile/srilanka.pdf>

Date accessed 10 October 2006

- b UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka, December 2006

<http://www.unhcr.org/home/RSDLEGAL/4590f12a4.pdf> Date accessed 3 January 2007

- c Statistical Summary of IDP Movements in North-East Sri Lanka for the period 7 April 2006 – 31 December 2007: undated

<http://www.unhcr.lk/statistics/docs/SummaryofDisplacement-7Apr-01Oct07.pdf>

Date accessed 15 February 2008

- d United Nations Population Division, Department of Economic and Social Affairs, Abortion Policies, Country profiles: Sri Lanka: undated (last modified 23 November 2005)

<http://www.un.org/esa/population/publications/abortion/doc/srilanka.doc>

Date accessed 24 October 2007

- e UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka (S/2007/758): 21 December 2007

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=478345b22&kip=&coi=LKA>

Date accessed 15 January 2008

- f World Abortion Policies 2007: undated

http://www.un.org/esa/population/publications/2007_Abortion_Policies_Chart/2007_WallChart.pdf

Date accessed 26 February 2008

- m UNHCR Global Report 2006: Sri Lanka: June 2007

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=466d42942>

Date accessed 16 July 2007

- n Sri Lankan refugees ready to return despite UN warnings: 20 June 2004

<http://www.unhcr.ch/cgi-bin/texis/vtx/print?tbl=NEWS&id=40d6a971a>

Date accessed 21 June 2004

- r Returns of Tamil Asylum Seekers with Scars: 1 January 2005

- x Economic and Social Council – Commission on Human Rights, Sixty-second session. Civil and political rights, including the question of disappearances and summary executions. Extrajudicial, summary or arbitrary executions. Report of the Special Rapporteur, Philip Alston. Addendum Mission to Sri Lanka (28 November to 6 December 2005): 27 March 2006

<http://daccessdds.un.org/doc/UNDOC/GEN/G06/121/16/PDF/G0612116.pdf?OpenElement> Date accessed 31 August 2006

- aa UN expert welcomes proposed Sri Lanka commission: 5 September 2006

[http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/60C78D11B11D1477C12571E0005390CA?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/60C78D11B11D1477C12571E0005390CA?OpenDocument)

Date accessed 6 September 2006

- [7] **Sri Lanka Police Service**
Special Information: undated
<http://www.police.lk/news.html> Date accessed 13 September 2006
- [8] **Political Parties of the World, 6th edition, John Harper Publishing 2005**
- [9] **BBC News OnLine//BBC Sinhala.com**
- b Senior Tamil Tiger leader killed: 2 November 2007
http://news.bbc.co.uk/1/hi/world/south_asia/7074450.stm
Date accessed 2 November 2007
 - c Police deny AI accusations: 19 August 2007
http://www.bbc.co.uk/sinhala/news/story/2007/08/070819_thailand_detainees.shtml
Date accessed 22 August 2007
 - d Tamil eviction appeal to be heard: 26 July 2007
http://news.bbc.co.uk/1/hi/world/south_asia/6917798.stm
Date accessed 27 July 2007
 - e 'Hundreds of' Indian Tamils detained: 24 January 2007
http://www.bbc.co.uk/sinhala/highlights/story/2007/01/070124_indian_tamil_s.shtml
Date accessed 25 January 2007
 - h Sri Lanka parties in talks pact: 23 October 2006
http://news.bbc.co.uk/1/hi/world/south_asia/6077066.stm
Date accessed 23 October 2006
 - i 'Do not transfer' Tamil suspects: 18 July 2007
http://www.bbc.co.uk/sinhala/news/story/2007/07/070718_pta_suspects.shtml
Date accessed 15 August 2007
 - j Death for killing tsunami victim: 14 December 2006
http://news.bbc.co.uk/1/hi/world/south_asia/6178779.stm
Date accessed 14 December 2006
 - k Bomb targets Tamil Tigers' critic: 1 December 2006
http://news.bbc.co.uk/1/hi/world/south_asia/6197562.stm
Date accessed 1 December 2006
 - l New 'permit offices' in the east: 23 October 2006
http://www.bbc.co.uk/sinhala/news/story/2006/10/061023_check_points.shtml
Date accessed 24 October 2006
 - m The importance of two provinces: 17 October 2006
http://news.bbc.co.uk/1/hi/world/south_asia/6059992.stm
Date accessed 18 October 2006
 - n Court overrules police appointments: 9 October 2006
http://www.bbc.co.uk/sinhala/news/story/2006/10/061009_police_promotion_s.shtml
Date accessed 10 October 2006
 - o Sri Lanka invokes anti-terror law: 6 December 2006
http://news.bbc.co.uk/1/hi/world/south_asia/6212978.stm
Date accessed 1 December 2006
 - p Public face of the Tamil Tigers: 2 November 2007
http://news.bbc.co.uk/1/hi/world/south_asia/7075158.stm
Date accessed 2 November 2007
 - s Deadly blast hits Sri Lanka bus: 16 January 2008
http://news.bbc.co.uk/1/hi/world/south_asia/7190967.stm
Date accessed 17 January 2008
 - t MP killing: suspect 'worked for state': 6 January 2008

- http://www.bbc.co.uk/sinhala/news/story/2008/01/080106_maheswaran_ke_heliya.shtml
Date accessed 16 January 2008
- u Killing MP: witnesses 'threatened': 11 January 2008
http://www.bbc.co.uk/sinhala/news/story/2008/01/080111_ranil_maheswaran.shtml
Date accessed 14 January 2008
- v Sri Lanka troops 'take key town': 19 January 2007
http://news.bbc.co.uk/1/hi/world/south_asia/6278349.stm
Date accessed 22 January 2007
- w Sri Lanka hit by heavy fighting: 16 January 2007
http://news.bbc.co.uk/1/hi/world/south_asia/6267715.stm
Date accessed 17 January 2007
- y Police held over S Lanka kidnaps: 6 March 2007
http://news.bbc.co.uk/1/hi/world/south_asia/6422815.stm
Date accessed 6 March 2007
- aa Three Sri Lanka ministers sacked: 9 February 2007
http://news.bbc.co.uk/1/hi/world/south_asia/6348063.stm
Date accessed 1 March 2007
- ab A date with a renegade rebel Tiger: 4 April 2007
http://news.bbc.co.uk/1/hi/world/south_asia/6524869.stm
Date accessed 5 April 2007
- ac Casualties in Sri Lanka explosion: 28 May 2007
http://news.bbc.co.uk/1/hi/world/south_asia/6698527.stm
Date accessed 30 May 2007
- ad Tamil Tiger eastern base 'taken', 11 July 2007
http://news.bbc.co.uk/1/hi/world/south_asia/6290780.stm
Date accessed 11 July 2007
- ae The enigma of Prabhakaran: 25 November 2003
http://news.bbc.co.uk/1/hi/world/south_asia/3236030.stm
Date accessed: 23 September 2004
- af Mahinda on a 'political witchhunt': 18 June 2007
http://www.bbc.co.uk/sinhala/news/story/2007/06/070618_tiran_mahinda.shtml
Date accessed 19 June 2007
- ag War-weary Tamils face India hardship: 4 June 2007
http://news.bbc.co.uk/1/hi/world/south_asia/6708947.stm
Date accessed 19 June 2007
- ak Thousands march against Mahinda: 26 July 2007
http://www.bbc.co.uk/sinhala/news/story/2007/07/070726_mangala.shtml
Date accessed 27 July 2007
- al Police 'ignore' Presidential decree: 12 October 2007
http://www.bbc.co.uk/sinhala/news/story/2007/10/071012_panel_resignation.shtml
Date accessed 15 October 2007
- am Govt not sympathetic to minority – Hakeem: 12 December 2007
http://www.bbc.co.uk/sinhala/news/story/2007/12/071212_hakeem_resigns.shtml
Date accessed 13 December 2007
- an 'Release' Tamil detainees: 10 December 2007
http://www.bbc.co.uk/sinhala/news/story/2007/12/071210_tamils_arrested.shtml
Date accessed 12 December 2007
- bd Sri Lanka's president under fire: 14 January 2004
http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/world/south_asia/3395335.stm **Date accessed 16 January 2004**

- bf Analysis: Starting point for negotiations: 1 November 2003
http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/world/south_asia/3233441.stm Date accessed 4 November 2003
- bg Sri Lankan health service boost: 16 June 2004
http://news.bbc.co.uk/1/hi/world/south_asia/3813007.stm
Date accessed 17 June 2004
- bl Tiger faction 'abandoning fight': 12 April 2004
http://news.bbc.co.uk/1/hi/world/south_asia/3619763.stm
Date accessed 17 August 2004
- bm Tigers defeat breakaway faction: 13 April 2004
http://news.bbc.co.uk/1/hi/world/south_asia/3621415.stm
Date accessed 18 August 2004
- bp Tigers accuse Sri Lanka military: 21 June 2004
http://news.bbc.co.uk/1/hi/world/south_asia/3826761.stm
Date accessed 18 August 2004
- bs Sri Lankan Tamil Tigers in crisis: 4 March 2004
http://news.bbc.co.uk/1/hi/world/south_asia/3532481.stm
Date accessed 18 August 2004
- bt Profile: Colonel Karuna: 5 March 2004
http://news.bbc.co.uk/1/hi/world/south_asia/3537025.stm
Date accessed 18 August 2004
- cr Profile: Chandrika Kumaratunga: 3 April 2004
http://news.bbc.co.uk/1/hi/world/south_asia/3239821.stm
Date accessed: 22 September 2004
- ff Sri Lankan rebel discovered dead: 13 May 2005
http://news.bbc.co.uk/1/hi/world/south_asia/4544905.stm
Date accessed: 16 May 2005
- fi Sri Lanka's gays share their journey: 20 May 2005
http://news.bbc.co.uk/1/hi/world/south_asia/4551903.stm
Date accessed: 23 May 2005
- fo Timeline: Sri Lanka: undated
http://news.bbc.co.uk/1/hi/world/south_asia/country_profiles/1166237.stm
date accessed: 19 February 2008)

[10] Department of Government Information/The Official Government News Portal of Sri Lanka <http://www.news.lk>

- a Tougher laws to curb child labour: 21 July 2006
http://www.news.lk/index.php?option=com_content&task=view&id=472&Itemid=44 Date accessed: 21 July 2006
- b Department of Immigration and Emigration departs over stayers: 31 October 2007
http://www.news.lk/index.php?option=com_content&task=view&id=3848&Itemid=44
Date accessed: 29 November 2007
- c Regulations in line with UN convention: 7 December 2006
http://www.news.lk/index.php?option=com_content&task=view&id=1260&Itemid=44 Date accessed: 7 December 2006
- e New commission starts investigations on allegations of HR violations: 11 January 2007
http://www.news.lk/index.php?option=com_content&task=view&id=1487&Itemid=44
Date accessed: 20 November 2007
- f Amnesty period for Army deserters: 12 January 2007
http://www.news.lk/index.php?option=com_content&task=view&id=1501&Itemid=44
Date accessed: 12 January 2007

- g EU to keep LTTE in the black list: 24 April 2007
http://www.news.lk/index.php?option=com_content&task=view&id=2227&Itemid=44
Date accessed: 24 April 2007
- h Police to recruit Tamil interpreters: 18 May 2007
http://www.news.lk/index.php?option=com_content&task=view&id=2401&Itemid=95
Date accessed: 18 May 2007
- i President assures speedy action against genuine cases: 3 June 2007
http://www.news.lk/index.php?option=com_content&task=view&id=2548&Itemid=44
Date accessed: 6 June 2007
- j Govt. establishes a new information center to avert abductions, 27 June 2007
http://www.news.lk/index.php?option=com_content&task=view&id=2749&Itemid=44
Date accessed: 9 July 2007
- k Presidential directives on Fundamental Rights re-circulated, 25 April 2007
http://www.news.lk/index.php?option=com_content&task=view&id=2235&Itemid=44
Date accessed 25 April 2007

[11] Daily Mirror (Sri Lanka) <http://www.dailymirror.lk/> and **The Sunday Times** <http://www.sundaytimes.lk/>

- a Hang them, magistrates tell President: 13 December 2006
<http://www.dailymirror.lk/2006/12/13/front/2.asp>
Date accessed: 12 December 2006
- b Gallows for three brothers: 8 December 2006
<http://www.dailymirror.lk/2006/12/08/front/05.asp>
Date accessed: 8 December 2006
- c Scotland Yard to probe Raviraj killing: 11 November 2006
<http://www.dailymirror.lk/2006/11/11/front/1.asp>
Date accessed: 17 January 2007
- d 'Govt. loyalists responsible for disappearances': 6 November 2006
<http://www.dailymirror.lk/2006/11/06/news/8.asp>
Date accessed: 18 January 2007
- e North-East demerger activates: 2 January 2007
<http://www.dailymirror.lk/2007/01/02/front/05.asp>
Date accessed: 20 November 2007
- f Pillayan strengthens grip on TMVP, 10 November 2007
<http://www.dailymirror.lk/2007/11/10/news/6.asp>
Date accessed 12 November 2007
- g Dispute with Pillayan settled: Karuna spokesman: 14 May 2007
<http://www.dailymirror.lk/2007/05/14/front/2.asp>
Date accessed: 14 May 2007
- h Karuna demands more security from Govt.: 17 April 2007
<http://www.dailymirror.lk/2007/04/17/front/02.asp>
Date accessed: 17 April 2007
- i Father and three sons sentenced to death, 19 June 2007
<http://www.dailymirror.lk/2007/06/19/news/07.asp>
Date accessed: 19 June 2007
- k Omanthai reopens after temporary shutdown: 19 October 2007
<http://www.dailymirror.lk/2007/10/19/front/2.asp>
Date accessed: 25 October 2007
- l No limit to disappearances, UN group takes up some: 22 May 2007
<http://www.dailymirror.lk/2007/05/22/news/08.asp>
Date accessed: 22 May 2007

- m No rehabilitation for surrendering Tigers?: 15 August 2007
<http://www.dailymirror.lk/2007/08/15/front/02.asp>
 Date accessed 15 August 2007
- n Jaffna surrendees to get permanent centre: 30 September 2007
<http://www.sundaytimes.lk/070930/News/news00025.html>
 Date accessed: 30 October 2007
- o Government to amend Citizenship Act: 21 September 2007
<http://www.dailymirror.lk/2007/09/21/news/04.asp>
 Date accessed: 1 October 2007
- p Power of protection: 30 September 2007
<http://www.sundaytimes.lk/070930/Plus/plus0001.html>
 Date accessed: 30 October 2007
- q Pillayan to lead TMVP?: 1 October 2007
<http://www.dailymirror.lk/2007/10/01/front/01.asp>
 Date accessed: 1 October 2007
- r Karuna fired, alleged swindle of Rs. 80 mn: 9 October 2007
<http://www.dailymirror.lk/2007/10/09/front/01.asp>
 Date accessed: 9 October 2007
- s Karuna ceremonial head of TMVP: 17 October 2007
<http://www.dailymirror.lk/2007/10/17/front/08.asp>
 Date accessed: 1 November 2007
- t Tight security for TMVP: 24 October 2007
<http://www.dailymirror.lk/2007/10/24/news/14.asp>
 Date accessed: 24 October 2007
- u Colombo City searched: 7 January 2008
http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?AR_TID=3145
 Date accessed: 7 January 2008
- v More than 1500 deserters rejoined: 26 November 2007
<http://www.dailymirror.lk/2007/11/26/news/11.asp>
 Date accessed: 26 November 2007
- w Pillayan, Karuna faction in fresh clashes: 8 December 2007
http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?AR_TID=831
 Date accessed: 12 December 2007
- x FR petition against eviction of lodgers amicably resolved: 29 November 2007
<http://www.dailymirror.lk/2007/11/29/news/7.asp>
 Date accessed: 26 February 2008

[12] Free Media Movement (FMM) <http://www.freemediasrilanka.org>

- a Journalists face death threats for resisting Government MP's thuggery: 7 January 2008
http://www.freemediasrilanka.org/index.php?action=con_news_full&id=864§ion=news
 Date accessed 7 January 2008
- b Rupavahini drama takes another violent turn: 27 January 2008
http://www.freemediasrilanka.org/index.php?action=con_news_full&id=872§ion=news
 Date accessed 26 February 2008

[13] Law & Society Trust <http://www.lawandsocietytrust.org/>

- a First in a series of submissions to the Presidential Commission of Inquiry and public on human rights violations in Sri Lanka: 23 August 2007
<http://www.lawandsocietytrust.org/PDF/Col%20submission%201%20-%20Combined%20Public%20Infor%20-%2023Aug07-final.pdf>

Date accessed 24 October 2007

- b Second submission to the Presidential Commission of Inquiry and public on human rights violations in Sri Lanka: January – August 2007: 31 October 2007

<http://www.lawandsocietytrust.org/PDF/Public%20report%20on%20Killings%20and%20Disappearances%20from%20-%20Jan%20-%20Aug%202007%20.pdf>

Date accessed 2 November 2007

[14] Department of Prisons Sri Lanka

<http://www.prisons.gov.lk> Date accessed: 7 July 2005 and 31 March 2006

[15] Foreign & Commonwealth Office/Information from British High Commission, Colombo

- a Letter dated 10 April 2007
- b Letter dated 17 July 2007
- c Letter dated 13 February 2006
- d Letter dated 26 September 2005
- e Letter dated 13 August 2007
- f Letter dated 25 January 2008
- h Letter dated 24 August 2006
- i Letter dated 31 August 2006
- j Country Profiles, Sri Lanka: undated (last reviewed 30 March 2007)
<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029394365&a=KCountryProfile&aid=1019041599186> Date accessed 2 April 2007
- k Letter dated 7 July 2006
- m Letter dated 22 November 2006
- n Letter dated 21 January 2007
- o Letter dated 25 January 2007
- p Letter dated 11 September 2007
- q Letter dated 29 October 2007

[16] Daily News www.dailynews.lk and Sunday Observer www.sundayobserver.lk
(state-owned, pro-government newspapers)

- a Today is World Kidney Day: 9 March 2006
<http://www.dailynews.lk/2006/03/09/news15.asp>
Date accessed: 21 September 2006
- b Rise in corruption complaints: 17 May 2007
<http://www.dailynews.lk/2007/05/17/news16.asp>
Date accessed: 17 May 2007
- c Bilingual proficiency must for new Govt recruits: 14 June 2007
<http://www.dailynews.lk/2007/06/14/news20.asp>
Date accessed: 14 June 2007
- d Sunday Observer, Over 349 children subject to grave crimes in two months – WCB: 1 April 2007
<http://www.sundayobserver.lk/2007/04/01/new13.asp>
Date accessed 2 April 2007
- e Abductions, HR abuses see drastic drop: 23 August 2007
<http://www.dailynews.lk/2007/08/23/news01.asp>
Date accessed 23 August 2007
- f Amnesty for Army deserters: 9 November 2007
<http://www.dailynews.lk/2007/11/09/news21.asp>
Date accessed 9 November 2007
- g 2,352 freed after questioning: 6 December 2007

- <http://www.dailynews.lk/2007/12/06/news02.asp>
Date accessed 6 December 2007
- p Mothers get right to pass on citizenship: 8 March 2003
Date accessed 10 March 2003
- be Ministry Secretary orders immediate re-organisation: 20 August 2004
<http://www.dailynews.lk/2004/08/20/new30.html>
Date accessed: 20 August 2004
- bf CID probes massive NIC racket: 17 July 2004
<http://www.dailynews.lk/2004/07/17/new03.html> Date accessed: 19 July 2004
- bi Obtaining passports by misleading Immigration and Emigration Dept. not valid: 25 June 2004 <http://www.dailynews.lk/2004/06/25/new25.html>
Date accessed: 25 June 2004
- bj CID probes massive forged passport scam at BIA: 15 April 2004
<http://www.dailynews.lk/2004/04/15/new41.html> Date accessed: 15 April 2004
<http://www.dailynews.lk/2004/05/18/new18.html> Date accessed: 18 May 2004
- bo Lanka takes positive action to curb child sex offences: 15 June 2004
<http://www.dailynews.lk/2004/06/15/new23.html> Date accessed: 15 June 2004
- bt Registration a 'must' for NGOs: 27 May 2005
<http://www.dailynews.lk/2005/05/27/> Date accessed: 5 August 2005
- [17] **SAWNET** <http://www.sawnet.org/orgns/>
<http://www.sawnet.org/orgns/#SriLanka>
Date accessed 20 September 2006
- [18] **IPS (Inter Press Services) Agency** <http://www.ipsnews.net/index.asp>
- a Sri Lanka: Women Battered Despite Domestic Violence Law: 11 October 2007
<http://www.ipsnews.net/news.asp?idnews=39605>
Date accessed 11 October 2007
- [19] **Save the Children** <http://www.savethechildren.org.uk/>
- a Children's education still suffers in tsunami-affected [sic] Sri Lanka: 23 June 2006
<http://www.savethechildren.org.uk/scuk/jsp/resources/details.jsp?id=4225&group=resources§ion=news&fromgroup=news&newssection=newslibrary&subsection=detail> Date accessed: 21 September 2006
- b Home Truths, Children's Rights in Institutional Care in Sri Lanka: 28 February 2006
http://www.savethechildren.org.uk/scuk_cache/scuk/cache/cmsattach/3898_Institutional_Care_Advocacy_Doc.pdf Date accessed: 21 September 2006
- [20] **The Hindu** <http://www.hinduonnet.com/>
- a The successor: 7 December 2007
<http://www.hinduonnet.com/thehindu/thscrip/print.pl?file=20071207504103800.htm&date=f12423/&prd=fline&>
Date accessed 15 February 2008
- [21] **Human Rights Watch** <http://hrw.org>
- a Sri Lanka: Karuna Group and LTTE Continue Abducting and Recruiting Children, 29 March 2007
<http://hrw.org/english/docs/2007/03/28/slanka15584.htm>
Date accessed 2 April 2007
- b World Report 2008, Sri Lanka, Events of 2007, 31 January 2008
<http://hrw.org/wr2k8/pdfs/srilanka.pdf>

Date accessed 1 February 2008

- c Complicit in Crime - State Collusion in Abductions and Child Recruitment by the Karuna Group, January 2007 (released on 23 January 2007)
<http://www.hrw.org/reports/2007/srilanka0107/>
Date accessed 24 January 2007
- e Sri Lanka: Antiterrorism Laws Used to Muzzle the Press: 12 April 2007
<http://www.hrw.org/english/docs/2007/04/12/slanka15681.htm>
Date accessed 12 April 2007
- f Return to War, Human Rights under Siege: 6 August 2007
<http://hrw.org/reports/2007/srilanka0807/srilanka0807webwcover.pdf>
Date accessed 13 August 2007
- g Sri Lanka: Human Rights Commission Downgraded: 18 December 2008
<http://hrw.org/english/docs/2007/12/18/slanka17581.htm>
Date accessed 2 January 2008
- l Funding the "Final War" - LTTE Intimidation and Extortion in the Tamil Diaspora: 15 March 2006
<http://hrw.org/reports/2006/lte0306/> Date accessed: 8 September 2006

[22] **Sri Lanka Monitoring Mission (SLMM)** <http://www.slmm.lk>

- a SLMM Weekly Monitoring Report, 1 – 7 October 2007: undated
http://www.slmm.lk/W_Report/2007%2010%2001-07%20SLMM%20Weekly%20Report.pdf
Date accessed 5 November 2007
- b SLMM Weekly Monitoring Report, 17 – 23 September 2007: undated
http://www.slmm.lk/W_Report/2007%2009%2017-23%20SLMM%20Weekly%20Report.pdf
Date accessed 6 November 2007
- c SLMM Weekly Monitoring Report, 22 – 28 October 2007: undated
http://www.slmm.lk/W_Report/2007%2010%2022-28%20SLMM%20Weekly%20Report.pdf
Date accessed 7 November 2007
- d SLMM press statement: 16 January 2008
http://www.slmm.lk/W_Report/2008%2001%2016%20Media%20Statement%20SLMM.pdf
Date accessed: 16 January 2008
- i Ceasefire Agreement (undated)
http://www.slmm.lk/intros/cfa_intro.htm
Date accessed: 12 September 2006

[23] **Keesing's Record of World Events**

- a July 2007 – Sri Lanka: undated
[http://www.keesings.com/search?kssp_search_phrase=sri+lanka&kssp_sorby=Relevance&kssp_time_start_value\[m\]=6&kssp_time_start_value\[y\]=2007&kssp_time_stop_value\[m\]=10&kssp_time_stop_value\[y\]=2007&kssp_date_range_type=publication&x=27&y=6&kssp_a_id=48038n01lka&kssp_selected_tab=article&kssp_rspn=1&kssp_v_id=53](http://www.keesings.com/search?kssp_search_phrase=sri+lanka&kssp_sorby=Relevance&kssp_time_start_value[m]=6&kssp_time_start_value[y]=2007&kssp_time_stop_value[m]=10&kssp_time_stop_value[y]=2007&kssp_date_range_type=publication&x=27&y=6&kssp_a_id=48038n01lka&kssp_selected_tab=article&kssp_rspn=1&kssp_v_id=53)
Date accessed: 29 October 2007
- b June 2007 – Sri Lanka: undated
[http://www.keesings.com/search?kssp_search_phrase=sri+lanka&kssp_sorby=Relevance&kssp_time_start_value\[m\]=6&kssp_time_start_value\[y\]=2007&kssp_time_stop_value\[m\]=10&kssp_time_stop_value\[y\]=2007&kssp_date_range_type=publication&x=27&y=6&kssp_a_id=47987n01lka&kssp_selected_tab=article&kssp_v_id=53&apn=1](http://www.keesings.com/search?kssp_search_phrase=sri+lanka&kssp_sorby=Relevance&kssp_time_start_value[m]=6&kssp_time_start_value[y]=2007&kssp_time_stop_value[m]=10&kssp_time_stop_value[y]=2007&kssp_date_range_type=publication&x=27&y=6&kssp_a_id=47987n01lka&kssp_selected_tab=article&kssp_v_id=53&apn=1)
Date accessed: 30 August 2007
- c August 2007 – Sri Lanka: undated

- [http://www.keesings.com/search?kssp_search_phrase=sri+lanka&kssp_sortby=Relevance&&kssp_time_start_value\[m\]=6&kssp_time_start_value\[y\]=2007&&kssp_time_stop_value\[m\]=10&kssp_time_stop_value\[y\]=2007&kssp_date_range_type=publication&x=27&y=6&kssp_a_id=48079n01lka&kssp_selected_tab=article&kssp_rspn=1&kssp_v_id=53](http://www.keesings.com/search?kssp_search_phrase=sri+lanka&kssp_sortby=Relevance&&kssp_time_start_value[m]=6&kssp_time_start_value[y]=2007&&kssp_time_stop_value[m]=10&kssp_time_stop_value[y]=2007&kssp_date_range_type=publication&x=27&y=6&kssp_a_id=48079n01lka&kssp_selected_tab=article&kssp_rspn=1&kssp_v_id=53)
Date accessed: 29 October 2007
- d May 2006 – Sri Lanka: undated
<http://keesings.gvpi.net/keesings/lpext.dll?f=templates&fn=main-h.htm>
(Date accessed 25 July 2006)
- e June 2006 – Sri Lanka: undated
<http://keesings.gvpi.net/keesings/lpext.dll?f=templates&fn=main-h.htm>
Date accessed: 12 September 2006
- f October 2007- Sri Lanka: undated
[http://www.keesings.com/print/search?SQ_DESIGN_NAME=print&kssp_search_phrase=sri+lanka&kssp_sortby=Newest First&&kssp_time_start_value\[m\]=10&kssp_time_start_value\[y\]=2007&&kssp_time_stop_value\[m\]=1&kssp_time_stop_value\[y\]=2008&kssp_date_range_type=publication&x=20&y=10&kssp_a_id=48247n01lka&kssp_selected_tab=article&kssp_v_id=53](http://www.keesings.com/print/search?SQ_DESIGN_NAME=print&kssp_search_phrase=sri+lanka&kssp_sortby=Newest First&&kssp_time_start_value[m]=10&kssp_time_start_value[y]=2007&&kssp_time_stop_value[m]=1&kssp_time_stop_value[y]=2008&kssp_date_range_type=publication&x=20&y=10&kssp_a_id=48247n01lka&kssp_selected_tab=article&kssp_v_id=53)
Date accessed: 28 January 2008
- g November 2007 – Sri Lanka: undated
[http://www.keesings.com/print/search?SQ_DESIGN_NAME=print&kssp_search_phrase=sri+lanka&kssp_sortby=Newest First&&kssp_time_start_value\[m\]=10&kssp_time_start_value\[y\]=2007&&kssp_time_stop_value\[m\]=1&kssp_time_stop_value\[y\]=2008&kssp_date_range_type=publication&x=20&y=10&kssp_a_id=48247n01lka&kssp_selected_tab=article&kssp_v_id=53](http://www.keesings.com/print/search?SQ_DESIGN_NAME=print&kssp_search_phrase=sri+lanka&kssp_sortby=Newest First&&kssp_time_start_value[m]=10&kssp_time_start_value[y]=2007&&kssp_time_stop_value[m]=1&kssp_time_stop_value[y]=2008&kssp_date_range_type=publication&x=20&y=10&kssp_a_id=48247n01lka&kssp_selected_tab=article&kssp_v_id=53)
Date accessed: 28 January 2008
- i October 2006 – Sri Lanka: undated
<http://keesings.gvpi.net/keesings/lpext.dll?f=templates&fn=main-h.htm>
Date accessed: 2 January 2007
- j November 2006 – Sri Lanka: undated
<http://keesings.gvpi.net/keesings/lpext.dll?f=templates&fn=main-h.htm>
Date accessed: 5 January 2007
- k February 2007 – Sri Lanka: undated
[http://www.keesings.com/search?kssp_search_phrase=sri+lanka&kssp_sortby=Relevance&&kssp_time_start_value\[m\]=1&kssp_time_start_value\[y\]=2007&&kssp_time_stop_value\[m\]=7&kssp_time_stop_value\[y\]=2007&kssp_date_range_type=publication&x=19&y=3&kssp_a_id=47754n01lka&kssp_selected_tab=article&kssp_rspn=1&kssp_v_id=53](http://www.keesings.com/search?kssp_search_phrase=sri+lanka&kssp_sortby=Relevance&&kssp_time_start_value[m]=1&kssp_time_start_value[y]=2007&&kssp_time_stop_value[m]=7&kssp_time_stop_value[y]=2007&kssp_date_range_type=publication&x=19&y=3&kssp_a_id=47754n01lka&kssp_selected_tab=article&kssp_rspn=1&kssp_v_id=53)
Date accessed: 9 May 2007
- l March 2007 – Sri Lanka: undated
[http://www.keesings.com/search?kssp_search_phrase=sri+lanka&kssp_sortby=Relevance&&kssp_time_start_value\[m\]=1&kssp_time_start_value\[y\]=2007&&kssp_time_stop_value\[m\]=7&kssp_time_stop_value\[y\]=2007&kssp_date_range_type=publication&x=19&y=3&kssp_a_id=47807n01lka&kssp_selected_tab=article&kssp_rspn=1&kssp_v_id=53](http://www.keesings.com/search?kssp_search_phrase=sri+lanka&kssp_sortby=Relevance&&kssp_time_start_value[m]=1&kssp_time_start_value[y]=2007&&kssp_time_stop_value[m]=7&kssp_time_stop_value[y]=2007&kssp_date_range_type=publication&x=19&y=3&kssp_a_id=47807n01lka&kssp_selected_tab=article&kssp_rspn=1&kssp_v_id=53)
Date accessed: 12 July 2007
- m April 2007 – Sri Lanka: undated
http://www.keesings.com/search?kssp_search_phrase=sri+lanka&kssp_a_id=47870n01lka&kssp_selected_tab=article&kssp_rspn=1&kssp_v_id=53
Date accessed: 12 July 2007
- n May 2007 – Sri Lanka: undated
http://www.keesings.com/search?kssp_search_phrase=sri+lanka&kssp_a_id=47928n01lka&kssp_selected_tab=article&kssp_rspn=1&kssp_v_id=53
Date accessed: 25 July 2007

- [24] **Institute of Human Rights – Sri Lanka** <http://ihrsrilanka.org/>
Human Rights Education and Training: undated
<http://ihrsrilanka.org/programs/education/> (Date accessed 4 July 2006 and 8 November 2007)
- [25] **Sri Lanka Health** <http://www.medinet.lk/>
a Information on Hospitals in Sri Lanka: undated
http://www.medinet.lk/srilanka_hospitals.htm
Date accessed: 21 September 2006
- [26] **Home for Human Rights (HHR)** <http://www.hhr-srilanka.org>
a Women's Desk: undated
<http://www.hhr-srilanka.org/hhr/women.php>
Date accessed: 11 October 2007
- [27] **Reporters Without Borders (Reporters Sans Frontières)** <http://www.rsf.org>
d Statement of the International Press Freedom Mission, 24 June 2007
http://www.rsf.org/print.php3?id_article=22668
Date accessed 13 July 2007
- [28] **CPA (Centre for Policy Alternatives)** <http://www.cpalanka.org>
a As noted in the document entitles 'HIV / AIDS in Sri Lanka, A Profile on Policy and Practice': July 2007 (published, 17 August 2007)
http://www.cpalanka.org/research_papers/HIV-AIDS.pdf
Date accessed 18 August 2007
b Supreme Court grants leave to proceed to case filed by CPA on the eviction of Tamils from Colombo: 26 July 2007
http://www.cpalanka.org/Statements/SC_Leave_to_proceed.pdf
Date accessed 27 July 2007
c Policy Brief on Humanitarian Issues: December 2007
http://www.cpalanka.org/Policy_Brief/Brief_on_Humanitarian_Issues.pdf
Date accessed 16 January 2008
- [29] **The International Lesbian and Gay Association (ILGA)** www.ilga.org
State-sponsored Homophobia - A world survey of laws prohibiting same sex activity between consenting adults: April 2007
http://www.ilga.org/statehomophobia/State_sponsored_homophobia_ILGA_07.pdf
Date accessed 4 January 2008
- [30] **CIA The World Factbook – Sri Lanka**
<https://www.cia.gov/library/publications/the-world-factbook/print/ce.html>
Date accessed 12 February 2008
- [31] **Reliefweb [the online gateway on humanitarian emergencies and disasters administered by the UN Office for the Coordination of Humanitarian Affairs (OCHA)]** <http://www.reliefweb.int/rw/dbc.nsf/doc100?OpenForm>
a Sri Lankan Tamils in fear amid Colombo crackdown: 10 June 2007
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/EK0I-74339D?OpenDocument&cc=lka>
Date accessed: 11 June 2007
b Corruption swallows aid as Sri Lanka marks tsunami anniversary: 18 December 2006
<http://www.reliefweb.int/rw/rwb.nsf/db900SID/EK0I-6WL8SB?OpenDocument>
Date accessed: 18 December 2006

- d Special Rapporteur on torture concludes visit to Sri Lanka: 29 October 2007
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/EGUA-78GPSC?OpenDocument&query=manfred%20nowak&cc=lka>
 Date accessed: 31 October 2007
- [32] **Centre for Reproductive Rights** <http://www.crlp.org>
 Women of the World: South Asia, Sri Lanka chapter, undated
http://www.crlp.org/ww_asia_srilanka.html Date accessed: 19 September 2006
- [33] **xe.com Universal Currency Converter website**
<http://www.xe.com/ucc/convert.cgi> Date accessed 24 July 2007; 8 November 2007; 30 January 2008
- [34] **International Committee of the Red Cross in Sri Lanka**
http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/sri_lanka?OpenDocument
- a Sri Lanka – ICRC Bulletin No. 18, 20 December 2007
<http://www.icrc.org/Web/eng/siteeng0.nsf/html/sri-lanka-news-201207!OpenDocument>
 Date accessed 31 December 2007
- b ICRC Annual Report 2006: Sri Lanka: 24 May 2007
[http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/738D4H/\\$FILE/icrc_ar_06_sri_lanka.pdf?OpenElement](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/738D4H/$FILE/icrc_ar_06_sri_lanka.pdf?OpenElement)
 Date accessed 15 August 2007
- c The ICRC in Sri Lanka (undated)
http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/sri_lanka?OpenDocument
 Date accessed 9 November 2007
- d Sri Lanka – ICRC Bulletin No. 16, 3 September 2007
<http://www.icrc.org/web/eng/siteeng0.nsf/html/sri-lanka-news-30907!OpenDocument>
 Date accessed 4 September 2007
- [35] **Home Office**
- b Report of Home Office visit to Sri Lanka: 14-23 March 2002
- c Proscribed Organisations Confirmed: 28 March 2001
<http://horizon/pressreleases/NEWS/2001/091.htm> Date accessed 27 September 2006
- d List of Proscribed Terrorist groups, undated
<http://www.homeoffice.gov.uk/security/terrorism-and-the-law/terrorism-act/proscribed-groups?version=5>
 Date accessed 20 November 2007
- [36] **War Resisters International – Refusing to Bear Arms: A worldwide survey of conscription and conscientious objection to military service, Conscription and Conscientious Objection Documentation Project – War Resisters' International, 1998-2005**
<http://www.wri-irg.org/co/rtba/srilanka.htm> Date accessed: 28 June 2005
- [37] **South Asia Terrorism Portal** <http://www.satp.org>
- a Liberation Tigers of Tamil Eelam (LTTE): undated
<http://www.satp.org/satporqtp/countries/shrilanka/terroristoutfits/LTTE.HTM>
 Date accessed: 21 September 2004
- c Sri Lanka Timeline - Year 2008
<http://www.satp.org/satporqtp/countries/shrilanka/timeline/index.html>
 Date accessed 29 January 2008

- d Sri Lanka Timeline - Year 2007
<http://www.satp.org/satporgtp/countries/shrilanka/timeline/index.html>
Date accessed 29 January 2008
- e Incidents of violence between the LTTE and Tamil National Front (rebel faction led by Vinayagamoorthy Muralitharan alias 'Colonel' Karuna) since March 2002
<http://www.satp.org/satporgtp/countries/shrilanka/database/violenceincident.s.htm> Date accessed 29 January 2008
- g Fatalities District-Wise 2007
http://www.satp.org/satporgtp/countries/shrilanka/database/FatilitiesDisticwise_2007.htm
Date accessed 29 January 2008
- h Fatalities District-Wise 2008
http://www.satp.org/satporgtp/countries/shrilanka/database/FatilitiesDisticwise_2008.htm
Date accessed 29 January 2008
- i Sri Lanka Timelines
<http://www.satp.org/satporgtp/countries/shrilanka/timeline/index.html>
Date accessed 29 January 2008

[38] TamilNet (pro-LTTE website) <http://www.tamilnet.com>

- a Colombo lodges, boarding houses to be closely monitored: 13 March 2007
<http://www.tamilnet.com/art.html?catid=13&artid=21557>
Date accessed 14 March 2007
- b 220 Tamils in Boosa detention camp: 28 August 2007
<http://www.tamilnet.com/art.html?catid=13&artid=23117>
Date accessed 29 August 2007
- c 300 Tamils arrested in Colombo ahead of Independence Day celebrations: 4 February 2007
<http://www.tamilnet.com/art.html?catid=13&artid=21128>
Date accessed 5 February 2007
- d SL Ministers visit PTA detainees in Boossa: 8 September 2007
<http://www.tamilnet.com/art.html?catid=13&artid=23211>
Date accessed 29 August 2007
- e More than 250 Tamils arrested in South for questioning: 13 January 2007
<http://www.tamilnet.com/art.html?catid=13&artid=20916>
Date accessed 15 January 2007
- f Tamil suspects detained at Boosa camp: 12 January 2007
<http://www.tamilnet.com/art.html?catid=13&artid=20906>
Date accessed 15 January 2007
- g 145 persons arrested in Puttalam district: 20 January 2007
<http://www.tamilnet.com/art.html?catid=13&artid=20979>
Date accessed 22 January 2007
- h 116 Tamil civilians held in Boosa detention camp: 25 January 2007
<http://www.tamilnet.com/art.html?catid=13&artid=21025>
Date accessed 26 January 2007
- i Colombo arrested to be sent to Boosa camp: 5 February 2007
<http://www.tamilnet.com/art.html?catid=13&artid=21143>
Date accessed 5 February 2007
- j 430 killed in 5 months, 2000 cases of abductions in Sri Lanka: 29 June 2007
<http://www.tamilnet.com/art.html?catid=13&artid=22602>
Date accessed 9 July 2007
- k Sri Lanka reinstates Prevention of Terrorism Act: 6 December 2006
<http://www.tamilnet.com/art.html?catid=13&artid=20508>
Date accessed 6 December 2006

- l 35 civilians arrested in Colombo: 4 May 2007
<http://www.tamilnet.com/art.html?catid=13&artid=22064>
Date accessed 4 May 2007
- m 60 Tamils arrested in Colombo, 7 in Chilaw: 2 June 2007
<http://www.tamilnet.com/art.html?catid=13&artid=22348>
Date accessed 4 May 2007
- p 300 civilians arrested in Welikada: 27 June 2007
<http://www.tamilnet.com/art.html?catid=13&artid=22587>
Date accessed 9 July 2007
- q Police arrests 39 civilians in Colombo: 9 July 2007
<http://www.tamilnet.com/art.html?catid=13&artid=22677>
Date accessed 9 July 2007
- r Colombo under new security plan: 5 June 2007
<http://www.tamilnet.com/art.html?catid=13&artid=22379>
Date accessed 6 June 2007
- s Civilians in protective custody to be moved to Kurunagar court building: 17 October 2007
<http://www.tamilnet.com/art.html?catid=13&artid=23540>
Date accessed 7 November 2007
- t CJ orders relocation of persons in protective custody in Jaffna: 27 October 2007
<http://www.tamilnet.com/art.html?catid=13&artid=23604>
Date accessed 7 November 2007
- w 56 girls arrested at Galkissa, 2 November 2007
<http://www.tamilnet.com/art.html?catid=13&artid=23680>
Date accessed 5 November 2007
- x Sri Lanka restricts North East Tamils from visiting Colombo: 7 November 2007
<http://www.tamilnet.com/art.html?catid=13&artid=23714>
Date accessed 9 November 2007
- y Nadesan appointed new Political Head of the LTTE: 2 November 2007
<http://www.tamilnet.com/art.html?catid=13&artid=23659>
Date accessed 5 November 2007
- z 40 Tamils still in custody after Ja-ela claymore explosion: 29 January 2008
<http://www.tamilnet.com/art.html?catid=13&artid=24464>
Date accessed: 19 February 2008
- aa 198 Tamil youths arrested in cordon, search in Colombo: 6 January 2008
<http://www.tamilnet.com/art.html?catid=13&artid=24208>
Date accessed: 7 January 2008
- ab Sri Lankan forces arrest 1,500 Tamils in South, detention camps overcrowded: 2 December 2007
<http://www.tamilnet.com/art.html?catid=13&artid=23904>
Date accessed 2 December 2007
- ac Civilians in protective custody apprehensive of future: 11 January 2008
<http://www.tamilnet.com/art.html?catid=13&artid=24265#>
Date accessed: 25 February 2008

[39] Sri Lanka – Department of Elections <http://www.slections.gov.lk/>

- a Result of Parliamentary General Election April 2004
http://www.slections.gov.lk/genaral/2004_results/general.html
Date accessed: 26 May 2004
(Currently only accessible through:
http://web.archive.org/web/20040811162023/http://slections.gov.lk/genaral/2004_results/general.html)

- [40] **Medical Foundation for the Care of Victims of Torture**
Torture once again rampant in the Sri Lanka conflict: undated (released on 31 October 2007)
<http://www.torturecare.org.uk/files/Torture%20once%20again%20rampant%20in%20the%20Sri%20Lanka%20conflict.pdf>
Date accessed: 8 January 2008
- [41] **Sri Lankan Government's Secretariat for Co-ordinating the Peace Process (SCOPP)** <http://www.peaceinsrilanka.org>
- a STF Crosses Language Barrier: 15 June 2007
http://www.peaceinsrilanka.org/peace2005/Insidepage/SCOPPDaily_Report/SCOPP_report150607.asp Date accessed: 15 June 2007
 - j Peace Talks: undated
<http://www.peaceinsrilanka.org/peace2005/Insidepage/PeaceTalks/PeaceTalksMain.asp> Date accessed: 12 September 2006
 - k President Issues Human Rights Guidelines to Forces, Police: 5 July 2006
<http://www.peaceinsrilanka.org/peace2005/Insidepage/PressRelease/GOSLreleases/MediaRel050706.asp> Date accessed: 13 September 2006
 - j Ceasefire Talks, undated
<http://www.peaceinsrilanka.org/peace2005/Insidepage/PeaceTalks/PeaceTalksMain.asp> Date accessed: 12 September 2006
 - l Strengthening Bilingual Capacity of the Sri Lankan Public Sector. Press Statement by the Ministry of Constitutional Affairs and National Integration: 30 June 2006
<http://www.peaceinsrilanka.org/peace2005/Insidepage/PressRelease/GOSLreleases/MediaRel300606.asp> Date accessed: 19 September 2006
 - m Alternate [sic] Route to Jaffna Via Pooneryn – Humanitarian Support to Jaffna Peninsula: 10 November 2006
http://www.peaceinsrilanka.org/peace2005/Insidepage/SCOPPDaily_Report/SCOPP_report101106.asp
Date accessed: 17 January 2007
 - n New Regulations to Combat Terrorism, SCOPP Report 06 December 2006
http://www.peaceinsrilanka.org/peace2005/Insidepage/SCOPPDaily_Report/SCOPP_Report061206.asp
Date accessed: 7 December 2006
- [42] **Immigration and Refugee Board of Canada**
<http://www.irb-cisr.gc.ca>
- a Responses to Information Requests LKA101784.E, 22 September 2006
http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=450525
Date accessed: 4 January 2007
 - b Responses to Information Requests LKA102038.E, 22 December 2006
http://www.cisr-irb.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=450772
Date accessed: 1 February 2007
 - c Responses to Information Requests LKA102359.E, 22 December 2006
http://www.cisr-irb.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=450769
Date accessed: 1 February 2007

[43] Ministry of Justice and Law Reforms

- a Prison population: undated
<http://www.justiceministry.gov.lk/dept/Prison.htm>
Date accessed: 15 August 2007
- b Legislation passed by Parliament in 2005 (Current position - as at December 16th, 2005)
<http://www.justiceministry.gov.lk/NEW%20LEGISLATION/vm.htm#Prevention%20of%20Domestic%20Violence>
Date accessed: 17 April 2007

[44] Government of Sri Lanka (GOSL) <http://www.priu.gov.lk>

- a Government Ministers: undated (last updated 8 January 2008)
http://www.priu.gov.lk/Govt_Ministers/Indexministers.html
Date accessed: 9 January 2008
- c Govt. to withdraw from CFA: 3 January 2008
http://www.priu.gov.lk/news_update/Current_Affairs/ca200801/20080103govt_withdraw_cfa.htm
Date accessed: 20 February 2008
- d Sri Lanka signs Readmission Agreement with EC: 7 June 2004
http://www.priu.gov.lk/news_update/Current_Affairs/ca200406/20040607sri_lanka_signs_readmission_agreement_ec.htm Date accessed: 21 June 2004
- e Minister Wickremanayake to lead ruling alliance: 5 August 2004
http://www.priu.gov.lk/news_update/Current_Affairs/ca200408/20040806minister_wickremanayake_leader_upfa.htm Date accessed: 21 September 2004
- f Rajapakse sworn-in Prime Minister: 6 April 2004
http://www.priu.gov.lk/news_update/Current_Affairs/ca200404/20040406mp.htm Date accessed: 22 September 2004
- i The Constitution: undated (last updated 19 November 2003)
<http://www.priu.gov.lk/Cons/1978Constitution/Introduction.htm>
Date accessed: 13 September 2006

[45] International Federation of Journalists <http://www.ifj.org>

- a The fight goes on: Press freedom in South Asia 2006-2007, 3 May 2007
http://www.ifj-asia.org/files/South_Asia_Report_2006_07.pdf
Date accessed: 13 July 2007

[46] Freedom House <http://www.freedomhouse.org>

- a Freedom of the Press 2007, Draft Country Reports and Ratings: 1 May 2007
<http://www.freedomhouse.org/uploads/fop/2007/fopdraftreport.pdf>
Date accessed: 27 July 2007
- e Freedom in the World 2006: Sri Lanka (undated)
<http://www.freedomhouse.org/template.cfm?page=22&country=7062&year=2006>
Date accessed: 2 April 2007
- f Countries at the Crossroads 2006: Sri Lanka: November 2006
<http://www.freedomhouse.org/template.cfm?page=140&edition=7&ccrpage=31&ccrcountry=132> Date accessed: 30 November 2006

[47] Asian Human Rights Commission <http://www.ahrchk.net>

- a Asian Human Rights Commission – Statement, SRI LANKA: Seven years imprisonment for Inspector of Police and a constable for inflicting torture on a woman, 24 July 2007
<http://www.ahrchk.net/statements/mainfile.php/2007statements/1129>

Date accessed 26 July 2007

- b Sri Lanka: A disappearance every five hours is a result of deliberate removal of all legal safeguards against illegal detention, murder and illegal disposal of bodies: 2 February 2007
<http://www.ahrchk.net/statements/mainfile.php/2007statements/912>
Date accessed: 2 February 2007
- c Sri Lanka: Will it be too late for the arrival of international assistance to monitor gross violations of human rights?: 10 November 2006
<http://www.ahrchk.net/statements/mainfile.php/2007statements/821>
Date accessed: 14 November 2006
- d Sri Lanka: Attorney General files appeal against acquittal by the Kalutara High Court of the police officer charged with torture: 9 November 2006
<http://www.ahrchk.net/pr/mainfile.php/2006mr/411>
Date accessed: 14 November 2006
- e Sri Lanka: Press statement by High Commissioner for Human Rights on Conclusion of her visit to Sri Lanka: 16 October 2007
<http://www.ahrchk.net/statements/mainfile.php/2007statements/1234/>
Date accessed 16 October 2007
- f Sri Lanka: Arrested gang of abductors may escape due process of law because of political interference from the government: 3 October 2006
<http://www.ahrchk.net/statements/mainfile.php/2006statements/751>
Date accessed: 3 October 2006
- g The state of human rights in eleven Asian nations in 2007 – Sri Lanka: 10 December 2007
<http://material.ahrchk.net/hrreport/2007/SriLanka2007.pdf>
Date accessed 17 December 2007
- h Sri Lanka: Update on Online Petition, Assassinations, hooliganism, paramilitary activism, bomb blasts and a further plunge into lawlessness: 2 January 2008
<http://www.ahrchk.net/statements/mainfile.php/2008statements/1310/>
Date accessed 2 January 2008
- i Sri Lanka: White vans without number plates; the symbol of disappearances reappear: 13 September 2006
<http://www.ahrchk.net/statements/mainfile.php/2006statements/729>
Date accessed: 13 September 2006
- n Sri Lanka: The Sri Lankan state shows complete disregard for its international human rights obligations: 26 September 2006
<http://www.ahrchk.net/statements/mainfile.php/2006statements/749/>
Date accessed: 26 September 2006
- p Sri Lanka: International Independent Group of Eminent Persons (IIGEP) Second Public Statement, 15 June 2007
<http://www.ahrchk.net/statements/mainfile.php/2007statements/1065/>
Date accessed: 11 July 2007

[48] Registration of Persons Department <http://www.rpd.gov.lk>

- a Question 1: Applications for identity cards for the first time: 6 February 2006
http://www.rpd.gov.lk/faq_rpd.htm **Date accessed: 12 September 2006 and 26 February 2008**
- b Question 2: Applications for duplicates of lost identity cards: 7 February 2006
http://www.rpd.gov.lk/faq_rpd.htm **Date accessed: 12 September 2006 and 26 February 2008**

- [49] **Asian Legal Resource Centre** <http://www.alrc>
 a Threats to lives of torture victims in Sri Lanka and the lack of witness protection: 17 February 2005
<http://www.alrc.net/doc/mainfile.php/61written/280/>
 Date accessed: 27 July 2005
- [50] **Sodomy Laws** <http://www.sodomylaws.org/index.htm>
 a Laws around the World, Sri Lanka: last edited 16 July 2004
http://www.sodomylaws.org/world/sri_lanka/sri_lanka.htm
 Date accessed: 4 January 2008
- [51] **ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes)** <http://www.ecpat.net/eng/index.asp>
http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/Countries.asp?arrCountryID=163&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pornography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCategory&GetcategoryName=Prostitution Date accessed: 20 September 2005 and 20 November 2007
- [52] **NPCA (National Child Protection Authority)** <http://www.childprotection.gov.lk>
 a Police Unit: undated
<http://www.childprotection.gov.lk/policeunit.html>
 Date accessed: 9 November 2007
 b Mission: undated
<http://www.childprotection.gov.lk>
 Date accessed: 9 November 2007
- [53] **UNICEF** <http://www.unicef.org>
 a Monitoring and Reporting: January 2008
http://www.unicef.org/srilanka/Monitoring_and_Reporting_January2.pdf
 Date accessed: 15 February 2008
 b The state of the world's children 2007, South Asia edition, December 2006
http://www.unicef.org/sowc07/docs/sowc07_rosa.pdf
 Date accessed: 10 January 2007
- [54] **Internal Displacement Monitoring Centre (IDMC)/Norwegian Refugee Council** <http://www.internal-displacement.org/>
 a 'Sri Lanka: escalation of conflict leaves tens of thousands of IDPs without protection and assistance. A profile of the internal displacement situation': 16 November 2006
[http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/FFBBFDF012F17ADE1257227004203D7/\\$file/Sri+Lanka+-November+2006.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/FFBBFDF012F17ADE1257227004203D7/$file/Sri+Lanka+-November+2006.pdf)
 Date accessed: 19 January 2007
 b Civilians in the way of conflict: Displaced people in Sri Lanka: September 2007
[http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/882EB0DAEEA545A4C12573620026E7EB/\\$file/Sri_lanka_special_report_sep07.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/882EB0DAEEA545A4C12573620026E7EB/$file/Sri_lanka_special_report_sep07.pdf)
 Date accessed: 25 October 2007

- [55] **Irin (UN Integrated Regional Information Networks)** <http://www.irinnews.org/>
 b Sri Lanka: Orphanages used as last resort by parents of 19,000 children: 3 September 2007
<http://www.irinnews.org/Report.aspx?ReportId=74073>
 Date accessed 3 September 2007
- [56] **Leftist Parties of the World**
Sri Lanka (undated, last update: 22 June 2004)
<http://www.broadleft.org/lk.htm> Date accessed: 27 July 2006
- [57] **Committee to Protect Journalists (CPJ)** <http://www.cpj.org>
 a Attacks on the press in 2007, Asia, Sri Lanka: undated
<http://www.cpj.org/attacks07/asia07/sri07.html>
 Date accessed: 5 February 2008
- [58] **Department of Census and Statistics Sri Lanka**
<http://www.statistics.gov.lk/index.asp>
 a Statistical Abstract 2006 – Chapter II (Population)
http://www.statistics.gov.lk/Abstract_2006/Pages/chap2.htm
 Date accessed: 10 September 2007
 c Statistical Data Sheet 2007, undated
<http://www.statistics.gov.lk/misc/Stat%20Data%20Sheet2007Eng.pdf>
 Date accessed: 10 September 2007
 d Statistical Abstract 2006 – Chapter XIII - Social Conditions
http://www.statistics.gov.lk/Abstract_2006/Tables/chap13/AB13-14.pdf
 Date accessed: 10 September 2007
- [59] **Presidential Commission of Inquiry to investigate and inquire into serious violations of human rights (PCHRV)** <http://www.pchr.gov.lk>
 b IIGEP Statement of 11 June 2007
http://www.pchr.gov.lk/news/public_june11.html
 Date accessed: 9 November 2007
 c IIGEP Statement of 15 June 2007
http://www.pchr.gov.lk/news/public_june15.html
 Date accessed: 9 November 2007
 d Third Public Statement of 19 September 2007
http://www.pchr.gov.lk/news/public_sep18.html
 Date accessed: 9 November 2007
- [60] **United Nations Development Programme (UNDP)**
<http://www.undp.org/>
 a Human Development Report Human Development Report 2007/2008 - Country Fact Sheet – Sri Lanka, undated
http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_LKA.html
 Date accessed: 4 January 2008
- [61] **FAS (Federation of American Scientists), Intelligence Resource Program**
 Liberation Movements, Terrorist Organizations, Substance Cartels, and Other Para-State Entities, Liberation Tigers of Tamil Eelam (LTTE): undated
<http://www.fas.org/irp/world/para/ltte.htm>
 Date accessed: 26 February 2008
- [62] **Minority Rights Group International (MRG)** <http://www.minorityrights.org/>
 a State of the World's Minorities 2007 (Events of 2006), March 2007, Sri Lanka Flash Point, (dated November 2006)

- <http://www.minorityrights.org/admin/Download/pdf/SWM2007.pdf>
Date accessed: 21 March 2007
- b One year on: counter-terrorism sparks human rights crisis for Sri Lanka's minorities: December 2007
<http://www.minorityrights.org/download.php?id=437>
Date accessed: 8 January 2008
- [63] **Transparency International + Transparency International Sri Lanka**
<http://www.tisrilanka.org/index.php>
- a Sri Lanka's ranking slides down: Cause for Alarm, 6 November 2006
<http://www.tisrilanka.org/?p=338>
Date accessed: 14 November 2006
- b Corruption Perceptions Index: 26 September 2007
http://www.transparency.org/policy_research/surveys_indices/cpi/2007
Date accessed: 3 October 2007
- [64] **Asian Centre for Human Rights (ACHR)**
- a Sri Lanka: The return of the gallows: 1 December 2004
<http://www.achrweb.org/Review/2004/49-04.htm> Date accessed: 3 December 2004
- b ACHR Weekly review, Review: 157/07, Sri Lanka: Spectre of abductions by the security forces officially admitted, March 2007
<http://www.achrweb.org/Review/2007/157-07.htm>
Date accessed: 15 March 2007
- [65] **The International Centre for Prison Studies** <http://www.prisonstudies.org/>
The Prison Brief for Sri Lanka: undated (last modified 7 February 2008)
http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=111
Date accessed: 25 February 2008
- [66] **UNIFEM (Women's fund at the United Nations)**
<http://www.womenwarpeace.org/index.htm>
- a Gender Profile of the Conflict in Sri Lanka: undated, updated 31 July 2006
http://www.womenwarpeace.org/sri_lanka/sri_lanka.htm
Date accessed 11 September 2007
- [67] **Ministry of Health** <http://www.health.gov.lk/>
- a The Mental Health Policy for Sri Lanka 2005
<http://www.health.gov.lk/mentalhealth.html> Date accessed: 28 June 2005
- [68] **WHO Mental Project**
Mental Health Atlas 2005: Country Profile Sri Lanka
<http://www.cvdinfobase.ca/mh-atlas/> Date accessed: 17 June 2005
- [69] **SCIS (Source Country Information System) Sri Lanka of the ICMPD (International Centre for Migration Policy Development)**
- a LKA 103 – External Answer: December 2004
- b LKA 112 – External Answer: February 2005
- c LKA 89 – External Answer: November 2004
- [70] **Disability Information Resources (DINF)**
Sri Lanka (undated)
http://www.dinf.ne.jp/doc/english/intl/02rnn/srilanka_e.html
Date accessed: 26 February 2008

- [71] **Department of Immigration and Emigration – Sri Lanka**
a Citizenship (undated)
<http://www.immigration.gov.lk/html/citizenship/info.html>
Date accessed: 26 February 2008
b General Information on Travel Documents (undated)
<http://www.immigration.gov.lk/html/passports/info.html>
Date accessed: 26 February 2008
- [72] **Utopia-Asia.com** <http://www.utopia-asia.com/utopiaais.htm>
a Country Listings, Sri Lanka: undated
<http://www.utopia-asia.com/tipssri.htm>
Date accessed: 28 March 2007
- [73] **Equal Ground** <http://www.equal-ground.org/>
a Human Rights? (undated)
http://www.equal-ground.org/resources/dropbox/Human_Right-HR.pdf
Date accessed: 2 April 2007
- [74] **Women's Support Group** <http://www.wsglanka.com/index.html>
a Introduction (undated)
<http://www.wsglanka.com/index.html>
Date accessed: 2 April 2007
- [75] **Economist Intelligence Unit (EIU)** <http://db.eiu.com/>
a Country Report Sri Lanka, Main report: January 2008
http://www.eiu.com/report_dl.asp?issue_id=982962283&mode=pdf
Date accessed: 30 January 2008
- [76] **International Crisis Group** <http://www.crisisgroup.org/home/index.cfm>
a Sri Lanka's Human Rights Crisis, Asia Report N°135, 14 June 2007
http://www.crisisgroup.org/library/documents/asia/south_asia/135_sri_lanka_s_human_rights_crisis.pdf
Date accessed: 12 July 2007
b Sri Lanka's Muslims: Caught in the Crossfire, Asia Report N°134, 29 May 2007
http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/134_sri_lanka_s_muslims_caught_in_the_crossfire.pdf
Date accessed: 12 July & 15 October 2007
c Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus, Asia Report N°141, 7 November 2007
http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/sri_lanka_sinhala_nationalism_and_the_elusive_southern_consensus.pdf
Date accessed 9 November 2007
- [77] **PeaceWomen (Women's International League for Peace and Freedom)**
<http://www.peacewomen.org/frame/contactus.html>
a Sri Lanka (undated)
http://www.peacewomen.org/contacts/asia/sri%20lanka/sri_index.html
Date accessed: 2 August 2007
- [78] **International Commission of Jurists, Sri Lanka** <http://www.icj.org>
a ICJ inquest observer finds flaws in investigation into killing of ACF aid workers, 23 April 2007

http://www.icj.org/news.php3?id_article=4151&lang=en
Date accessed 2 May 2007

- [79] **Ministry of Foreign Affairs, Sri Lanka** <http://www.slmfa.gov.lk>
a Investigators emphasize that the arrest of Dushyantha Basnayake was unrelated to Media Freedom, 31 May 2007
http://www.slmfa.gov.lk/index.php?option=com_content&task=view&id=868&Itemid=1
Date accessed 15 August 2007
- [80] **The International Institute for Strategic Studies (IISS)** <http://www.iiss.org/>
a Latest timelines, 2008: undated
http://acd.iiss.org/armedconflict/MainPages/dsp_ConflictTimeline.asp?ConflictID=174&YearID=1113
Date accessed 18 February 2008
b Latest timelines, 2007: undated
http://acd.iiss.org/armedconflict/MainPages/dsp_ConflictTimeline.asp?ConflictID=174&YearID=1113&DisplayYear=2007
Date accessed 19 February 2008
c Military developments 2007: undated
http://acd.iiss.org/armedconflict/MainPages/dsp_ConflictWeapons.asp?ConflictID=174&YearID=0#2007
Date accessed 19 February 2008

Return to Contents